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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF SAN FRANCISCO**

20 **SHARON GOFAS,**) **CASE NO. CPF10-510581**
21)
22) **Petitioner,**)
23) **STIPULATION FOR**
24) **SETTLEMENT AND ORDER**
25) **v.**)
26) **CALIFORNIA DEPARTMENT OF**) **Dept: 301**
27) **SOCIAL SERVICES; JOHN A.**) **Judge: Hon. Peter Busch**
28) **WAGNER, Director, California**)
29) **Department of Social Services, in his**)
30) **official capacity,**)
31) **Respondents.**)

32 In this action, Petitioner SHARON GOFAS, a foster parent, challenged the actions of
33 Respondents CALIFORNIA DEPARTMENT OF SOCIAL SERVICES and JOHN A. WAGNER
34 (hereinafter collectively "Respondents" or "CDSS") in three respects. Petitioner alleged that
35 Respondents had unlawfully failed to pay retroactive foster care benefits for the care of her
36 grandson, had unlawfully denied her request for a rehearing after Respondents' administrative law

**ENDORSED
FILED**
San Francisco County Superior Court
MAR 23 2011
CLERK OF THE COURT
BY: MARJORIE SCHWARTZ-SCOTT
Deputy Clerk

1 judge upheld the denial of retroactive benefits, and was unlawfully denying rehearings to all who
2 requested them under Welfare & Institutions Code section 10960. Respondents deny these
3 allegations.

4 Whereas the parties now desire to avoid the expense, inconvenience, and uncertainty of
5 further litigation of this action, and have reached a mutually acceptable resolution of their dispute,
6 the parties, by and through their respective attorneys of record, hereby stipulate as follows:

7 (1). CDSS shall set aside its administrative hearing decision # 2009036201, dated October
8 8, 2009, insofar as that decision denies retroactive foster care benefits for Petitioner's grandson,
9 referred to as "EG" in the decision;

10 (2). Within thirty (30) days of the date the signed Court Order incorporating this
11 Stipulation is served upon Respondents, CDSS shall issue a Decision Pursuant to Court Order,
12 implementing this Stipulation, holding that:

13 (a). Petitioner Sharon Gofas shall be paid a lump sum equivalent to the Kern County
14 Level IV Special Needs foster care rate, covering the period from March 10, 2008 through
15 June 11, 2009; and

16 (b). the stipulation between Sharon Gofas and the Los Angeles County Department of
17 Child and Family Services regarding EG's entitlement to Level V benefits from June 11,
18 2009 forward, as otherwise eligible, referred to on page 9 of decision # 009036201, remains
19 in effect;

20 (3). CDSS shall pay or cause to be paid benefits pursuant to paragraph (2)(a) to Petitioner
21 no later than 30 days from the date of service upon Respondent's counsel of the signed Court Order;

22 (4). CDSS agrees to resume administrative rehearings pursuant to Welfare & Institutions
23 Code section 10960, for timely and completed rehearing requests received by CDSS on and after
24 July 1, 2011, consistent with the requirements of section 10960;

25 (5) In any proceeding to enforce the obligations contained in this Stipulation, the court shall
26 be limited to ensuring that the relief requested is necessary to comply with Welfare and Institutions
27 Code section 10960. In the event that this statute is modified or repealed, however, nothing in the

1 Stipulation should be construed to require CDSS to comply with obligations that no longer exist, and
2 the parties agree that this Stipulation will not provide an independent basis to enforce any such
3 obligations.


4 (6). CDSS agrees to pay reasonable attorneys' fees to petitioner's counsel, in an amount
5 to be negotiated by the parties. If agreement cannot be reached on the amount of attorneys' fees,
6 petitioner's counsel may file a motion for attorneys' fees under California Code of Civil Procedure
7 §§ 10962 and 1021.5 no later than July 1, 2011, but any such motion shall concern the amount of
8 fees only, as the parties agree that petitioner's counsel are entitled to reasonable attorneys' fees;

9 (7). Following the full execution of this Stipulation, petitioner shall dismiss the Petition
10 with prejudice except as to petitioner's right to file a motion for fees if necessary pursuant to
11 paragraph (6);

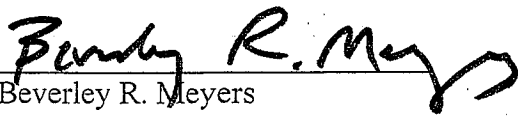
12 (8). This Stipulation has been drafted by all parties. In the event a court is required to
13 interpret this Stipulation, no party shall have the right to argue that the other is responsible for any
14 ambiguity in the language of this Stipulation, and any uncertainty or ambiguity shall not be
15 interpreted against any one party;

16 (9). The terms of the Stipulation set forth here constitute the entire agreement between the
17 parties.

18 Dated: 3/19/11


Clare Pastore
Counsel for Petitioner

21 Dated: 3/23/11


Beverley R. Meyers
Deputy Attorney General
Counsel for Respondents

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IT IS SO ORDERED, *that the settlement may proceed between the parties on the terms of their stipulation*

Dated: March 23, 2011

PETER J. BUSCH

The Honorable Peter Busch
Judge of the Superior Court

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