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O.C. may fight \$4.5 million award

Jury decided woman's children should not have been taken away from her by Social Services.

By PEGGY LOWE
The Orange County Register

The Orange County Board of Supervisors may decide today whether the county will fight a record-breaking legal judgment it lost to a mother who said the Department of Social Services violated her parental rights.

At stake is a \$4.5 million award decided by an Orange County Superior Court jury in March that found social workers fabricated negative evidence against Deanna Fogarty-Hardwick of Seal Beach.

The panel said Fogarty-Hardwick's right to raise her children free of governmental interference had been violated and it also found the county negligent because it didn't provide adequate training and supervision.

Attorneys for the county wouldn't return phone calls seeking comment. The issue is on the supervisors' agenda and will be heard in closed session, meaning reporters and the public are barred from hearing the debate, which is standard when the board deals with legal cases.

Shawn McMillan, Fogarty-Hardwick's lawyer, said he expects the county to appeal the case. Since the jury's decision, he's heard from hundreds of people who have had problems with local social services departments.

"They say, 'You mean people actually can beat the government?' I tell them, 'Yes, you can,' " McMillan said. "If (supervisors) let (the decision) stand, they're giving hope to thousands of potential litigants."

The decision is believed to be the largest in the state and perhaps the country. Donnie R. Cox, an Oceanside attorney who represents parents whose children have been taken by child protective services agencies, said the only case that came close to Orange County's precedent was in Georgia. In that case, a Georgia parent was awarded more than \$2.5 million because of social workers' decisions.

Social workers are supposed to take children from a family setting only if the children are in danger of imminent physical harm, Cox said. The cases are often difficult to prove, he said,

because they involve juveniles and decisions are made in secret.

"We deal with the departments throughout the state and this is an especially egregious case," Cox said. "There is no doubt in my mind that the social workers overstepped their bounds and the county should pay this case."

According to the lawsuit, social workers' fraudulent statements in 2000 lead a judge to remove Fogarty-Hardwick's two daughters, who were 9- and 6-years-old at the time, from their parents. The girls were placed in Orangetown Children's Home for a month and then in foster care for two months.

Because of the social workers' testimony and later coverup, the lawsuit said, the children were placed with their father and Fogarty-Hardwick received very limited contact for six years. Fogarty-Hardwick won 50-50 custody of her daughters in June 2006.

Along with the \$4.5 million against the county, the jury's verdict also included \$2,000 in punitive damages to the lead social workers and \$4,000 against her supervisor.

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