



COUNTY OF LOS ANGELES
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October 18, 2022

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

A handwritten signature in blue ink, appearing to read "AMB".

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Victor Avalos, et al. v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 19STCV27032

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.

AMB:jkb

Attachment

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Victor Avalos, et al. v. County of Los Angeles et al., Los Angeles Superior Court Case No. 19STCV27032, in the amount of \$32,000,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Children and Family Services' budget.

This wrongful death lawsuit alleges civil rights violations, fraud, and negligence against the Department of Children and Family Services arising out of the death of a minor.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Victor Avalos, et al. v. County of Los Angeles, et al.
CASE NUMBER	19STCV27032
COURT	Los Angeles Superior Court
DATE FILED	July 31, 2019
COUNTY DEPARTMENT	Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 32,000,000
ATTORNEY FOR PLAINTIFF	Brian Claypool Claypool Law Firm Jay Deratany Deratany & Kosner
COUNTY COUNSEL ATTORNEY	Thomas Fagan Principal Deputy County Counsel
NATURE OF CASE	Plaintiffs allege that DCFS failed to properly investigate allegations that decedent and his half-siblings were being abused, and that a failure to take the children into protective custody contributed to their abuse and one child's death. Due to the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs. The full and final settlement of the case is in the amount of \$32,000,000 along with assignment of certain rights is recommended.
PAID ATTORNEY FEES, TO DATE	\$ 718,475
PAID COSTS, TO DATE	\$ 81,000



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:	February 13, 2020
Briefly provide a description of the incident/event:	Child Anthony A. and his family were the subjects of several reports to the Department of Children and Family Services (DCFS) Child Protection Hotline. While the family did not have contact with DCFS during the 18 months preceding Anthony's death, the family did have two prior cases with the Department. One was a Voluntary Family Maintenance (VFM) case with DCFS and the other, a Family Maintenance case supervised by the Juvenile Dependency Court.

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

A. Improper application and/or use of VFM Services

The VFM services proffered to mother Heather Barron and children Anthony, Angel, Destiny, and Raphael were inappropriately terminated after six months, even though Ms. Barron was not in compliance with VFM case plan components and did not adequately address issues leading to DCFS intervention.

B. Need for Enhanced Interviewing Skills

Children's Social Workers (CSWs) need more thorough training on interviewing, with particular emphasis on how to evaluate and further investigate when children provide inconsistent statements or retract previous statements of abuse or lack thereof.

C. Incorrect use of Structured Decision-Making (SDM) Assessment Tools

While SDM tools were used with the referrals/cases concerning this family, there were inaccuracies in the tools' completion. Workers need to better understand the need for accurate completion of the tools, as inaccuracies can significantly impact the course of action necessary in any given case.

D. Limited Capacities to Support Thorough Assessments

There was a dearth of resources accessible to the CSWs during the handling of the referrals/cases, to help them navigate complex factors and issues concerning Anthony and his family.

E. High Social Worker and Supervisor Caseloads

The high rate of worker attrition and heavy caseloads ultimately affected the handling of referrals/cases, quality of supervision, and oversight of the family.

F. Challenges with Accessing Medical Hub Services

The High Desert Medical Hub that serves the Antelope Valley was unable to meet the needs of the DCFS-involved children in the region due in part to inconsistent approaches/protocols and their lack of ability to provide medical examinations.

G. Lack of Collaboration with Law Enforcement

DCFS and the Los Angeles Sheriff's Department (LASD) both regularly use the Electronic Suspected Child Abuse Report System to cross-report abuse allegations; however, there should have been better collaboration on the investigations and more coordinated efforts in the handling of referrals concerning this family.

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

A. Improper application and/or use of VFM Services

On August 3, 2020, the Department issued a revised policy (0080.502.02: Court Family Maintenance and Voluntary Family Maintenance) to underscore the purpose and function of voluntary services and add better oversight/accountability within its VFM practices.

B. Need for Enhanced Interviewing Skills

In June 2020, DCFS launched a training series covering different aspects of interviewing, including rapport-building; basic screening questions for assessing abuse; following up on an allegation; child recantations; and simple, non-leading approaches with children. These trainings are now mandatory for Emergency Response and Continuing Services Children's Social Workers and Supervising Children's Social Workers.

C. Incorrect use of SDM Assessment Tools

In 2019, DCFS launched a series of mandatory SDM trainings, including a two-day SDM "safety and risk" foundational training for field staff and managers focused on best practices in safety assessment, safety planning, and risk assessment.

D. Limited Capacities to Support Thorough Assessments

Since 2018, the County's Office of Child Protection (OCP) and DCFS have been working together with other County Departments to facilitate better access to resources, ultimately to help develop broader assessment capacities for DCFS. Some of those include increased access to Medical Hubs, outstation of Department of Mental Health (DMH) clinicians at DCFS regional/special program sites, outstation of substance abuse counselors versed in healing-informed care, and a DMH adult mental health services e-consultation pilot program.

E. High Social Worker and Supervisor Caseloads

Since 2019, DCFS has been working with Los Angeles County's Chief Executive Office and Department of Human Resources to substantially decrease the rate of attrition by recruiting and retaining highly qualified staff in the Antelope Valley (AV). The Strategies employed include community outreach and engagement for recruitment; providing enhanced training and supports to new and current staff; and providing bonuses as financial incentives for staff who choose to remain in, or relocate their work location to, the AV.

F. Challenges with Accessing Medical Hub Services

OCP has been working with the Department of Health Services since 2018, to target the primary barriers that made it a challenge for DCFS to secure adequate access/services from the High Desert Medical Hub: inadequacy of provider and


support staffing; limited hours of operation; availability of qualified forensic providers; inefficient scheduling processes; and accessibility of mental health clinicians.


G. Lack of Collaboration with Law Enforcement

Since 2018, DCFS and LASD have worked collaboratively to establish a joint investigation protocol, which launched at the Lancaster and Palmdale LASD stations in May of 2018, and the Santa Clarita LASD station in July of 2019. The protocol was memorialized in March of 2021, when DCFS and LASD established and entered into a Memorandum of Understanding.

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: 7/19/22

Name: (Department Head)	
Brandon T. Nichols, Director	
Signature: 	Date: 7-19-22

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)	
Destiny Castro	
Signature: <i>Destiny Castro</i>	Date: 07/20/2022