

Orange County and Costa Mesa Agree to Conduct a Review of Policies Relating to the Removal of Children from Their Home



Fri Aug 7, 3:01 am ET

The County of Orange and the City of Costa Mesa recently settled a civil rights action brought by the mother and grandmother of a minor alleging the infant was removed from the family's home, without a warrant and in the absence of any emergency, in violation of the family's constitutional rights to familial association free from unwarranted government interference. The County of Orange and City of Costa Mesa, while denying the allegations of the complaint, agreed to pay a total of \$70,000 and conduct a comprehensive review of their child removal policies to settle the case.

San Diego, CA (PRWEB) August 7, 2009 -- Debbie and Angeline Balsitis, the mother and grandmother of an infant who was removed from their home and detained by Orange County Social Services for approximately nine days in August 2006, alleged that social workers, with the assistance of Costa Mesa Police, removed the child in the absence of probable cause and without first obtaining a warrant to do so. The Balsitis's also alleged that once the child was removed from the home, social workers intentionally fabricated evidence and suppressed material exculpatory evidence, among other things, as part of their effort to continue to detain the child.

The suit also alleged that the policies, practices, or procedures employed by the County of Orange and the Costa Mesa Police Department in the removal of the infant from her mother's care violated the family's constitutional rights, under the Fourth and Fourteenth Amendments to the United States Constitution. The alleged unlawful policies, practices or procedures pertained to the removal of children without first obtaining a warrant to do so; the removal of children absent evidence to support a suspicion of imminent danger or serious physical injury; continuing detention of children after learning there was no basis to do so; and, failing to adequately train employees regarding the Constitutional rights of parents and grandparents who have a long standing custodial relationship with their grandchildren.

Orange County, The City of Costa Mesa, and the Costa Mesa Police Department, all defendants in the case, denied any wrongdoing. As part of the settlement both Costa Mesa and Orange County agree to conduct a policy review to ensure their policies and practices pertaining to the removal of children comport with law.

Lead counsel Shawn A. McMillan states "Our clients are hopeful this case will prevent other families from being shoved into a similar circumstance without just cause. I expect the Defendant municipalities, particularly the Social Services Agency, to implement procedures to prevent future similar constitutional violations."

San Diego area attorney Shawn A. McMillan, of the Law Offices of Shawn A. McMillan, APC., was Plaintiffs' counsel in the case.

RE: Debbie Balsitis et al. v. County of Orange, et al.
United States District Court, Central District of California
Case No. SACV07-1418 JVS (RNBx)
Judge: Hon. James V. Selna

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