



# County of Santa Cruz<sup>0063</sup>

## OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 96060.4069  
(831) 464-2040 FAX: (831) 454-2115

SA MUEL TORRES, JR., COUNTY COUNSEL

CHIEF ASSISTANT  
DEBORAH STEEN

### Assistants

Harry A. Oberhelman III	Pamela Fyfe
Marie Costa	Ellen Aldridge
Jane M. Scoff	Kim Baskett
Rahn Garcia	Lee Gulliver
Tamyra Rice	Dana McRae

## GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda August 1, 2000

To: Board of Supervisors

Re: Claim of Mary R. DeCoite, No. 900-148

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

1. Reject the claim of \_\_\_\_\_ and refer to County Counsel.  
X
2. Deny the application to file a late claim on behalf of Mary R. DeCoite, No. 900-148 and refer to County Counsel.
3. Grant the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.
4. Approve the claim of \_\_\_\_\_ in the amount of \_\_\_\_\_ and reject the balance, if any, and refer to County Counsel.
5. Reject the claim of \_\_\_\_\_ as insufficiently filed and refer to County Counsel.

cc: Cecilia Espinola, Administrator  
Human Resources Agency

### RISK MANAGEMENT

By Janet McKinley

### COUNTY COUNSEL

By Muel Torres Jr.

90D-148

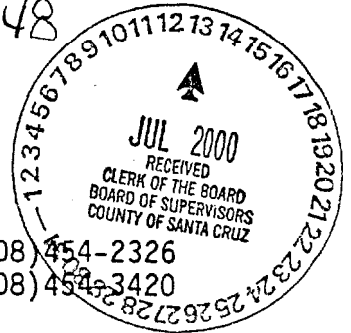
APPLICATION FOR LEAVE TO FILE

A LATE CLAIM, PURSUANT TO SECTION 911.4

OF THE GOVERNMENT CODE

TO: **BOARD OF SUPERVISORS**  
**CLERK OF THE BOARD**  
701 OCEAN STREET, ROOM 500  
SANTA CRUZ, CA 96060

PH. (408) 454-2326  
FAX (408) 454-3420



0064

Mary R. DeCoite hereby makes application for leave to present a late claim founded on a cause of action for <sup>Removal of my grandson by CPS from his</sup> ~~home without notification to my son & myself, & for their involvement in guardianship without our notification.~~ which occurred on 9/97, 2/98 & 3/98

and for which a claim was not presented within 6 months (for death, injury to personal property or person or crops); or 1 year (any other cause of action) by Section 911.2 of the Government Code. For additional circumstances relating to the said cause of action claimant refers to and hereby incorporates by reference the proposed claim attached to this application.

Claimant hereby sets forth the following reasons why said claim was not timely presented See Attached

Said application is being presented within a reasonable time after occurrence of said cause of action, not to exceed one year from the date of the occurrence giving rise to the claim

WHEREFORE, claimant respectfully requests that said application be granted pursuant to Government Code 911.6 and that said claim which is hereby attached, be received and acted on in accordance with Sections 910 et seq., of the Government Code of the State of California.

DATED 7/6/00

CLAIMANT

Mary R. DeCoite

- I. Because CPS did not notify my son and I when they, 1) removed Eric from the custody of his mother and step-father (approximately September of 1997), and 2) when they made the recommendation and facilitated the McGuires becoming legal guardians. We did not find out where Eric was until we were able to locate his homeless mother (when she became incarcerated), and subpoena her to appear in court on April 5, 1999 to disclose Eric's whereabouts and the guardianship. We weren't fully aware of CPS's involvement until our lawyer finally obtained the CPS file from the Santa Cruz CPS County Council in late June of 1999. He had previously made several attempts to obtain the file, but was told there was no file.
- II. In the summer of 1999 my son told me of an article in the Santa Cruz newspaper about a person that was suing Santa Cruz CPS for a mishandled matter. The next month he read that the party lost the law suit, and their lawyer got into legal trouble for disclosing information he had obtained from the CPS file. I didn't want our lawyer, Martin Nichols, to get into legal trouble, so I hesitated to pursue a law suit. When we found that we had to pursue visits through the Contra Costa County court, I obtained a lawyer in Walnut Creek who found no problem with using some of the information in the CPS file in the moving papers (attached).
111. I also registered a verbal complaint with Andy Shifron of the Santa Cruz Board of Supervisors. He asked that I speak with Mark Lane about the matter, and if I wasn't satisfied with his help to get back to him. Mark looked into the matter and then left a message on my answering machine that CPS was not involved in the guardianship, and that I should contact the Probation Department because they were the ones involved. I wasn't able to talk with him, so I left a message on his answering machine that I had documents from the CPS file proving that CPS was involved and to please call me back. When he didn't return my call, I called back to find that he no longer worked for Child Welfare. I was referred to Lynn Coyle who said she would look into the matter. She did and then called to apologize for all that we had been through. She also asked me if there was anything she could do for me. I told her that, 1) I called to bring this to her attention to see if she could rectify the matter by including visits with Eric for my son with me supervising, as had been set up by Gladys Anderson for Eric's mother and step-father (see attached); 2) I wanted to make sure no one else will ever have to go through the agony of what we have been through; and 3) I asked her if there was any way of being reimbursed for the private investigators and legal expenses and for all the pain and suffering my son and I have been through. Her answers were, 1) If the guardianship had been granted in Santa Cruz County the plan could have been modified, but since it was granted in Contra Costa County she couldn't help me, unless there was something she could provide my lawyer or myself from the CPS file to assist in my Contra Costa County case; 2) She assured me that CPS diligently notifies all parents, grandparents, aunts and uncles of any removal of children from their homes, and didn't know how we had been omitted from

this process; and 3) She informed me that I could file a claim against Santa Cruz County through the Risk Management Department. She also told me that if the claim was denied, I could file a civil law suit, but the first step had to be filing a claim with Santa Cruz County.



HUMAN  
RESOURCES  
AGENCY  

---

COUNTY OF SANTA CRUZ

ADULT, FAMILY & CHILDREN'S SERVICES DIVISION

0067

☐ 1400 Emeline Avenue  
Santa Cruz, CA 95060  
(408) 454-4222  
Fax: (408) 454-4717

☐ 420 Main Street  
Watsonville, CA 95076  
(408) 763-8118  
Fax: (408) 763-8590

☐ 1400 Emeline Avenue  
Santa Cruz, CA 95060  
(408) 454-4600  
Fax: (408) 454-4610

June 1, 1998

Mike and Debbie McGuire  
Dick and Gail Odgers  
David and Cherry Wilkinson

Dear: Mike and Debbie, Dick and Gail, David and Cherry

As I am closing the case in Child Protective Services in Santa Cruz county, I want to express my sincere appreciation for all of your help and cooperation in providing a safe, healthy and loving environment for Eric, Alexander and Leila. Without your commitment and financial support this plan would not have been possible.

Due to Tasha and Andy's inability to care and provide for the children CPS got involved. To prevent placement in foster care of Eric, Alexander and Leila, Mr. and Mrs. McGuire became the caretakers of the children and Mr. and Mrs. Odgers took on the financial responsibility for their care. Tasha and Andy agreed to a long term plan of guardianship for the children.

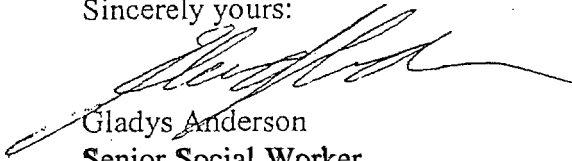
Mr. and Mrs. McGuire became the legal guardians of the children and will care for them until the parents address their substance abuse, demonstrate that they have a drug free life and are able to care for and support themselves. They must also be capable of supporting and meeting the childrens' needs in a safe, protective and loving environment. When Andy and Tasha, or one of them, reach that point it has been agreed by all of you that the guardianship will end and custody will return to the parents, or if only one has demonstrated ability to care for the children, to that parent. After the guardianship ends it is expected that the McGuires will have a continuing and close relationship with the children.

7

Any change to the above guardianship must have the consent and agreement of Mike and Deborah McGuire, Dick and Gaile Odgers and David and Cherry Wilkinson,

If you have any questions or need any assistance, please do not hesitate to contact me.

Sincerely yours:



Gladys Anderson  
Senior Social Worker



HUMAN.  
RESOURCES  
AGENCY

COUNTY OF SANTA CRUZ

ADULT, FAMILY & CHILDREN'S SERVICES DIVISION

0069

☒ 1400 Emeline Avenue  
Santa Cruz, CA 95060  
(408) 454-4222  
Fax: (408) 454-4717

☐ 12 West Beach Street  
Watsonville, CA 95076  
(408) 763-8850  
Fax: (408) 763-8888

☐ 1400 Emeline Avenue  
Santa Cruz, CA 95060  
(408) 454-4600  
Fax: (408) 454-4610

March 1998

The purpose of this plan is to provide a safe, and protective environment for Eric, Alexander and Leila and make it possible for the children to have a contact with their parents. Without jeopardizing the progress that Eric, Alexander and Leila have been making since placed under the care of Mr. and Mrs. McGuire, the undersigned agree to the following:

1. Mr. and Mrs. McGuire will facilitate a two hour monthly visit between Tasha and Eric, Alexander and Leila.
2. Mr. and Mrs. McGuire will facilitate a two hour monthly visit between Andy and Eric, Alexander and Leila.
3. Gail and Dick Odgers, will be responsible for supervising the two hour visit between the children and Andy.
4. Cherry and David Wilkinson will be responsible for supervising the two hour visit between the children and Tasha.
5. Visit between Eric, Alexander and Leila and the parents, will take place away from the McGuire's residence.
6. Gail and Dick Odgers will pick the children at the McGuire's home, transport them to the visit with Andy and return them back to the McGuire's home after the visit.
7. Cherry and David Wilkinson will pick the children at the McGuire's home, transport them to the visit with Tasha and return them to the McGuire's home after the visit.
8. Mr. and Mrs. McGuire will facilitate weekly telephone contact between Tasha and Eric, Alexander and Leila. Telephone call to take place Mondays between 6:30pm and 7:30pm.
9. Mr. and Mrs. McGuire will facilitate weekly telephone contact between Andy and Eric, Alexander and Leila. Telephone calls to take place Mondays between 6:30pm and 7:30pm.
10. If any concerns come up, Mr. and Mrs. McGuire, Mr. and Mrs. Odgers, Mr. and Mrs. Wilkinson, Tasha and Andy know to contact Gladys Anderson at: (408) 454-4369

Mike McGuire

Deborah McGuire

Dick Odgers

Gail Odgers

Cherry Wilkinson

David Wilkinson

Gladys Anderson