

L.A. County intends to fire four in death of boy

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Social workers missed signs of abuse, officials say

BY ABBY SEWELL,
GARRETT THEROLF
AND SEEMA MEHTA

In an unusually swift and aggressive response, Los Angeles County officials have moved to fire four child welfare workers they say were responsible for serious lapses in the case of an 8-year-old Palmdale boy who died after allegedly being tortured by his mother and her boyfriend.

The May death of Gabriel Fernandez, whom paramedics found with a fractured skull, broken ribs and burns, came after the county's Department of Children and Family Services received and discounted a long series



PARAMEDICS found Gabriel Fernandez, 8, with a fractured skull, broken ribs and burns.

of complaints of abuse.

"There were so many red flags in this case that just didn't go heeded," said Philip Browning, head of the department. He said an internal investigation found crucial missteps by employees. Two social workers and two supervisors received letters Tuesday notifying them that the agency intends to fire them.

The details of Gabriel's death, first reported by The Times, prompted outrage from the public and child advocates, several of whom have appeared at the county Board of Supervisors' weekly meetings to demand action.

The relatively quick deci-
[See Death, A1]

County moves to fire four in death of boy

[Death, from A1] sion to terminate the employees marked a departure for an agency that typically has conducted lengthy investigations and imposed less severe penalties, even when children under its supervision have died from neglect and abuse. A recent county review of 15 deaths of children found dozens of serious errors committed by caseworkers, and only one instance of an employee being fired.

Child-welfare advocates said Tuesday's announcement was a welcome change.

"It is unusual for it to be this quick and also for it to be this severe, in my experience," said Dilys Tofteson Garcia, executive director of CASA, which trains volunteer advocates for foster children. "I think that is a good sign."

The dismissals fit with promises by Browning, who took over the beleaguered agency last year, to increase accountability, she said. "It aligns with what he's been saying since he got there. I think it sends a message to the whole system."

Rescuers were summoned to Gabriel's home May 22 and found him barely breathing. He died in the hospital two days later. His mother and her boyfriend have been charged with murder and torture.

Social workers missed numerous warning signs at the home, according to county documents. Gabriel had previously written a note saying he was contemplating suicide, the records show. His teacher told authorities he often appeared bruised and battered at school. He had bruises on his face from BB pellets.

Several investigations were launched. One complaint was determined to be inconclusive and the remainder were judged "unfounded."

At the time of Gabriel's death, another allegation of child abuse was pending in his file.

The four employees sent termination notices Tuesday were those most involved with Gabriel's case, Browning said.

The workers — whose names have not been released — were placed on desk duty shortly after the boy's death, as county officials launched an investigation. Other employees who were "peripherally involved" in the case received warning letters and reprimands.

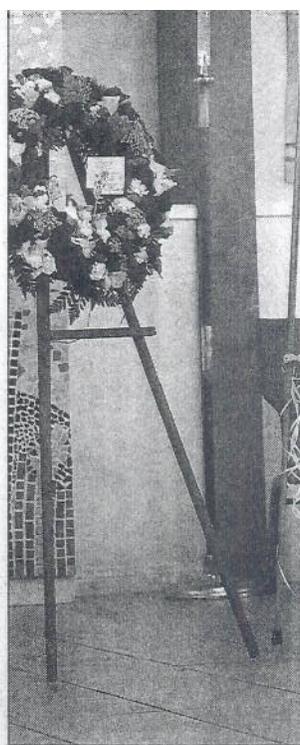
Los Angeles County Supervisor Michael D. Antonovich, whose district includes Palmdale, unexpectedly disclosed the move to fire the employees at Tuesday's Board of Supervisors meeting, in response to a public comment from a woman who identified herself as Gabriel's cousin.

The relative, Rosanna Lucero, had pressed the elected board members about the case. She said multiple reports of Gabriel being abused were filed with his teacher, law enforcement and the social worker assigned to the case.

"They did nothing. And he died a horrific death, which was physical, emotional and very visual," she said. "I don't understand why nothing has been done to these workers yet. I myself, plus a whole wide community, would like to know and demand why and what is going to be done with these workers."

After the meeting, Amanda Nevarez, a friend of Gabriel's family who created a Facebook page called Gabriel's Justice, said she was heartened to hear that officials intend to fire the workers.

"For once, we need to start listening to children when they say they are hurt," she said.



A MEMORIAL SERVICE tortured by his mother and

Several board members said bold action was required.

"There was a compelling need to act," board Chairman Mark Ridley-Thomas said. "There are things that can't or shouldn't be tolerated, and the death of a child that is attributable to neglect or inaction or dereliction of duty certainly is grounds for termination."

After the boy's death, county supervisors convened a blue-ribbon commission on child protection that is scheduled to hold its first meeting this week. The panel is tasked with recommending reforms in the Department of Children and Family Services over the next several months.

In the past, the department moved more slowly, investigating the entire his-



GINA FERAZZI Los Angeles Times

for Gabriel Fernandez, an 8-year-old Palmdale boy who died after allegedly being her boyfriend, is held in June at the Church of the Foothills in Sylmar.

tory of agency involvement in child death cases before taking action, Browning said. In this case, the initial investigation focused on the last two years.

Gabriel's case presented the first major crisis for Browning, who has rankled many of his employees with critical public comments about the handling of Gabriel's case.

In a widely circulated letter to Browning after employees involved in the case were placed on desk duty, caseworker Jerry Dominguez said the department was too quick to scapegoat staff members.

"The suggestion is that our colleagues were somehow unaware or not focused on child safety, that this priority was somehow lost on the consciousness of our col-

leagues," wrote Dominguez, who works in the agency's Palmdale office. "Really? Even the appearance of this suggestion is beyond the pale. It's insulting and condescending and simply false."

Browning sent a department-wide memo Tuesday, notifying employees of the decision to fire the four workers, and seeking to reassure other workers that their efforts were appreciated.

"I know that staff are working long hours under arduous conditions to locate placements for children, reunite families and keep children safe," he wrote.

The workers facing dismissal will have a chance to respond and appeal the action to the county's Civil Service Commission. That

panel can reduce the severity of disciplinary actions or throw out cases entirely if no clear violation of rules is shown or the worker had no previous record of problems.

County officials said that in their study of 15 child deaths, they found only one social worker who was fired, and that case involved falsifying a report.

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am a liberal Democrat.
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Where are the pro-lifers who demand that every pregnancy must produce a living baby no matter the circumstances?

What a wonderful opportunity for them to advocate for not only the fetus but for the needs of the living child. Infants require not only the security of food and shelter but also essentials like diapers.

This is the least they can provide.

PHYLLIS GOLDEN
GOTTIEB
Los Angeles

rebuild the Roman Catholic Church.

And so, we are all praying that our new pope, Pope Francis, will now rebuild our Catholic Church throughout the world.

We are looking forward to his clearing out the corruption in the Vatican, bringing an end to all of the sex-abuse scandals, healing our church and creating a church focused on the needs and concerns of its people.

This is a tall order but

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A big reform campaign in child welfare

Panel begins working
to find ways to stem
cases of abuse and
deaths in L.A. County.

BY SEEMA MEHTA

A blue-ribbon commission tasked with examining Los Angeles County's embattled child welfare agency begins work this week on a sweeping reform effort that officials hope can stem persistent cases of child abuse and deaths.

Much of the panel's focus has been on fixing the troubled Department of Child and Family Services. But county political leaders, child welfare managers and commission appointees say the review will include the role law enforcement, school districts and county public health and mental health agencies have played in failing to protect children in abuse cases.

"This approach has never been taken before, and it's overdue," said Mark Ridley-Thomas, chairman of the county Board of Supervisors.

"There's not a lot of appetite for philosophical debate.... This commission ought to be very, very bottom-line about what does it take to design a system that maximizes the safety of

foster children.

Commission members include Marilyn Flynn, dean of the USC School of Social Work, retired judges Terry Friedman and Dickran Tevrizian, and David Sanders, who ran the county's child protection agency from 2003 to 2006.

Sanders said the panel must determine how many children have been seriously injured because of abuse or neglect and create a coordinated, multiagency reform plan that includes specific recommendations to improve child safety.

Critics have said the commission members don't include representatives of families trying to navigate the child welfare system.

"I think they are continuing to appoint insiders as opposed to independent citizens like parents, grandparents and others who have experience dealing with this department," said Denise Paz, a mother whose children were placed in foster care and who testified on the topic at last week's county board meeting.

"Please consider appointing ... representatives that are true representatives."

The commission is scheduled to hold its first public session Thursday at the downtown county Hall of Administration and present a final report around the end

To limit child tragedies, give protectors more help

For county social workers, the highest priority is making sure children are safe. They need resources — and time — to do their jobs right.

SANDY BANKS

The first items Nancy Razo pulled out of her binder when we sat down to talk were obituaries of three co-workers who died of strokes that Razo believes were linked to stress on the job.



"These were women who dedicated their lives to public service, to helping kids," she said.

They were, like her, social workers in the Palmdale office of the Los Angeles County Department of Children and Family Services. Razo thinks they were done in by high caseloads, long hours and constant demands to "get it done now."

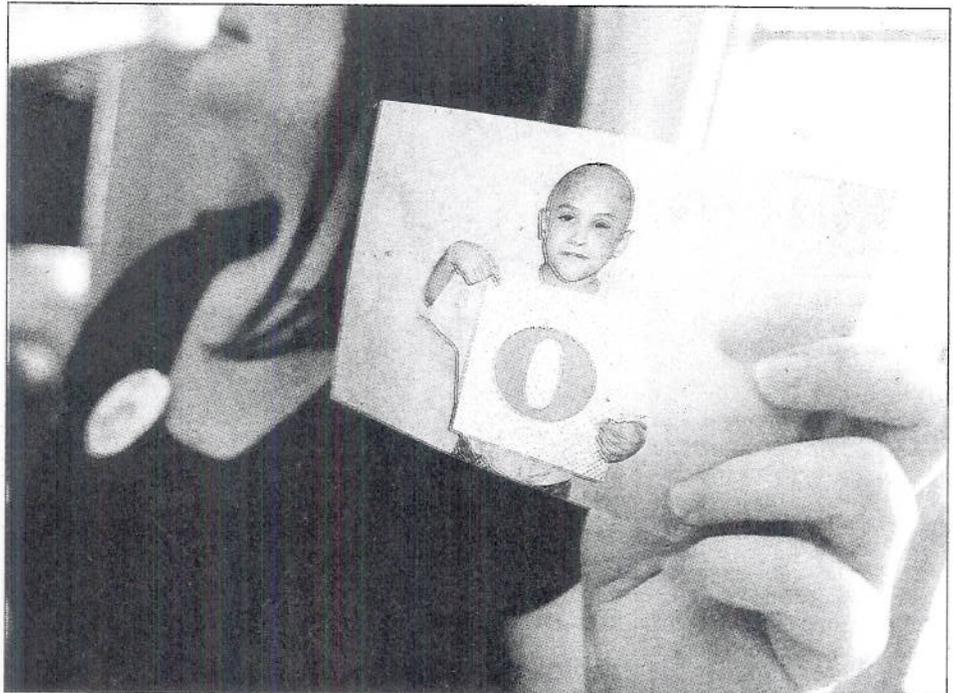
Their deaths feel like collateral damage in a battle against child abuse that only grabs the public's attention when a child's death makes news.

The latest child to die was 8-year-old Gabriel Fernandez. Gabriel's mother and her boyfriend have been charged with torture and murder in his death.

But social workers are being blamed for not recognizing the danger the child faced in a family with a long history of child abuse allegations.

Gabriel had been on the department's radar for months. When he died in May, he had a cracked skull, missing teeth, broken ribs and BB pellets embedded in his lung and groin.

Four social workers involved in the case have been on "desk duty" in



CHRISTINA HOUSE For The Times

GABRIEL FERNANDEZ, 8, died in May. The Palmdale boy's mother and her boyfriend have been charged with torture and murder in his death.

wrote about Gabriel's death, calling for social workers to be held accountable for any missteps.

A social worker since 2005, Razo is also incensed about a memo from agency director Phillip Browning suggesting that a lack of critical thinking and common sense contributed to Gabriel's death.

That comment hit many social workers I heard from particularly hard. "Having the time to reflect, the time to take in everything you've observed... that's what can save a life," Razo said.

The day I interviewed her in Palmdale, Razo had spent several hours searching for a foster home for a newborn. Her job is "supposed to be 9 to 5, but some nights I'm out in the field

"Abused kids don't trust strangers," Razo said. "And when you're juggling dozens of cases with crucial deadlines, there's no time to build the rapport you need to get a kid to talk to you.

"So you go home thinking, 'Did I do the right thing? Did I ask the right questions? Was I too hard on the mom? Should I give her another chance, or would that child be better off with strangers in a foster home?'"

"You always have to choose the lesser of two evils. We're our own worst critics," Razo said.

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My conversation with Razo reminded me of chats I've had with teachers over

centive to pay attention, support their teachers, approve adequate funding.

But foster children don't have many champions; they're not much of a constituency. There are no test scores to measure the system by, just the occasional tragedy.

Officials shocked by Gabriel's death say this may be a watershed moment: The department has just hired 100 new social workers and is planning to hire 150 more. Changes in training and staffing are underway. And the county has appointed a commission to study the department and propose reforms.

But anybody who's been paying attention has heard all that before. The department has been studied

Razo said every social worker feels the weight of young Gabriel's death.

"They're all struggling, the entire office," Razo said. "We know what we do could affect a life; we deal with that every day.

"What happened to these social workers could happen to any one of us any time," she said. "Maybe they weren't doing a good job on that case....But you're focusing on one family and you've got 25 others, and something tragic happens.

"We need more social workers and smaller caseloads," she said. "We're in crisis mode all the time."

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Razo had emailed to complain about a column I

when I got it, then back in the office at 7 a.m.," she said.

Some social workers in her office juggle 30 or 40 cases. The optimal caseload standard is between 12 and 17. Union officials say it would take 1,400 more social workers to adhere to those limits.

Razo walked me through a process spiked with land mines: volatile parents who threaten them, a critical shortage of foster homes, redundant layers of bureaucracy, judges who routinely overrule their recommendations on child custody.

An expansion of parents' rights and a department philosophy that favors keeping families together have made it harder to justify a child's removal or collect the information needed to prove abuse.

the years.

No matter how many iPads you hand out or what your core curriculum is, if you overload teachers in the classroom, you going to be shortchanging kids.

When you've got 40 students in an algebra class instead of 25, some are going to drift and end the semester still trying to figure out what a polynomial equation is.

The same is true for social workers with overwhelming caseloads. But when children fall through the cracks in the child welfare system, someone may wind up dead.

We're disconnected from that reality in a way we're not from the parallel problem of classroom overcrowding. If you've got kids in school, you have an in-

death, and excoriated over the years for failing to make even basic changes that would safeguard kids.

Nothing changes, Razo said, because no one listens to them. "Social workers' voices aren't respected. When we attempt to speak up...we're labeled as difficult, as lazy, as not disciplined enough, as dumb."

What she'd like now is for a few of the department's 3,100 social workers to join the commission, and help those outside experts figure out what's going wrong.

"We know this is not an isolated incident," Razo said.

"And bashing social workers isn't going to stop it from happening again."

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THE COST OF CHEAP JUSTICE

Nov 7-29-13 LA Times

By Cyn Yamashiro

THREE HUNDRED fifty dollars. That's the amount Los Angeles County pays a private attorney to represent a child charged with crimes when the public defender has a conflict of interest and can't handle the case. That \$350 has to cover all legal work, even when the child is charged with a serious crime such as murder or rape. About 11,000 kids a year end up being represented by such appointed counsel.

Here's how it commonly works. Let's say two 15-year-olds are caught with a six-pack of beer and charged with illegal possession of alcohol. Because they may have incentives to testify against each other, the rules of legal ethics require that different law firms represent them. So, typically, one would be represented by the public defender while the other's case would be contracted out to an attorney earning a total fee of \$350.

This compensation system has created profound inequalities in the legal services provided to children.

Public defenders are hired through a highly selective national recruiting process. They are trained by senior attorneys and work in an office that rewards zealous advocacy with promotions and raises.

The county requires no vetting of appointed attorneys, nor does it have requirements for special training or experience. They are not held to meaningful performance standards. The public defender, unlike an appointed attorney, has access to a staff of investigators, support attorneys and social workers to assist in preparing a case. Although both a public defender and an appointed attorney may request that experts be appointed by the court, clients of the public defender are twice as likely to have those experts appointed. The courts rarely if ever appoint investigators, so kids without public defenders are out of luck on that front.

Most important, because contract attorneys are paid a single fee (which hasn't changed since 2009), their effective hourly rate shrinks with each successive task they perform. The more work they do on a case, the lower their hourly rate of pay.

In 2012, our research team finished a study of the Los Angeles juvenile justice system aimed at determining whether there were significant differences between the outcomes of clients represented by public defenders and those represented by appointed attorneys. Teams of researchers reviewed more than 3,000 randomly selected cases that spanned four years and

came from every juvenile court in Los Angeles. The results, which will be published this fall, clearly demonstrate that there are huge differences in outcomes depending on whether a child is represented by a public defender or a \$350-fee attorney.

The study controlled for factors such as age, ethnicity, prior convictions and the type of charge, then compared how the two kinds of clients fared. Those represented by appointed counsel were convicted of more serious offenses and given longer sentences in more restrictive environments. Judges have seven distinct sentencing options for young offenders, from diversion to incarceration in state prison. We found that those represented by the \$350-fee attorneys had a 34% higher likelihood of ending up at a higher level of supervision than those facing the same charges but represented by public defenders.

The study confirms how important effective lawyering is in juvenile court. The attorney is the only member of the court team who has unfettered access to a defendant's psychological, medical and educational history. An attorney with a disincentive to invest his time and effort may not discover or communicate information crucial to the child's case, leaving courts operating in the dark.

Even if you leave aside the

gross inequities and look at the current system in purely economic terms, it makes sense to change it. The policy is costly for Los Angeles County a lot of money. Our study predicts that last year, 586 fewer youths would have been sent to probation boot camps had they been represented by the public defender. With an average stay of 10 months in camp at a cost of about \$307 a day (excluding school costs), these extra 586 detainees cost the county \$28 million to \$31 million.

Oddly, the adult criminal justice system does not pay attorney fees; rather, attorneys in signed cases because of a conflict of interest are paid either a salary or an hourly rate based on the seriousness of the offense. Bringing the juvenile system more in line with that policy could save money. More important, it could remedy a great injustice.

CYN YAMASHIRO is a clinical professor of law and director of the Center for Juvenile Law and Policy at Loyola Law School.

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