



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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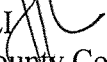
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February 7, 2008

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TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Robin Guerrero
Deputy Executive Officer
Board Operations

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Jada D., et al. v. County of Los Angeles**
Los Angeles Superior Court Case No. VC 045 216

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation in the above-referenced matter.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda for February 19, 2008.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jada D., et al. v. County of Los Angeles, Los Angeles Superior Court Case No. VC 045 216, in the amount of \$420,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

This lawsuit concerns allegations of abuse of two minors while in foster care.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|----------------------------|---|
| CASE NAME | <u>Jada D., et al. v. County of Los Angeles</u> |
| CASE NUMBER | VC045216 |
| COURT | Los Angeles County Superior Court Norwalk |
| DATE FILED | September 16, 2005 |
| COUNTY DEPARTMENT | Department of Children and Family Services |
| PROPOSED SETTLEMENT AMOUNT | \$420,000 |
| ATTORNEY FOR PLAINTIFF | Andrew Ritholz (323) 222-9688 |
| COUNTY COUNSEL ATTORNEY | Lauren M. Black Senior Deputy County Counsel (213) 974-0695 |
| NATURE OF CASE | This is a lawsuit brought by sisters Jada D. and Faith D. alleging that the Department of Children and Family Services failed to properly evaluate their adoptive mother, Audrey Chatmon, before approving their adoptive placement, which resulted in severe physical and emotional injury to both children. |

Plaintiffs Jada D. and Faith D. were removed from their adoptive placement on February 6, 2004, when Plaintiff Jada D., then four years old, was found to have sustained second and third degree burns to her body as a result of being submerged in scalding water. Plaintiff Faith D., who was almost three years old at the time of the burn incident, alleges that she was forced to participate in the chronic abuse of her sister, as well as being the victim of abuse and neglect herself.

As a result of the burn incident alleged in the complaint, Ms. Chatmon was convicted of child abuse and is serving a 15-year prison sentence.

Both Plaintiffs allege that they suffered physical and emotional abuse as a result of the placement and have received psychological counseling as a result. Plaintiff Jada D. sustained second and third degree burns over 15% of her body which has resulted in extensive scarring and hypo-pigmentation.

This case has been vigorously litigated, which included multiple successful challenges to the Plaintiffs' complaint. Specifically, the County has prevailed on four demurrers and six motions to strike based on the Plaintiffs' failure to adequately plead a cause of action. After the County's sixth motion to strike was filed, the court allowed the Plaintiffs to file a sixth amended complaint which names five additional County defendants and five new causes of action. Due to the risks and uncertainties of litigation, the parties reached a tentative settlement of \$420,000 before the County's response was due to this latest version of the complaint.

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| PAID ATTORNEY FEES, TO DATE | \$173,220 |
|-----------------------------|-----------|

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|---------------------|----------|
| PAID COSTS, TO DATE | \$24,191 |
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Summary Corrective Action Plan Department of Children and Family Services



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

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|--|---|
| Date of incident/event: | February 6, 2004 |
| Briefly provide a description of the incident/event: | On February 6, 2004, roughly six months after the Department of Children and Family Services (hereinafter DCFS) and Juvenile Court cases regarding two foster children and their adoptive mother were closed, DCFS received an Emergency Response (ER) Referral alleging severe physical abuse to one of the children, Jada, by the adoptive mother. DCFS and law enforcement investigations confirmed severe abuse to this child in the care of her adoptive mother. |

1. Briefly describe the root cause of the claim/lawsuit:

The root cause(s) of this claim/lawsuit is (are):

- 1) inadequate compliance with established agency standards concerning face-to-face contact with children and the completion of the adoptive home study of the alleged perpetrator;
- 2) inadequate compliance with established agency standards regarding the supervisory oversight and approval for face-to-face contact with children and the completion of the adoptive home study of the alleged perpetrator; and
- 3) an absence of formal management standards for the evaluation of performance in the above mentioned areas.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Corrective actions to address root cause number 1

The process non-conformance was referred to Performance Management for review and action. The employee was discharged. Prior to final resolution by the Civil Service Commission the matter settled. The employee resigned.

Corrective actions to address root cause number 2

The process non-conformance was referred to Performance Management for review and action. The employee received a thirty day suspension in 2006.

Corrective actions to address root cause number 3

Contact Requirements and Exceptions Policy Number 0400-503.10 was revised and issued on June 1, 2006. This policy mandated private interviews with children which must occur outside the presence and immediate vicinity of the caretaker. On November 28, 2007, the Executive Team of DCFS released a directive to all staff specifically referencing this policy, stating expectations regarding compliance with this policy, and establishing management oversight responsibilities to the Deputy Director level regarding this policy. The memo is titled "Back To Basics: Compliance & Expectations: Face-To-Face Child Contacts."

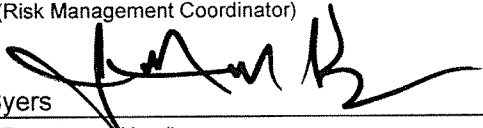

A complete review of all existing Adoptions home study policies will be undertaken by management staff from Adoption and Permanency Resource Division to ensure compliance with Federal and State law as well as best practices.

Adoption staff who have assessment responsibilities will be re-trained with regard to home study assessment and completion. Training will be provided by Adoption Division management.

Regarding standards for management evaluation of the completion of adoptive home studies, effective February 2008, each Adoption and Permanency Resources Division Assistant Regional Administrator will conduct a quality review analysis of 400 studies by years end under the administrator's span of control. Findings will be used to train to and enforce established standards.

3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

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| Signature: (Risk Management Coordinator)  Jonathan Byers | Date: 1-23-08 |
| Signature: (Department Head)  Patricia S. Ploehn, Director | Date: 1-29-08 |