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SUPPLEMENTAL HAND-OUT FOLLOWING PRESS CONFERENCE

**PRESS CONFERENCE: WEDNESDAY, AUGUST 6, 2014, 10:00 A.M. AT
HADSELL STORMER, et al., 128 N. FAIR OAKS AVE, PASADENA, CA 91103**

Re: *Advokids, et al. v. Los Angeles County Department of Children and Family Services*

PLAINTIFF HEATHER WHELAN'S STORY

Baby “J” was placed with her big sister “N” into Heather Whelan’s foster home in 2014.

N—a profoundly abused and neglected child who had never met any of her many siblings—was ecstatic to have a baby sister come to stay. N immediately formed a loving and very demonstrative relationship with baby J, captured on videotapes and photos.

When J was six months old, DCFS suddenly removed her from Heather’s care while Heather was at work. Big sister N was in kindergarten that day, blissfully unaware her sister had been taken away. No good-byes were allowed. No visits were planned. All of J’s belongings (including her special doctor-prescribed formula) were left behind. Within a week, J became seriously ill.

Prior to J’s removal, no 7-Day notice of planned removal was given, and no grievance form or grievance procedures were given to Heather Whelan. This removal happened on the very day (March 26, 2014) that DCFS implemented and published revised internal procedures governing removals of foster children—revisions that had been negotiated by Advokids with DCFS. Under the new procedures, none of this was supposed to happen.

When N came home from school and learned her little sister had been taken away, she fell apart. She regressed into her old behaviors. Night terrors and bedwetting resumed. At school, her behavior was noted by the teacher to have changed dramatically. Confident, cheerful N was now misbehaving, withdrawn, angry and aggressive toward other children.

With help from Advokids, Ms. Whelan quickly obtained de facto parent status and began advocating in court for the children’s needs. The court ordered sibling visitation for the girls.

Ms. Whelan submitted a grievance to DCFS (using her own home-made version of the grievance form since one had not been provided by the CSW and DCFS refuses to make the form available to the public), and demanded a review of J's removal. A grievance review was scheduled by DCFS but never held.

Heather Whelan learned the hard way, and only after-the-fact, that she had legal rights. By checking with Advokids and an attorney, she learned she's been entitled for the past seven years to advance written notice of court hearings in her foster children's court cases. She can recall getting only two such notices. She's cared for approximately 20 foster children.

She also knows now that she was entitled to have help from DCFS submitting written information to the judges hearing her foster children's cases. The law requires DCFS to give foster parents a form for that purpose before each regularly scheduled court review hearing, the "Caregiver Information Form"—and DCFS must assist foster parents who need help filling out the form. In her seven years of caring for DCFS children, Ms. Whelan has never been given the form or offered help with it.

Ms. Whelan knows her rights today. And she knows the exercise of those rights is critical to ensuring that judges get the information they need to make the best decisions possible and to keep kids safe.

For exercising her rights, Ms. Whelan has been marginalized and mistreated. The social worker now treats her like she is invisible. Which, Ms. Whelan says, is exactly how it feels to be a foster parent.

ADVOKIDS

The lead plaintiff in the lawsuit is the organization Advokids ("Advokids"), a nonprofit headquartered in Corte Madera, California, with a branch office in Los Angeles County. It was founded by attorney Janet Sherwood, one the nation's leading specialists in child welfare law. The organization's executive director is Margaret Coyne, a former children's attorney from San Francisco.

Advokids operates an informational website (Advokids.org) and a telephone hotline (1-877-ADVOKID) to provide free legal and procedural information and referrals for children's caregivers, relatives, volunteers, social workers, children's attorneys, and anyone concerned about a child in foster care in California. The organization promotes public awareness of the needs of foster children for safety, security, and placement stability, mental and physical health. The organization advocates for improved standards of practice in juvenile courts and improved access to juvenile courts for foster child advocates. For the past few years, Advokids and attorney Deborah Dentler attempted to negotiate with DCFS to remedy the problems Advokids identified. In 2013, DCFS revised a few provisions of its procedural manual following pressure from Advokids, but declined to correct the most egregious practices.

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