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Judicial Decision Paves Way For Families in Foster Care System

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FOR IMMEDIATE RELEASE:

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LOS ANGELES — JUNE 14, 2012 — A California Superior Court issued a final judgment yesterday that dramatically improves families' rights in the foster care system. In *Harris, et al. v. California Department of Social Services et al.*, a team of lawyers from O'Melveny & Myers LLP and The Alliance for Children's Rights, together with students in the USC Gould School of Law's Access to Justice Practicum, challenged a policy of the California Department of Social Services (CDSS) that prevented individuals who were found to be ineligible to serve as foster parents to family members from appealing that decision to an independent judge.

Despite the fact that non-relatives have long had a right to appeal adverse home approval decisions to an independent judge, CDSS has for years enforced a policy prohibiting relative applicants from appealing the same types of decisions. The policy had a major impact on families in California, as nearly one-third of all foster care placements in 2010 involved relatives caring for the children of family members. Today's court decision requires the state to extend hearing rights on equal terms to all applicants denied home approval and provides an important avenue for correcting erroneous county-level decisions.

"This is an important step towards ensuring equality for relatives seeking to become foster parents for family members in the foster care system," said Laura Streimer, the Legal Director of The Alliance for Children's Rights, which provides free legal services and advocacy to children and caregivers in Los Angeles County.

O'Melveny acted as pro bono counsel for the plaintiffs after The Alliance and USC law students identified the inequality on the state's policies. One of the petitioners, Renee Travis, applied for placement of her two grandchildren after they were removed from their mother's custody in early 2009. She was initially approved by the Department of Children and Family Services, but later denied because of her husband's criminal record. Even after her husband moved out of the family house, she was told she would not be allowed to care for her grandchildren unless she obtained a divorce. Under the policy struck down yesterday, she had no way to appeal this decision to an independent judge.

Yesterday's decision will provide family caregivers an opportunity to appeal adverse home approval decisions to an independent judge. "The decision could affect hundreds of families every single year, marking a significant change to an important policy," said Robert Swerdlow, an O'Melveny counsel who led the legal efforts. "We were delighted to work with The Alliance and USC and are extremely proud of the outcome."

O'Melveny's team includes partner Scott Voelz, counsel Swerdlow, and associates Sarah Rutledge, Katie Keitges, and Adrian Pollner. In addition to USC law professor Clare Pastore, two former USC law students, Meghan Field and Michael Thompson, worked on the case.

The state has 60 days to appeal the decision.

If you would like to speak with someone from O'Melveny, The Alliance, USC, or one of the families involved, please contact Julie Fei, Elizabeth Lott, or Gilien Silsby at the numbers listed above.

About O'Melveny & Myers LLP

With approximately 800 lawyers in 15 offices worldwide, O'Melveny & Myers LLP helps industry leaders across a broad array of sectors manage

the complex challenges of succeeding in the global economy. We are a values-driven law firm, guided by the principles of excellence, leadership, and citizenship. Our commitment to these values is reflected in our dedication to improving access to justice through pro bono work and championing initiatives that increase the diversity of the legal profession. For more information, please visit www.omm.com.

About The Alliance for Children's Rights

The Alliance for Children's Rights is a nonprofit legal services program that protects the rights of impoverished and abused children and youth throughout Los Angeles County. Staff attorneys, in partnership with pro bono attorneys, work to secure many needed services so that these children have safe, stable homes, health care and the education they need to thrive. Since its founding in 1992, The Alliance has assisted over 100,000 children and youth to ensure their connection to a safer, brighter future.

About USC Gould School of Law's Access to Justice Practicum

The Access to Justice Practicum offers four students annually the opportunity to work with a nonprofit community partner and Professor Clare Pastore, a longtime public interest lawyer, on important issues involving civil rights, poverty law, or access to justice for low-income people. Projects since the inception of the Practicum in 2008 have included litigation, amicus briefs, drafting of legislation, and production of white papers and other reports. Community partners have included The Alliance for Children's Rights, Bet Tzedek Legal Services, Disability Rights Legal Center, California Rural Legal Assistance, the American Civil Liberties Union, the Wage Justice Center, and the National Health Law Program.

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