



COUNTY OF LOS ANGELES
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February 20, 2019

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: STEVEN H. ESTABROOK 
Litigation Cost Manager
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Amber Fimbres, et al. v. County of Los Angeles, et al.
United States District Court Case No. 2:18-CV-03931

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

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

SHE:scr

Attachment

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Amber Fimbres, et al. v. County of Los Angeles, et al., United States District Court Case No. 2:18-CV-03931 in the amount of \$775,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

This lawsuit alleges Plaintiffs' civil rights were violated when the Department of Children and Family Services allegedly detained their two minor children without a warrant.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Amber Fimbres, et al. v. County of Los Angeles, et al.
CASE NUMBER	2-18-cv-03931 JFW (KSx)
COURT	United States District Court
DATE FILED	February 13, 2018
COUNTY DEPARTMENT	Department of Children & Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 775,000
ATTORNEY FOR PLAINTIFF	Shawn McMillan
COUNTY COUNSEL ATTORNEY	Katherine Bowser
NATURE OF CASE	<p>This is a recommendation to settle a lawsuit arising out of the alleged unlawful detention of Plaintiffs' two children in 2016. Defendants deny the allegations.</p> <p>Given the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid future litigation costs.</p>
PAID ATTORNEY FEES, TO DATE	\$ 40,263
PAID COSTS, TO DATE	\$ 6,000

Case Name: AMBER FIMBRES, et al., vs. COLA, et al.



Summary Corrective Action Plan

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.

Date of incident/event:	April 13, 2016
Briefly provide a description of the incident/event:	Plaintiffs allege that their civil rights were violated when DCFS removed their minor children A.O. and T.O. from their care and custody without a warrant, consent, or exigent circumstances. Plaintiffs further allege that on or about September 1, 2016, DCFS requested full dismissal of the juvenile proceedings due to failure to meet its burden to support the abuse allegations.

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

- The detaining CSW and supervising SCSW did not have a clear understanding as to what constituted exigency;
- DCFS staff persons failed to consult the Warrant Desk/County Counsel;
- DCFS staff persons did not adhere to policy in properly documenting case activities.

2. Briefly describe recommended corrective actions:

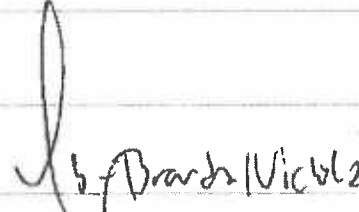
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Department had relevant policies and procedures in effect at the time of the incident and continues to ensure that its protocols assist its workforce in providing appropriate and legally-sufficient child welfare services. Relevant training has been made more accessible to social work staff and a mechanism for tracking completion of such trainings have been implemented. Additionally, the Warrant Desk is available for consultation 24 hours a day to social work staff persons prior to taking children into protective custody.

3. Are the corrective actions addressing department-wide system issues?

- ✓ The corrective actions address department-wide system issues
The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Diane Iglesias, Senior Deputy Director	
Signature: 	Date: 12/4/18

Name: (Department Head)	
BOBBY D. CAGLE, DIRECTOR	
Signature: 	Date: 12/11/18

Chief Executive Office Risk Management Inspector General USE ONLY

Are the corrective actions applicable to other departments within the County?

- Yes, the corrective actions potentially have County-wide applicability.
- No, the corrective actions are applicable only to this department.

Name: (Risk Management Inspector General)

Signature:

Date: