

FOR IMMEDIATE RELEASE

March 24, 2007

ORANGE COUNTY JURY FINDS CPS WORKERS AND AGENCY  
LIABLE TO MOTHER FOR \$ 4.9 MILLION IN COMPENSATORY  
DAMAGES PLUS PUNITIVE DAMAGES TO BE DETERMINED.

RE: ***FOGARTY-HARDWICK v. COUNTY OF ORANGE, ET AL.***  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE  
Case No. 01CC02379 (Trial before Hon. Ronald L. Bauer, Dept. CX103)

On March 23, 2007, the Orange County Social Services Agency and two of its Social Workers, Marcie Vreeken and Helen Dwojak were found liable for violating the parental rights of Deanna Fogarty-Hardwick, as guaranteed under the Fourth and Fourteenth Amendments to the United States Constitution. The jury found 10-2 in favor of the Plaintiff and awarded \$4.9 million in economic and non-economic damages. The punitive damages phase of the trial will begin on Tuesday, March 27, 2007.

The verdict follows the filing of a civil suit for civil rights violations by Deanna Fogarty-Hardwick, a mother of two minor children, against the Orange County Department of Social Services and three of its social workers. The Plaintiff Deanna Fogarty-Harwick sued defendants County of Orange, Orange County Social Services Agency, Marcie Vreeken, Elaine Wilkins, and Helen Dwojak.

The Jury found against the Plaintiff and for Defendant Elaine Wilkins, by a 10-2 jury vote.

This case was brought by Plaintiff against Defendants to recover damages arising from Defendants alleged violations of Ms. Fogarty's constitutional rights to raise and associate with her children, free from governmental interference.

Ms. Fogarty-Hardwick alleged that social workers Marcie Vreeken, Elaine Wilkins, and Helen Dwojak caused Ms. Fogarty-Hardwick's children to be removed from her custody without cause, and continued to detain them without cause, violating Ms. Fogarty-Harwick's Constitutional right to familial association. Ms. Fogarty-Hardwick alleged that these defendants, while working as social workers for Orange County Social Services, intentionally fabricated evidence to obtain a court order to detain Ms. Fogarty-Hardwick's two young daughters on February 17, 2000. Ms. Fogarty-Hardwick also alleged that Orange County Social Services, Marcie Vreeken, Elaine Wilkins, and Helen Dwojak

maliciously failed to provide the court with exculpatory information, and filed false reports in furtherance of the effort to keep Ms. Fogarty-Hardwick separated from her children.

The second civil rights claim alleged that the policies, practices, or procedures employed by Orange County Social Services and the County of Orange in the removal of Plaintiff's children from her care also violated Ms. Fogarty-Harwick's constitutional rights, under the Fourth and Fourteenth Amendments to the United States Constitution, and to raise and associate with her children free from governmental interference. The unlawful policies, practices or procedures pertained to the detention of children without a finding of imminent danger or serious physical injury; interviewing children without a parent present; continuing detention after learning there was no basis to do so; using trickery and fabricated evidence; and failing to adequately train employees regarding the Constitutional rights of parents.

Lead trial attorney Shawn A. McMillan states "My client Deanna Fogarty-Hardwick, is satisfied by the Jury's recognition of the harm that the defendants caused her. But, obviously, no amount of money can ever undo the damage inflicted upon Ms. Fogarty-Hardwick or her children. We expect the Jury's 4.9 million dollar verdict will cause the County of Orange and its Department of Social Services to implement procedures to prevent future abuses by County social workers and protect other families."

[San Diego Lawyer Shawn A. McMillan, of the Law Offices of Shawn A. McMillan](#), was trial counsel in the case. Attorney [Sondra S. Sutherland](#) was co-counsel.

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