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O.C. mother gets \$4.9 million in custody case

Seal Beach woman contended that social workers improperly removed two daughters from her care, and jury agrees.

By Christopher Goffard, Times Staff Writer
March 28, 2007

A Seal Beach woman who says social workers improperly wrested her two young daughters from her custody has won a \$4.9-million verdict against the Orange County Department of Social Services.

Authorities on Tuesday described it as possibly the largest loss of its kind in the agency's history.

Deanna Fogarty-Hardwick, the mother, alleged in a lawsuit that in February 2000 social workers "intentionally misinformed the court" that she told her children, who were 9 and 6, that their father was trying to take them away from her.

Her lawyer, Shawn A. McMillan, said that led to the court's decision to remove the children and place them in Orangewood Children's Home for a month and for another two months in foster care. In the two years after that, he said, the children remained in the custody of their father, with monitored visits from Fogarty-Hardwick. He said the parents now have joint custody of the children.

According to the lawsuit, social workers later failed to tell a judge that the children were emotionally distressed during their stay at the children's home and in foster care, prolonging their separation from their mother. McMillan said a supervisor with the agency ruled against the children's placement with relatives without legitimate grounds.

The civil trial has been underway for seven weeks in the courtroom of Superior Court Judge Ronald Bauer, where last Friday the jury awarded damages against the social services agency and two social workers. Tuesday the jury awarded an additional \$5,900 in punitive damages, McMillan said.

"They thought it was important to send a message to other social workers," she said after talking with jurors.

Michael Riley, director of the department's children and family services division, said he was "taken aback" at the size of the verdict and knew of nothing as large in the agency's history. "As far as I can recall," he said, "it's unprecedented."

Riley said he stood behind the social workers named in the suit and that they would keep their jobs. "We just do not remove children based on innuendo or malice," Riley said, declining to discuss the specifics.

Fogarty-Hardwick would not comment for this story.

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