

VCF Child Protective Services RP 519

County protests liability in child sex abuse case

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County officials, in response to a lawsuit that they negligently placed a sexually abused child in a foster home where the child was again molested, are claiming that the county cannot be held liable for any damages done to the boy.

The victim, who was 14 at the time, is also seeking damages against his former foster mother, Rose Marie White, who plead guilty in 1992 to one felony count of lewd and lascivious acts involving a child. A second charge was dropped as part of a plea bargain. White admitted to twice having sexual intercourse with her foster child, according to Assistant District Attorney Bob Lee, who prosecuted the case.

White was given a 5-year suspended prison term and was ordered to serve a 180-day County Jail term. She was also ordered to register with law enforcement as a convicted sex offender, seek therapy, and not to seek employment or have unsupervised contact with anyone under the age of 18.

The case attracted media atten-

tion because County Child Protective Services had chosen White — who at her sentencing told the court of her traumatic past as a childhood victim of incest — because she specialized in caring for children placed in foster homes as a result of sexual abuse.

In addition to White, the victim's lawsuit names the Santa Cruz County Human Resource, Health Services and Child Protective Services agencies. The complaint, filed by plaintiff Attorney Sandra McCormack, alleges negligence on the part of these agencies in failing to properly see that the youth was placed in a safe and secure foster home, and for failing to adequately monitor the home after the boy was placed.

"The (county and its agencies) had a mandatory and statutory duty to care for the plaintiff and to protect him from physical and sexual abuse, neglect and exploitation," McCormack states in her complaint. "The (county and its agencies) should have known that Rose White was a particularly inappropriate and dangerous choice to be a foster parent ..."

County Counsel Dwight Herr, in his rebuttal filed this week, argued that public entities cannot be held legally liable for injury to children entrusted to their care.