



County of Los Angeles

March 17, 2026

Dawyn R. Harrison  
County Counsel

**Board of Supervisors**

Hilda L. Solis  
Supervisor, First District

Holly Mitchell  
Supervisor, Second District

Lindsey P. Horvath  
Supervisor, Third District

Janice Hahn  
Supervisor, Fourth District

Kathryn Barger  
Supervisor, Fifth District

TO: EDWARD YEN  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS  
Litigation Cost Manager

RE: **Item for the Board of Supervisors' Agenda**  
**County Claims Board Recommendation**  
**The Estate of "CMW," et al. v. County of Los Angeles, et al.**  
**United States District Court Case No. 2:24-cv-00889**



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 Summary Corrective Action Plan to be made available to the public.

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

AMB:tf

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled The Estate of "CMW," et al. v. County of Los Angeles, et al., United States District Court Case No. 2:24-cv-00889, in the amount of \$500,000, 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 against the Department of Children and Family Services arises out of the death of a two-month-old while in foster care.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	The Estate of "CMW," et al. v. County of Los Angeles, et al.
CASE NUMBER	2:24-cv-00889
COURT	United States District Court
DATE FILED	December 22, 2023
COUNTY DEPARTMENT	Department of Children and Family Services
PROPOSED SETTLEMENT AMOUNT	\$ 500,000
ATTORNEY FOR PLAINTIFF	MICHAEL J. CURLS, ESQ. Law Offices of Michael J. Curls
COUNTY COUNSEL ATTORNEY	ANDRIA SEO Deputy County Counsel  AVI BURKWITZ, ESQ. Peterson, Bradford, Burkwitz, Gregorio, Burkwitz & Su, LLP
NATURE OF CASE	Plaintiffs allege negligence, breach of mandatory duties, and violations of their civil rights against the Department of Children and Family Services, resulting in the death of a minor.  Due to the high risks and uncertainties of litigation, a reasonable settlement at this time will avoid further litigation costs.
PAID ATTORNEY FEES, TO DATE	\$ 42,451
PAID COSTS, TO DATE	\$ 1,303



## 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:	November 13, 2022 – January 12, 2023
Briefly provide a description of the incident/event:	On November 23, 2022, the Department of Children and Family Services (DCFS) detained child CMW without a warrant or exigent circumstances and placed him with a resource parent already caring for two children under the age of three. On January 12, 2023, while in this home, CMW died of accidental asphyxiation due to unsafe sleeping conditions.

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

- A. The investigating Emergency Response (ER) Children's Social Worker (CSW) placed a hospital hold on CMW without conducting an adequate assessment for exigency; given CMW's tentative discharge date, there would have been sufficient time to seek a removal order.
- B. The investigating ER CSW did not make contact with maternal grandmother during the investigation; neither did the Continuing Services CSW upon receipt of the case, which was not in line with DCFS policy and Welfare and Institutions Code (WIC) §309.
- C. It is not documented if the ER CSW evaluated the resource parent's home and/or placement capacity prior to placing CMW, or what information the Assistant Regional Administrator (ARA) knew about the resource parent's home composition or placement capacity prior to authorizing CMW's placement. Alternate placements might have been explored if it was known that the identified resource parent already had two children under the age of three in her care.
- D. On December 29, 2022, following the resource parent's disclosure that she and her family members tested positive for COVID-19, the CSW conducted a virtual visit with CMW and did not make the required monthly in-person contact.
- E. The resource parent did not create a safe sleeping environment when putting CMW to sleep on January 11, 2023. She placed him on his side on a pillow in a bassinet crowded with multiple items, including several milk bottles, baby lotion, and baby powder.
- F. The Child Protection Hotline (CPH) CSW erroneously determined that the report made to CPH on January 12, 2023, regarding the death of CMW did not warrant an in-person investigation.
- G. The Resource Family Approval CSW who approved the resource parent's home did not clearly document what was reviewed, considered, assessed, and/or determined as part of her evaluation of the resource parent's child welfare history. Based on what is recorded, it is

unknown what the CSW knew and what was addressed with the resource parent prior to the approval of her home.

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

**A. 1. Warrant Refresher Training**

The ER CSW is no longer under the employ of DCFS, but the ER Supervising Children's Social Worker (now Assistant Regional Administrator) completed the Warrant Refresher Training on October 3, 2025.

**2. Detention Review Analysis (DRA)**

As part of County Counsel's DRA program, when County Counsel becomes aware that a detention has not been conducted in accordance with DCFS removal policies, they are available to facilitate in-person briefings with the assigned CSWs, SCSWs, and ARAs to review the detention report and cover specific warrant-related issues. As a group, the attendees discuss what details could have been included to convey legally sufficient or critical information and engage in fact-specific discourse to spot safety factors, risk issues, and whether obtaining a warrant would have been feasible under the circumstances. County Counsels also discuss civil liability and provide the CSWs, SCSWs, and ARAs with additional training materials, including risk assessment flowcharts and a warrant related Frequently Asked Questions memorandum.

Moving forward, the DCFS Office of Litigation Management will refer workers, supervisors, and managers involved in warrant/removal related civil actions to the DRA program for individualized training and consult with County Counsel.

**B. 1. Identifying and Contacting Relatives Policy Updates**

The Department recently revised two policies to reinforce the practice of relative search and engagement.

On August 7, 2025, DCFS issued policy entitled Family Finding and Engagement Program (0080-507.22), indicating that all children who meet the criteria for the Upfront Family Finding (UFF) Program must be referred to UFF by the detaining CSW within three but no later than 14 business days of detention. Children detained on a hospital hold; children detained and placed with relatives and/or NREFMs; children detained at-large; and children placed in foster care must be referred.

On August 13, 2025, DCFS issued policy entitled Identifying and Notifying the Court of Recurring Efforts to Locate Relatives and Nonrelative Extended Family Members (NREFMs) (0300-508.30), which now includes language regarding Assembly Bill (AB) 2929. Per AB 2929, social workers must include descriptions of all efforts to identify and locate family members in court reports, for the court to determine at every hearing whether social workers have continued to make appropriate efforts to locate and contact all relatives and NREFMs.

**C. 1. Placement Capacity Approvals Procedure Revision**

The Department is presently evaluating data to determine if this was an isolated incident, or whether there is a broader practice issue related to ARAs providing little or no documentation for their basis in approving placement capacity increases and/or exemptions. Notwithstanding, the Department management will provide the involved ARA with coaching and stress the importance of policy compliance and promotion of best practices. The Department will also work with its Information Technology Services Bureau to enhance the Foster Care Search System with technical safeguards so that all requisite factors are considered, evaluated, and recorded before placements/replacements can be pursued and finalized.

**2. Placement Capacity Approvals Policy Update**

On April 14, 2023, DCFS policy Placement Capacity (0100-510.10) was updated and now reflects that once placement is selected, the placing CSW must identify and list in the Child Welfare Services/Case Management System (CWS/CMS) Contact Notebook the names of all children age birth to 18 living in the home.

**D. 1. California Department of Social Services (CDSS) All County Letter (ACL) 21-80**

On September 7, 2021, the DCFS Policy Institute issued correspondence via email to all Department staff alerting them of CDSS's ACL 21-80 and its impact on the previous COVID-19 related exemptions, waivers, and changes. The message expressly indicated waivers and flexibilities for monthly caseworker visitation were effective through July 31, 2021, and that all existing statutory, regulatory, and written guidance were reinstated thereafter, "without exception." It further listed the ACLs that ACL 21-80 superseded, which until July 31, 2021, allowed for caseworker visits to be accomplished through videoconferencing rather than in-person, on a case-by-case basis.

On September 22, 2025, Department management issued communication citing ACL 21-80 and reiterated to all staff that COVID-19 related waivers and flexibilities were revoked in July 2021.

**E. 1. RFA Rescission of Resource Parent**

On January 24, 2023, RFSD placed a hold on the resource parent's home, blocking the future placement of any children under her care.

On or about April 27, 2023, the Department issued a Notice of Action to the resource parent indicating her home approval was rescinded as a result of her failure to provide satisfactory evidence of compliance with all Resource Family Approval requirements.

**2. Safe Sleeping Practices for Infants**

The Department understands the importance of safe sleeping practices and has been on a decade-long campaign to share information and tips on safe sleeping. In July 2018, the Policy Institute issued a For Your Information bulletin titled "Safe Sleeping Practices for Infants" for its staff, to equip them with critical knowledge for sharing with parents and caregivers alike. More recently, the Department's Continuous Quality Improvement Department has been sharing pertinent information with the DCFS workforce through its work on/with Young Children in Care. In addition, on October 14, 2025, the Department updated and reissued its Lessons Learned bulletin on Safe Sleeping Practices for Infants, stressing the importance of promoting safe sleeping practices. Regional Administrators (RAs) and Division Chiefs (DCs) were also provided with a "Safe Sleep Saves Lives" flyer for distribution to field staff, families, and other members of the public.

**F. 1. Hotline Tools Foundation Training**

The Department is developing a training module to review, reinforce, and support core CPH policies, protocols, and practices. The rollout will follow immediately after module finalization.

**G. 1. Child Welfare History Review in Resource Family Approval Process**

The Resource Family and Approval Division (RFAD) will provide written instructions to RFA CSWs on what to document when it comes to child welfare history searches. The instructions will cover what the searches yielded; what concerns there were (if any); what rehabilitative or mitigating factors were considered; and what the ultimate decision was with respect to evaluation and approval. The RFAD will also develop oversight measures to ensure fidelity to the documentation plan.

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

- Yes – The corrective actions address department-wide system issues.  
 No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Veronica Pawlowski	
Signature: 	Date: 12/31/25

Name: (Department Head)	
Brandon T. Nichols	
Signature: 	Date: 01/02/26

**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)	
Betty Karmirlian	
Signature: 	Date: 1/6/26