



County of Los Angeles DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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FOR IMMEDIATE RELEASE
October 18, 2010

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DCFS Releases Information on 20 Child Fatalities, Dating Back to January 1, 2008

(LOS ANGELES, October 18, 2010) – Today, continuing efforts to provide transparency and enable public oversight of the LA County Department of Children and Family Services (DCFS), Director Trish Ploehn made available specific information allowable by law relating to 20 tragic child fatalities dating back nearly three years. The information release was authorized based on the reclassification of 20 child fatalities under SB39, a law that went into effect on January 1, 2008.

SB 39 allows for the release of limited information about certain child deaths. Where there is a reasonable suspicion that a child's death was caused by abuse or neglect, an initial release of specific information is made by DCFS upon request by a member of the public. If any of three agencies – DCFS, law enforcement or the coroner – later determine that the child's death resulted from abuse or neglect, a broader release of information is made, provided it has been appropriately redacted and that law enforcement, the district attorney, and minors' attorneys do not object.

In August 2010, Michael Gennaco, chief attorney for LA County's Office of Independent Review (OIR), conducted a review of department policies relating to the release of child fatality information under SB 39. In the report detailing his findings, he confirmed an inconsistency in the process through which determinations were made about the eligibility for release of case information under SB 39. However, Mr. Gennaco made clear that this inconsistency was not the result of an attempt by the department to hide information. In fact, as he stated in his report:

It should be noted that during OIR's review, it received no information to believe that this alleged inconsistent approach in assessing child fatalities between different components of DCFS was either intentional or designed (OIR report, page 5, emphasis added).

Having addressed the inconsistency and following up on Mr. Gennaco's recommendations, the initial release of information on 34 cases was made by DCFS to the public on September 28,

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2010. Of those 34 cases, 3 do not at present meet the criteria for the second broader release of information because none of the 3 agencies (DCFS, law enforcement, Coroner) determined that the child's death was caused by abuse or neglect.

Of the remaining 31 cases that meet the criteria for the second release of information under SB 39, redacted copies of documents were provided to law enforcement and district attorneys in an effort to minimize the likelihood that those agencies would object to release, as was recommended by the Office of Independent Review in its August 30th report. In each of the cases, children's counsels were also appropriately notified, as required under SB 39.

As a result of these efforts, including the comprehensive multi-agency review process, of the 31 cases, 20 cases have been made available for immediate release. Formal law enforcement, district attorney and/or counsel objections prevent the release of 10 of the cases at this time and one case is currently being redacted for imminent release.

The release of information on these cases, at this time, constitutes the totality of case information that is legally releasable at this time. The department's fatality review process continues to be fluid and ongoing. Should the department receive new information from law enforcement or the Coroner's office pertaining to any ongoing investigations, additional reclassifications under SB 39, and consequent further release(s) of information are possible in the future.

DCFS Director Ploehn made the following statement regarding the information release:

"I take very seriously the responsibility to be transparent and to enable public oversight of the department's work, including the reporting of information on tragic child deaths to the extent allowable by law.

"Under SB 39, information is to be released within specific timelines, the broader second release of information within 10 business days of a request or the disposition of a case, whichever is later. The current information release is the result of a reexamination of child deaths reaching back nearly three years. It was a laborious process which involved considerable staff time and effort. Previous determinations were revisited and compared against information located in cases involving other children, including information which may have been received many months after the child's death. In those instances where a case was determined to fall within SB 39, the documents were gathered, redactions made to thousands of pages of records, and law enforcement officers, district attorneys and minors' attorneys consulted.

"Due to the fluid nature of these determinations and the large number of cases to be processed, the release of these files has taken longer than we had hoped – and the public has consequently had to wait longer than we would have liked. We are implementing processes so that, moving forward, we are able to release information to the public, when requested under SB 39, in prescribed timeframes.

"I want to thank the dozens of DCFS staff and others who have worked diligently to ensure consistency in our reporting of child fatalities under SB 39 that have occurred since January 2008. We continue to implement the remainder of Mr. Gennaco's recommendations and continue to review cases on an ongoing basis to identify lessons learned, areas of improvement, and ways that we can keep making the department even more accessible, transparent, and open to oversight by the public.

“Most importantly, I want to extend my condolences to the families and others who loved and lost these children. I know that reliving, in any way, the loss of their loved ones is extremely trying and immensely saddening. I commit my department to continuing to do everything in our power to support families to keep children safe.”

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About DCFS

DCFS is one of the nation’s largest public child welfare agencies, also encompassing the largest public adoption agency in the country. The department serves over 32,000 children on any given day, and each year receives over 160,000 calls to its child protection hotline. With public private and community partners, DCFS’ mission is to provide quality child welfare services and supports so children grow up safe, healthy and educated and with permanent families.

DCFS serves all of Los Angeles County which covers over 4,800 square miles, including 88 cities and 81 school districts with 10.5 million residents, representing 28% of California’s population, 3% of the nation’s population and exceeding that of 42 states. LA County’s population is one of the most diverse in the world, speaking a multitude of different languages. Of Los Angeles County’s population, 25% is under the age of 18.

Please report suspicion of child abuse or neglect in L.A. County by calling 1-800-540-4000.