UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION
125 Broad Street – 18th Floor,
New York, NY 10004,

AMERICAN CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street – 18th Floor,
New York, NY 10004,

ACLU FOUNDATION OF COLORADO
303 E. 17th Ave., Suite 350,
Denver, CO 80203,

ROGER BALDWIN FOUNDATION OF THE ACLU, INC.
150 N. Michigan Ave, Suite 600,
Chicago, IL 60601,

NATIONAL WOMEN'S LAW CENTER
1350 I Street N.W., Suite 700,
Washington, D.C. 20005,

NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE
50 Broadway, Suite 500,
New York, NY 10004,

Plaintiffs,

v.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
200 Independence Avenue, S.W.,
Washington, D.C. 20201,

Defendant.

Case No.

COMPLAINT FOR INJUNCTIVE RELIEF
(Freedom of Information Act)

INTRODUCTION

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for injunctive and other appropriate relief. Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation (together, the "ACLU"), ACLU Foundation of Colorado ("ACLU-CO"), Roger Baldwin Foundation of the ACLU, Inc. ("ACLU-IL"), National Women's Law Center ("NWLC"), and National Center for Law and Economic Justice ("NCLEJ") seek the immediate processing and timely release of records from Defendant Department of Health and Human Services ("HHS") and its subcomponents.

2. On March 11, 2026, Plaintiffs submitted a FOIA request ("Request") to Defendant HHS seeking records related to its attacks on essential child care and family assistance programs—including the Child Care Development Fund ("CCDF"), Temporary Assistance for Needy Families ("TANF"), and Social Services Block Grant ("SSBG")—through the adoption, implementation, and enforcement of nationwide funding restrictions ("Enhanced Defend the Spend Policy" or "Policy") and a targeted funding freeze for the states of Minnesota, California, Colorado, Illinois, and New York ("Five-State Funding Freeze" or "Freeze"). Defendant HHS undertook these actions in the days immediately following the release of a video posted by YouTube creator Nick Shirley making unsubstantiated allegations of fraud against Somali child care providers and Democratic state officials in Minnesota. The Enhanced Defend the Spend Policy and Five-State Funding Freeze resulted in reported funding delays for program administrators, as well as increased uncertainty, confusion, and instability for child care providers and families with children who rely on these programs. Moreover, HHS has continued to weaponize these unsubstantiated allegations of fraud to justify further attacks on child care, family assistance, and other public benefits programs.

3. The Request seeks information regarding the legal and factual bases for Defendant HHS's actions, the policies and procedures—if any—that government officials have relied on to

implement and enforce these actions, whether and to what extent these actions were motivated by racial and/or political animus, and the impacts of these actions on essential child care and family assistance programs. The requested information is of particular concern in light of the limited information disclosed by government officials about these actions and the importance of these programs for families, child care providers, program administrators, and broader communities. Moreover, the requested information is critical to informing the ongoing public debate about alleged fraud and oversight in federal child care, family assistance, and other public benefits programs. Disclosure of the requested records would contribute significantly to the public's understanding of Defendant HHS's actions and related impacts.

4. To date, Defendant HHS has not released any records in response to this Request.

5. Plaintiffs now ask the Court for injunctive and other relief requiring Defendant HHS to immediately process the Request. Plaintiffs also seek an order enjoining Defendant HHS from assessing fees for the processing of the Request.

JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B), (a)(6)(E)(iii). The Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 5 U.S.C. §§ 701–706.

7. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B).

PARTIES

8. Plaintiff American Civil Liberties Union is a nationwide, non-profit, nonpartisan 26 U.S.C. § 501(c)(4) organization, incorporated in the District of Columbia and with its principal place of business in New York, NY. The American Civil Liberties Union's mission is to maintain and advance civil rights and civil liberties and to ensure that the U.S. government acts in compliance with the Constitution and the laws of the United States. The American Civil Liberties Union also is committed to principles of transparency and accountability in government, and seeks to ensure that the American public is informed about the conduct of its government in matters that affect civil liberties and human rights. Obtaining information about governmental activity,

analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of the American Civil Liberties Union's work and one of its primary activities.

9. Plaintiff American Civil Liberties Union Foundation is a separate 501(c)(3) organization that educates the public about civil rights and civil liberties, and employs lawyers who provide legal representation free of charge in cases involving civil rights and civil liberties. It is incorporated in New York State, and its principal place of business is in New York, NY.

10. Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation together are referred to as the "ACLU."

11. Plaintiff ACLU Foundation of Colorado ("ACLU-CO") is a non-profit, nonpartisan 26 U.S.C. § 501(c)(3) organization. The ACLU-CO is a state affiliate of the ACLU, and its mission is to maintain and advance civil rights and civil liberties and to ensure that the U.S. government acts in compliance with the Constitution and laws of the United States, with a focus on impacts in the state of Colorado. The ACLU-CO is committed to principles of transparency and accountability in government and seeks to ensure that the American public is informed about the conduct of its government in matters that affect civil liberties and human rights. Obtaining information about governmental activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial part of the ACLU-CO's work.

12. Plaintiff Roger Baldwin Foundation of ACLU, Inc. ("ACLU-IL") is a non-profit, nonpartisan 26 U.S.C. § 501(c)(3) public interest organization that is dedicated to protecting and expanding the civil rights and civil liberties enshrined in the Illinois and U.S. Constitutions.

13. Plaintiff National Women's Law Center ("NWLC") is a non-profit, 26 U.S.C § 501(c)(3) organization incorporated under the laws of the District of Columbia. Since 1972, NWLC has worked to advance and protect women's legal rights and to remove barriers faced by women and LGBTQIA+ individuals in core aspects of their lives, including the lack of access to affordable, quality child care.

14. Plaintiff National Center for Law and Economic Justice ("NCLEJ") is a non-profit, 26 U.S.C. § 501(c)(3) organization that has worked for over 60 years to ensure that every person has the means to live and thrive through litigation, policy advocacy, and support of grassroots organizing in relation to protections for public benefits and low wage workers.

15. Defendant Department of Health and Human Services ("HHS") is a department of the executive branch of the U.S. government and an agency within the meaning of 5 U.S.C. § 552(f)(1). The Administration for Children and Families ("ACF") is an executive branch agency within HHS. Upon information and belief, HHS and its subcomponent agencies, including ACF, have possession, custody, and control of the records that Plaintiffs seek.

FACTUAL BACKGROUND

I. The Trump Administration's Escalating Attacks on Child Care and Family Assistance Programs

16. Starting in late November 2025, the Trump administration launched a series of public attacks against Somali community members and Democratic state leaders in Minnesota, including vague and unsubstantiated allegations that Minnesota "has become 'a hub of fraudulent money laundering activity,' where 'refugees from Somalia are completely taking over the once great State.'"[1]

17. In early December 2025, President Donald Trump continued these public attacks by making numerous derogatory statements about people of Somali descent, including that they "contribute nothing" and are "garbage," and that he "do[esn't] want them in our country."[2]

18. On December 26, 2025, YouTube creator and social media influencer Nick Shirley uploaded a 43-minute video making unsubstantiated fraud allegations about Somali child care

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[1] The White House, *Yes, "There's Something Wrong with Walz" – and it Cost Taxpayers $1 Billion*, Dec. 1, 2025, https://perma.cc/9KU7-TC4U; *See also* Donald J. Trump (@realDonaldTrump), TruthSocial (Nov. 21, 2025 8:37 PM), https://truthsocial.com/@realDonaldTrump/115590786862216464.

[2] Associated Press, *WATCH: Trump says he doesn't want Somali migrants in the U.S., calls people 'garbage'*, PBS News (Dec. 2, 2025), https://perma.cc/G4MA-4SB2.

providers in Minnesota. Shirley described the video as an investigation of "Minnesotas [sic] billion dollar fraud scandal involving Tim Walz and the Somali population… if this video gets 100K likes I will do a part 2!"[3] In the video, Shirley and his associate David Hoch attempt to enter child care centers and confront bystanders who are identified by Shirley as "Examples of Somali Childcare Fraud in Minesota [sic]" and "Somali Fraudsters."[4]

19. Several members of the Trump administration, including Vice President J.D. Vance, and the social media account for Defendant HHS shared Shirley's video in the days immediately following its publication.

20. On December 29, 2025, Minnesota House Speaker Lisa Demuth, who had recently launched her campaign as a Republican candidate for governor, revealed at a press conference that her caucus had been sharing information and "working with Nick Shirley" to publicize these fraud allegations.[5]

21. On December 30, 2025—just four days after Shirley's video was uploaded, HHS officials undertook a series of unprecedented actions undermining federal block grant programs that provide essential child care and family assistance to children and their families across the country, including the Child Care Development Fund ("CCDF"), Temporary Assistance for Need Families ("TANF"), and the Social Services Block Grant ("SSBG").

22. HHS Deputy Secretary Jim O'Neill announced via X[6] that HHS had "activated [its] defend the spend system for all ACF payments," so that "all ACF payments across America will require a justification and a receipt or photo evidence before we send money to a state"[7] and that

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[3] Nick Shirley (@NickShirley), *I Investigated Minnesota's Billion Dollar Fraud Scandal*, YouTube (Dec. 26, 2025), https://perma.cc/L2UJ-LUZN.
[4] *Id.*
[5] Katie Wermus, *Minnesota GOP worked with YouTuber on child care fraud viral video*, Fox9 (Dec. 31, 2025), https://perma.cc/9D5Z-JYJ9.
[6] X is a social media platform formerly known as Twitter.
[7] Jim O'Neill (@HHS_Jim), X (Dec. 30, 2025, 5:51 PM), https://perma.cc/EQZ6-JZLV.

"[f]unds will be released only when states prove they are being spent legitimately" ("Enhanced Defend the Spend Policy" or "Policy").[8]

23. That same day, the HHS Department of Government Efficiency ("HHS DOGE") announced via X: "The HHS DOGE team has expanded the Defend the Spend system to require all ACF payments across America to be justified," and that it would "expand the system to support itemized receipts and photographic evidence, and make all data/receipts, where possible, available to the public."[9]

24. On December 30, HHS officials also announced via X that HHS had "frozen all child care payments to the state of Minnesota" and demanded an audit of the providers named in Shirley's video, which HHS Deputy Secretary O'Neill referred to as "excellent work."[10]

25. On December 31, the HHS DOGE team announced via X that "[a]ll ACF payments to Minnesota will remain paused until individual receipts and written justifications are submitted."[11]

26. On or around January 5, 2026, Minnesota Governor Tim Walz suspended his campaign for re-election.

27. Shirley claimed credit for Governor Walz's decision, suggesting that his allegations of fraud in Minnesota were politically motivated.[12]

28. On January 6, 2026, Defendant HHS escalated its actions by freezing access to over $10 billion in CCDF, TANF, and SSBG funds for California, Colorado, Illinois, Minnesota, and New York ("Five-State Funding Freeze" or "Funding Freeze"). The Funding Freeze also included onerous demands to each state for sensitive information, data, and documents about service

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[8] Jim O'Neill (@HHS_Jim), X (Dec. 30, 2025, 6:55 PM), https://perma.cc/4P2B-DQ87; *see also* Dep't of Health & Human Servs., *HHS Freezes Child Care and Family Assistance Grants in Five States for Fraud Concerns*, Jan. 6, 2026, https://perma.cc/L9TB-TXB5.
[9] DOGE HHS (@DOGE_HHS), X (Dec. 30, 2025, 6:27 PM), https://perma.cc/QYR8-RVAP.
[10] Jim O'Neill (@HHS_Jim), X (Dec. 30, 2025, 5:51 PM), https://perma.cc/EQZ6-JZLV.
[11] DOGE HHS (@DOGE_HHS), X (Dec. 31, 2025, 1:30 PM), https://perma.cc/LK3Q-8AW6.
[12] Stephanie Cruz, *'I Ended Tim Walz': Nick Shirley Claims Victory After Governor Drops 2026 Re-Election Bid*, Int'l Business Times (Jan. 6, 2026). https://www.ibtimes.com/i-ended-tim-walz-nick-shirley-claims-victory-after-governor-drops-2026-re-election-bid-3794479.

providers and program participants, including attendance records and personal information about certain program participants.[13]

II. The Impacts of These Attacks on Child Care Providers and the Families Who Depend on Them

29. The administration's adoption of the Enhanced Defend the Spend Policy and Five-State Funding Freeze has caused widespread fear, distress, and concern about actual or potential disruptions in funding to essential child care and family assistance programs nationwide.

30. In early January 2026, the Missouri Department of Elementary and Secondary Education announced that it was unable to draw down CCDF funds due to the new restrictions under the Enhanced Defend the Spend Policy, resulting in payment delays to 1,743 (or roughly 53 percent) of Missouri child care providers.[14]

31. These delays in Missouri reportedly forced at least one child care provider to temporarily close, disrupting services for dozens of children and their families, and caused other providers to take out loans to make payroll or put off paying rent and other bills.[15]

32. On January 6, 2026, the Coalition of Large Tribes also reported that many of its tribes had not received any payments from ACF, forcing tribes to front costs for child care programs with their limited funds on hand so that child care providers could make payroll.[16]

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[13] Ex. 1 to Pls. Compl. ("CCDF Letters"), *New York v. Admin. for Children & Families*, No. 1:26-cv-00172-VSB (S.D.N.Y. Jan. 8, 2026), ECF No. 1-1, https://perma.cc/65J3-8TPT; Ex. 2 to Pls. Compl. ("TANF Letters"), *New York v. Admin. for Children & Families*, No. 1:26-cv-00172-VSB (S.D.N.Y. Jan. 8, 2026), ECF No. 1-2, https://perma.cc/C7H8-QS6V; Ex. 3 to Pls. Compl. ("SSBG Letters"), *New York v. Admin. for Children & Families*, No. 1:26-cv-00172-VSB (S.D.N.Y. Jan. 8, 2026), ECF No. 1-3, https://perma.cc/MYQ7-SBXV.

[14] Missouri Dep't of Elementary & Secondary Educ., *Missouri Submits Justification for Federal Child Care Payments* (Jan. 9, 2026), https://perma.cc/XBR7-YF62.

[15] *See* Chad Mira, *Missouri childcare center closes temporarily amid subsidy delays*, FOX2now (Jan. 12, 2026), https://perma.cc/PHL5-FJ8Z.

[16] Tribal Coalition Seeks Balanced Oversight as Childcare Funding Delays Hit Rural Communities, Illinois Review (Jan. 9, 2026), https://perma.cc/4BQW-5ZLX.

33. The continued uncertainty surrounding these restrictions has also resulted in significant distress, fear, and confusion for families who rely on these child care and family assistance programs.

34. CCDF, TANF, and SSBG funds enable parents and caregivers to work, go to school, attend medical appointments, and otherwise secure basic needs for their families. These programs are particularly impactful for women, and especially women of color, who primarily bear the cost of unpaid caregiving.

35. When funding for these programs is disrupted and child care becomes unavailable or unreliable, children and their families—and especially mothers—experience immediate and long-term harms, including:

a. Loss of employment opportunities and time out of the workforce, including, but not limited to, missed shifts or reduced part-time work schedules, leading to millions in lost earnings over a lifetime and undermining economic security in retirement;

b. Loss of educational opportunities and difficulty completing coursework, attending classes, and earning their degrees;

c. Delayed or missed medical appointments, especially for parents working through unpredictable work schedules, unstable access to health insurance, stress, and other negative physical and mental health impacts; and

d. Additional economic and physical insecurity concomitant with lack of access to child care.

III. The Racial and Political Targeting Under the Enhanced Defend the Spend Policy and Five-State Funding Freeze

36. In its continued implementation of the Enhanced Defend the Spend Policy and Five-State Funding Freeze, the Trump administration has continued to target people of Somali descent and other immigrant communities, as well as Democratic state leaders.

37. On December 31—the day after HHS announced the Enhanced Defend the Spend Policy, President Trump stated via social media: “Much of the Minnesota Fraud, up to 90%, is

caused by people that came into our Country, illegally, from Somalia. . . . Lowlifes like this can only be a liability to our Country's greatness. Send them back from where they came, Somalia, perhaps the worst, and most corrupt, country on earth."[17]

38. During an interview with Shirley in or around February 2026, HHS Deputy Secretary O'Neill repeatedly attributed alleged fraud in Minnesota to "political machines in big cities, often involving like an unassimilated immigrant group . . . end[ing] up with a whole complicated but stable system of [] public money being steered into fraud and voting blocks [] cooperating with the fraud and voting for certain politicians," and agreed with Shirley's statement that Minnesota Democratic leaders "use[d]" people of Somali descent to "create all the fraud."[18]

IV. Plaintiffs' FOIA Request

39. On March 11, 2026, Plaintiffs submitted their FOIA Request to Defendant HHS, seeking the release of the following records for the period from December 1, 2025 to present:

a. All records regarding the adoption, implementation, and enforcement of the Enhanced Defend the Spend Policy for ACF payments, including, but not limited to, records sufficient to identify or describe:

   a. The justifications, if any, for the Enhanced Defend the Spend Policy;
   b. The legal authority, if any, for the Enhanced Defend the Spend Policy;
   c. The ACF grant programs subject to the Enhanced Defend the Spend Policy;
   d. The type(s) of information, data, and/or documentation that the Enhanced Defend the Spend Policy requires a funding recipient to submit prior to approving and/or authorizing its request to draw down ACF funds;
   e. The policies and procedures regarding the access, review, approval, and/or authorization of funding recipients' requests to draw down ACF

[17] Donald J. Trump (@realDonaldTrump), Truth Social (Dec. 31, 2025, 10:55 AM), https://truthsocial.com/@realDonaldTrump/posts/115814993074933464.

[18] Nick Shirley (@NickShirley), *Exposing How the US Government Commits Fraud Against its Citizens*, YouTube (Feb. 6, 2026), at 8:06, https://perma.cc/J8GY-UPV9.

funds, including, but not limited to, (i) who may access, review, approve, and/or authorize such requests and any supporting information, data, and/or documentation, and (ii) the reason(s) for which a request may or may not be approved and/or authorized under the Enhanced Depend the Spend Policy;

f. The roles and responsibilities of the HHS DOGE Team and/or USDS,[19] or any persons affiliated with or representing the HHS DOGE Team and/or USDS, in the adoption, implementation, and enforcement of the Enhanced Defend the Spend Policy, including, but not limited to, any proposed or actual use of any automated decision-making systems, algorithmic screening tools, fraud detection systems, artificial intelligence models and/or services, machine learning systems, risk scoring tools, data analytics platforms, software programs, applications, or other technology used to access, download, copy, analyze, evaluate, and/or publish information, data, documents, or other materials submitted with requests to draw down funds.

b. All written communications with CCDF, TANF, and/or SSBG state, territory, and tribal grant recipients related to:

   a. Requests for information, data, or documentation related to such grant recipients' requests to draw down funds, and

   b. Actual or possible decisions not to approve and/or authorize a request to draw down funds (regardless of whether such decisions were conditional, temporary, and/or final in nature).

[19] The term "USDS" includes the Department of Government Efficiency ("DOGE"), the United States DOGE Service, and the United States DOGE Service Temporary Organization.

c. All records regarding alleged fraud in HHS-funded child care and family assistance programs in Minnesota, California, Colorado, Illinois, and New York, including, but not limited to:

   a. All written communications with Nick Shirley and/or persons acting on behalf of Nick Shirley;

   b. All written communications with Lisa Demuth and/or persons acting on behalf of Lisa Demuth;

   c. All written communications, memoranda, directives, and guidance containing both "fraud" and "Somali" (including variations of the root word "Somali" such as "Somalian" and "Somalia");

   d. All written communications, memoranda, directives, instructions, and guidance regarding the report entitled "I Exposed Minnesotas [sic] Billion Dollar Fraud Scandal," published by Nick Shirley on YouTube on or around December 26, 2025; and

   e. All written communications and audio and/or video recordings related to the interview between HHS Deputy Secretary Jim O'Neill and Nick Shirley, published by Nick Shirley on YouTube on or around February 4, 2026.

See Exhibit A.

40. Plaintiffs sought expedited processing of the Request on the grounds that there is a "compelling need" for these records because the information requested is urgently needed by organizations primarily engaged in disseminating information in order to inform the public about actual or alleged federal government activity. 5 U.S.C. § 552(a)(6)(E)(v)(II).

41. Plaintiffs also sought a waiver or limitation of document search, review, and duplication fees on the basis that disclosure of the requested records was in the public interest because it was "likely to contribute significantly to public understanding of the operations or activities of the government and [was] not primarily in the commercial interest of the requester."

5 U.S.C. § 552(a)(4)(A)(iii). Plaintiffs also sought waiver or limitation of fees on the basis that each Plaintiff qualifies as a "representative of the news media," and that the records were not sought for commercial use. *Id.* § 552(a)(4)(A)(ii).

42. On March 11, 2026, Defendant HHS sent an automated response that acknowledged receipt of the Request and assigned it Case Numbers 2026-HHS-FOIA-002163, 2026-HHS-FOIA-002162.

V. Defendant's Failure to Respond to Plaintiffs' FOIA Request

43. Under FOIA, within 20 working days of receipt of Plaintiffs' March 11 request—that is, no later than April 8—Defendant HHS was required to "determine . . . whether to comply with such request" and to "immediately notify" Plaintiffs of "such determination and the reasons therefor," and, in the case of an adverse determination, of Plaintiffs' appeal rights. 5 U.S.C. § 552(a)(6)(A)(i).

44. On April 9, 2026, following Defendant HHS's failure to respond to the Request by the time limit, Plaintiffs sent an e-mail message to the HHS FOIA Public Liaison to check the status of the pending Request, including their requests for a fee waiver or limitation and expedited processing. *See* Exhibit B.

45. On April 24, 2026, Defendant HHS sent an e-mail to Plaintiffs, in which it stated:

> Thank you for your patience regarding your FOIA requests: 2026-HHS-FOIA-002162, 2026-HHS-FOIA-002163. Due to our current transition—including migration to a new data system, organizational realignment, and the implementation of enhanced processing procedures—timelines have been extended. Based on our current capacity and transition activities, we anticipate contacting you within 90 days. These changes are part of a broader effort to improve long-term efficiency, transparency, and service quality.
>
> We appreciate your understanding as we work through this transition period.

See Exhibit C.

46. More than 130 days have passed since Plaintiffs filed the March 11 Request.

47. To date, Defendant HHS has neither released any responsive records nor explained its basis for withholding them.

48. Thus, any prescribed statutory time periods for response have elapsed.

49. Because Defendant HHS failed to comply with the applicable time limit for responding to the Request under FOIA, Plaintiffs have constructively exhausted their administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

50. Defendant HHS continues to wrongfully withhold the requested records from Plaintiffs.

VI. Ongoing Allegations of Fraud and Lack of Transparency

51. In the months since Plaintiffs submitted their FOIA Request to Defendant HHS, the Trump administration and members of Congress have continued to allege that there is widespread fraud in federally funded child care programs and have sought to institute unnecessary and pretextual oversight measures in response, while failing to provide further information substantiating their allegations. These actions, especially in addition to the Enhanced Defend the Spend Policy, contribute to widespread fear and confusion for child care providers and families with children who rely on federal child care funding.

52. These unnecessary and pretextual oversight measures include:

a. The March 16, 2026, issuance of Executive Order 14395, entitled "Establishing the Task Force to Eliminate Fraud," which alleged that "[h]undreds of millions of dollars in Federal childcare funding to Minnesota were stolen by an organized ring of Somali immigrants . . . [which] was ignored or undetected by State officials," and established a Task Force to "coordinate and accelerate a comprehensive national strategy to stop fraud, waste, and abuse within Federal benefit programs";[20]

b. The April 28, 2026, Federal Bureau of Investigation raid of over 20 businesses in Minnesota—many of which were child care centers and/or reported to have ties to the Somali immigrant community—which a Department of Justice ("DOJ")

[20] Exec. Order No. 14395, 92 Fed. Reg. 13485, 13485–87 (Mar. 16, 2026).

spokesperson identified "as part of an ongoing fraud investigation" and which targeted one of the child care centers identified in Shirley's YouTube video;[21]

c. The June 3, 2026, passage of the "Stop Child Care Scams Act" (H.R. 7726) by the U.S. House of Representatives,[22] which lawmakers specifically connected to alleged fraud in Minnesota and which would give HHS "unprecedented authority to withhold all [CCDF] funding from states without cause or due process, bar child care providers for non-fraudulent activity, and burden states with costly activities that don't improve program integrity;"[23]

d. The June 23, 2026, introduction of the "Stop Child Care Scams Act" (S. 4788) to the U.S. Senate;[24] and

e. The July 14, 2026, introduction of the "Strengthening Transparency and Oversight to Prevent (STOP) Child Care Fraud Act" to the U.S. Senate, which purports to "protect American families' tax dollars from fraudulent federal child care spending" through CCDF and other federal funding programs and relies on allegations of fraud in Minnesota and other Democratic-led states as justification.[25]

53. Further, HHS and other government officials have continued to avoid attempts to disclose information about the adoption, implementation, and enforcement of the Funding Freeze and Enhanced Defend the Spend Policy.

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[21] Jonah Kaplan, *Months after Operation Metro Surge, federal agents return to Minneapolis to target daycares for suspected fraud*, CBS News (Apr. 28, 2026), https://perma.cc/E9PZ-LVTT; Sheila Regan, Annie Gowen, & Jeremy Roebuck, *Federal officers raid 22 businesses, many Somali-linked, in Minneapolis*, Wash. Post (Apr. 28, 2026), https://perma.cc/R648-MZHH.

[22] Stop Child Care Scams Act, H.R. 7726, 119th Cong. (2026).

[23] Child Care for Every Family Network, *200+ Organizations From All 50 States Urge Congress to Reject Bill That Would Destabilize the Child Care System*, Jun 2. 2026, https://perma.cc/XMF2-NHFU.

[24] Stop Child Care Scams Act, S. 4788, 119th Cong. (2026).

[25] U.S. Senate Committee on Health, Education, Labor, and Pensions, *Chairman Cassidy, Tuberville Introduce Bill to Eliminate Fraud in Federal Child Care Funding, Protect American Taxpayers*, Jul. 14, 2026, https://perma.cc/5FB7-MSZ5.

54. On July 10, 2026—in a lawsuit challenging the Five-State Funding Freeze, the U.S. District Court for the Southern District of New York ordered the federal government defendants, including HHS, to produce unredacted emails from ACF Assistant Secretary Alex J. Adams and other officials regarding its targeting of Minnesota, California, Illinois, New York, and Colorado for the Five-State Funding Freeze.[26]

55. Three days later, the federal government defendants moved for a permanent injunction to "resolve this lawsuit in its entirety" on the grounds that ACF agreed to withdraw the Freeze and that the matter was now moot, despite the plaintiff states' position that the lawsuit was not mooted by the withdrawal of the Freeze and that the plaintiff states planned to amend its complaint to include additional defendants.[27]

56. On July 14, 2026, the Targeted States amended their complaint to name the Office of Management and Budget and its Director as defendants because "the Administrative Record and discovery have established that the Office of Management and Budget (OMB) and its Director played an important role in the Freeze, by choosing the states to be targeted and setting the parameters and scope of the Freeze."[28]

57. In light of recent events, the administration's justifications for the Enhanced Defend the Spend Policy and Five-State Funding Freeze, as well as the impacts of these government actions, are even more so matters of public importance.

CLAIMS FOR RELIEF

58. Defendant's failure to grant expedited processing and to process Plaintiffs' Request expeditiously and as soon as practicable violates FOIA, 5 U.S.C. § 552(a)(6)(E), and Defendant's corresponding regulations.

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[26] Order Granting Letter Motion for Discovery, *New York v. Admin. for Children & Families*, No. 1:26-cv-00172-VSB-RFT (S.D.N.Y. July 10, 2026), ECF No. 118,. https://perma.cc/8EY4-HAMT.

[27] Letter Motion for Conference, *New York v. Admin. for Children & Families*, No. 1:26-cv-00172-VSB-RFT (S.D.N.Y. July 13, 2026), ECF No. 119, at 1–2, https://perma.cc/4C94-JAQ7.

[28] Pls. First Am. Compl. ¶ 9, *New York v. Admin. for Children & Families*, No. 1:26-cv-00172-VSB-RFT (S.D.N.Y. July 14, 2026), ECF No. 121, https://perma.cc/TKB5-BHNF.

59. Defendant's failure to promptly make available the records sought by the Request violates FOIA, 5 U.S.C. § 552(a)(3)(A), (a)(6)(A), and Defendant's corresponding regulations.

60. Defendant's failure to make an adequate search for records responsive to the Request violates FOIA, 5 U.S.C. § 552(a)(3), and Defendant's corresponding regulations.

61. Defendant's failure to grant Plaintiffs' Request for a waiver of search, review, and duplication fees violates FOIA, 5 U.S.C. § 552(a)(4), (a)(6), and Defendant's corresponding regulations.

62. Defendant's failure to comply with time limits under FOIA bars Defendant HHS from charging search or duplication fees. *See* 5 U.S.C. § 552(a)(4)(A)(viii).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter a judgment for Plaintiffs and award the following relief:

A. Order Defendant HHS, by a date certain, to conduct a search that is reasonably likely to lead to the discovery of any and all responsive records;

B. Order Defendant HHS, by a date certain, to demonstrate that it has conducted an adequate search;

C. Order Defendant HHS, by a date certain, to release to Plaintiffs any and all non-exempt responsive records or portions of records, as well as a *Vaughn* index of any records or portions of records withheld due to a claim of exemption;

D. Enjoin Defendant HHS from withholding the requested records;

E. Enjoin Defendant HHS from charging Plaintiffs search, review, or duplication fees for the processing of the Request;

F. Award Plaintiffs their costs and reasonable attorneys' fees incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and

G. Grant Plaintiffs such other relief as the Court may deem just and proper.

July 20, 2026

Respectfully submitted,

/s/ Michelle Banker
Michelle Banker
(D.C. Bar No. 1003535)
Alison Tanner*
Sonia Marton*
National Women's Law Center
1350 Eye Street NW, Suite 700
Washington, D.C. 20005
T: 202.588.5180
MBanker@nwlc.org

Melissa L. Staas**
The Roger Baldwin Foundation of ACLU, Inc.
150 N. Michigan Ave, Suite 600
Chicago, IL 60601
T: 312.201.9740

Linda S. Morris**
(admitted in Maryland)
Ming-Qi Chu**
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212.549.2500
LindaM1@aclu.org

Saima Akhtar**
National Center for Law and Economic Justice
50 Broadway, Suite 500
New York, NY 10004
T: 212.633.6967

Sara R. Neel**
ACLU Foundation of Colorado
303 E. 17th Ave., Suite 350
Denver, CO 80203
T: 303.777.5482

* Application for admission pending
** Application for *pro hac vice* admission forthcoming