

# MEMORANDUM

July 6, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ELIZABETH KESSEL  
Kessel and Associates

ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

RE: Ramia S. v. County of Los Angeles  
Van Nuys Superior Court Case No. LC 069021

DATE OF  
INCIDENT: April 16, 2001

AUTHORITY  
REQUESTED: \$25,000

COUNTY  
DEPARTMENT: Department of Children and Family Services

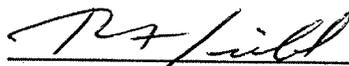
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## CLAIMS BOARD ACTION:

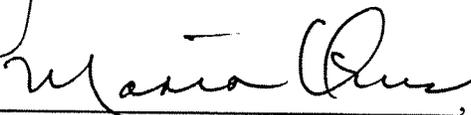
Approve

Disapprove

Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on July 18, 2005

## SUMMARY

This is a recommendation to settle for \$25,000 a lawsuit filed by Ramia S., who was bitten by a dog while she resided in a foster home while under the supervision of the Department of Children and Family Services ("DCFS").

## LEGAL PRINCIPLES

A public entity and its employees who supervise dependent children of the Juvenile Court may be held liable for injuries to those children, if the employees fail to discharge a duty that is mandated by a statute, the statute is intended to protect against the kind of risk of injury suffered by the child, and the breach of the mandatory duty is a proximate cause of the injury.

## SUMMARY OF FACTS

Ramia S., now nine years old, was declared a dependent child of the Juvenile Court in 1999, because she and her sister had been physically abused by their mother. In April 2001, she was residing in a foster home, and the foster parents owned a dog. Ramia S.'s Children's Social Worker ("CSW") did not know that the foster parents owned a dog.

On April 16, 2001, Ramia S. was bitten on the head by the dog, but the foster mother did not report the injury to the CSW. When the CSW later saw a laceration on Ramia S.'s scalp, the foster mother told the CSW that Ramia S. had fallen down. The CSW did not conduct any further investigation to determine the cause of the laceration.

On August 6, 2001, Ramia S. was examined by a Suspected Child Abuse and Neglect ("SCAN") Clinic, and three lesions on her scalp were seen and photographed. When the CSW saw the photographs, she indicated that the injuries depicted in the photographs were much more severe than what she had originally seen.

Ramia S. received appropriate medical care, and her injuries have healed.

## DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Pain and Suffering	\$ 100,000
Emotional distress	<u>\$ 100,000</u>
Total	<u>\$ 200,000</u>

The settlement calls for the County to pay \$25,000 to Ramia S. for all of her claims for damages, costs and attorney's fees. The State, on behalf of the foster parents, is contributing an additional \$25,000 to the settlement.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the recommended settlement.

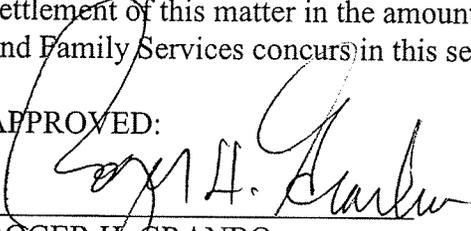
Expenses incurred by the County in defense of this matter are attorney's fees of \$40,092 and \$3,229 in costs.

## EVALUATION

This is a case of disputed liability. The CSW did not know that the foster family had a dog, and had no reason to believe that Ramia S. would be bitten. However, the fact that the SCAN photographs showed three lesions that were more severe than what the CSW had originally seen could lead a jury to believe that Ramia S. had been bitten again, or that the CSW had failed to get her appropriate medical treatment. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our third-party administrator, Carl Warren and Company, and our private counsel, Kessel and Associates, in recommending a settlement of this matter in the amount of \$25,000. The Department of Children and Family Services concurs in this settlement recommendation.

APPROVED:

  
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ROGER H. GRANBO  
Assistant County Counsel  
Law Enforcement Services Division

RHG:scr