

✓ ^{CHILD PROTECTIVE SERVICES} Foster infant's death may draw civil suit

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SANTA CRUZ — The parents of an 11-day-old baby who died while in the care of a foster home will sue Santa Cruz County and foster-care provider Laura Herrero, attorneys announced Thursday.

"It's a tragic situation," said attorney Carol A. Moor. "It was gross negligence of the people involved here."

A wrongful death claim will be filed against the county in the next several weeks, said Gordon Salisbury, a Santa Cruz attorney who represents the baby's 32-year-old mother, Sylvia Blan.

Blan cried as Salisbury discussed the case, but declined to comment.

According to investigators, her newborn baby, Cedric Blan, died Aug. 2 of heat exhaustion after being left in the van in front of the Felton home of Jim and Winona Sherrick.

Reports indicate the baby may have been left in the van for more than four hours.

Herrero, the Sherricks' daughter and an employee of their foster home, was caring for the infant at the time, investigators said.

The grand jury indicted her on a charge of involuntary manslaughter in August, and the criminal case is pending in Superior Court.

Herrero, 21, has pleaded innocent to the charge.

Her case was before Judge Bill Kelsay on Thursday, and a pre-trial hearing was set for Feb. 7. Herrero's defense attorney, Stephen LaBerge, claims there is insufficient evidence to hold her to answer to a criminal charge.

Assistant District Attorney Christine McGuire said it is premature to discuss a settlement or dismissal of the case before the February hearing.

Herrero was not at Thursday's court hearing, which was witnessed by Sylvia Blan and attorneys Salisbury and Moor.

"We were here to monitor the criminal case," Salisbury said, adding, however, that the out-

come will not effect whether a civil suit is filed.

The primary cause of action in the suit will be that the county and Herrero acted negligently to cause the death of the baby, said Moor, who represents the baby's father, Jeffrey Blan.

The senior Blan is in County Jail on drug-related charges and is waiting for placement in rehabilitation facility, she said.

According to Moor, the county Child Protective Services will likely be identified in the suit.

The infant had been taken into protective custody because both parents were incarcerated.

He was born on the last day of custody for Sylvia Blan, who was serving a sentence at Central California Women's Facility in Chowchilla on a parole violation, Salisbury said.

After giving birth in Fresno, she returned to the prison for one day to check out, he said.

Blan then came to Santa Cruz expecting the baby to be returned to her. According to reports, she visited the baby twice before he died.