



CALIFORNIA

## Deemed 'too broken to fix,' San Bernardino County child services is sued on behalf of nearly 6,000 kids



San Bernardino County Children and Family Services is facing a federal class-action lawsuit that alleges the agency failed to protect children in its care. Above, downtown San Bernardino. (Reed Saxon / Associated Press)

BY SALVADOR HERNANDEZ | STAFF WRITER

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A federal class-action lawsuit on behalf of more than 5,800 youths alleges San Bernardino County Children and Family Services, an agency that was deemed “too broken to fix” by a civil grand jury, failed to protect children under its care and at times placed them in danger.

The lawsuit filed Thursday morning claims that overburdened caseworkers are unable to perform required visits and inspections of foster homes, and that the agency fails to properly vet homes and families where children are placed, sometimes with dire consequences.

“In extreme cases, CFS has even placed children with known, registered sex offenders,” according to the lawsuit.

The lawsuit filed by [A Better Childhood](#), a nonprofit group that uses civil litigation to push reform in child welfare systems, seeks court intervention to mandate lower caseloads and require the agency to create procedures to keep foster children safe as well as plans to find them permanent homes. The suit also names the California Department of Social Services as a defendant.

“Child welfare systems don’t have to run as poorly as the San Bernardino child welfare system does,” said Marcia Lowry, director of A Better Childhood. “These kids’ lives have been wrecked by what’s happening in the system.”



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Officials with [San Bernardino County Children and Family Services](#) and the [California Department of Social Services](#) did not immediately respond to a request for comment.

The lawsuit comes five months after the San Bernardino County grand jury called for Children and Family Services to be [scrapped and replaced by a privately run center](#), calling the agency “too broken to fix.”

The scathing December report pointed out that the number of children who were physically and sexually abused while in the system increased every year from 2019 to 2021.

“The revelations that there are significant amounts of substantiated sexual abuse and physical abuse cases is eye-opening,” the grand jury wrote. “There are significant and alarming number of cases involving already traumatized children that come into the care of the CFS who have been further physically or sexually abused by a system that was created to protect them.”

In 2019, 34 children under the care of the agency were physically abused and 14 were sexually abused, according to the report.



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In 2020, 35 children suffered physical abuse and 27 were victims of sexual abuse, and in 2021, the numbers increased to 55 substantiated cases of physical abuse and 34 cases of sexual abuse, according to the grand jury.

San Bernardino Children and Family Services has faced high caseworker turnover and caseloads up to six times larger than recommended, Lowry said.

The [Child Welfare League of America](#) recommends caseloads of 12 to 15 foster children per staffer, but in 2022, caseworkers in San Bernardino were working with as many as 70 to 90 children, according to the suit.

Children spend an average of 551 days in custody of the San Bernardino County agency, the suit claims, about 104 days longer than the national average. Foster homes have failed to be properly vetted, and required meetings and inspections are instead “perfunctory” and “fly-by” visits, according to the suit.

The suit also alleges children have been placed in homes where they don’t speak the language of the foster family they’re being placed with.



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“Whether or not a child gets into a good foster home is a matter of serendipity, not a matter of design,” Lowry said. “I’m sure there are people in the system who want to do a good job and just don’t have the sources to do so.”

Although the grand jury found that the county agency had taken some action to address the rising number of abuse cases, it called many of the steps “reactive” and not meant to prevent abuse from happening in the first place.

The agency, for example, created an Open Case Investigation Unit to investigate cases of alleged abuse and hold meetings with law enforcement.

The grand jury alleged the agency lacks independent oversight.

“Presently, CFS has no local accountability, which allows them to operate behind an air of confidentiality,” the report reads.



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San Bernardino County Children and Family Services has been plagued with problems for more than 10 years, Lowry said, but despite blistering reviews and reports like those from the grand jury, little has changed.

“Nothing else is working,” she said about the decision to file the suit.

Based in New York, A Better Childhood has active cases in New York, New Jersey, Mississippi, Oregon, West Virginia, Alaska and Texas. Some previous lawsuits have resulted in federal mandates and federal oversight of welfare agencies.

“A lawsuit may be different because we want the court to really examine and look at the system very carefully,” said Polly Twill, whose firm, Sheppard, Mullin, Richter & Hampton, has taken the case pro bono. “We want to prevent disasters.”



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Salvador Hernandez is a reporter on the Fast Break Desk, the Los Angeles Times' breaking news team. Before joining the newsroom in 2022, he was a senior reporter for BuzzFeed News, where he covered criminal justice issues, the growing militia movement and breaking news. He also covered crime as a reporter at the Orange County Register. He is a Los Angeles native.