



Children's Law Center of Los Angeles

“DEPENDENCY LEGAL NEWS”

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NEW DEPENDENCY CASE LAW

PLACEMENT – OUT-OF-COUNTRY

In re Sabrina H. – filed April 20, 2007, Fourth District, Division One

Docket No. D049249

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/D049249.DOC>

Five siblings were detained and placed in foster homes. Alfredo G., paternal grandfather of one child, who lived in Mexico, offered to care for all five children. County child welfare agency received favorable evaluation of Alfredo's home by Mexican child welfare agency, and court allowed the agency to detain the children there. At dispositional hearing, court placed two of the children with Alfredo; the other three were returned to foster homes because they had special needs. Mother appealed.

Affirmed in part, reversed in part. (1) Juvenile court had discretion to place the children in Mexico. The Welf. & Inst. Code does not explicitly prohibit out-of-country placements, and such placements are sometimes desirable to keep children with relatives, facilitate visitation with parents, etc. The placement was not an abuse of discretion because Alfredo knew all the children, all the children were willing to be placed with him, and the Mexican agency report was favorable. (2) Juvenile court did not err in *detaining* the children with Alfredo without a criminal background check, because WIC 309(d)(1) requires only a signed statement from the caregiver that they have no criminal history. However, the juvenile court should not have *placed* the two children with Alfredo at disposition, because WIC 361.4 requires a criminal background check.

Remanded to allow the agency to show that a 361.4 background check or “comparable criminal record checks used in Mexico” was conducted. (3) Agency failed to give mother proper notice, as required under WIC 361.2, of its plan to detain the children outside the county, but this error was harmless. (MM)

NON-DEPENDENCY CASES OF INTEREST

PARENTAGE – *KELSEY S.*

Adoption of Arthur M. – filed April 10, 2007, Fourth Dist., Division Three
Docket No. G037706

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/G037706.DOC>

Maternal grandparents filed private adoption petition to adopt baby born to minor mother. Biological father refused to consent to adoption, and sought custody. Trial court held that he was not a presumed or *Kelsey S.* father and granted adoption without his consent. Father appealed. Affirmed. Trial court correctly held that father had no statutory or constitutional right to block adoption, given facts of case. During the pregnancy, father contacted mother only to pressure her to have an abortion, and called her derogatory names. He never offered to pay for prenatal care or otherwise assist her, and moved out of state to attend college before the baby was born. After child’s birth, he sought custody of the baby and offered to pay medical expenses, but this was too late to satisfy the requirements of *Kelsey S.* that an unwed father “promptly” come forward as soon as he knows of the pregnancy and offer financial, emotional, and other support. (MM)

UNPUBLISHED CASES OF INTEREST

The following is an unpublished order and may not be cited as legal authority (Cal. Rules of Court 8.1115(a)):

Appointment of GAL for Minor Parent Was Improper

In re Hector M., Jr. – filed April 19, 2007, First District, Div. Three
Docket No: A117058

Link to case not available – contact writ attorneys for hard copy of order

Petitioner, a minor mother, challenged juvenile court order appointing GAL. Juvenile court found that she was mentally competent and able to instruct counsel, but held that *In re D.D.* required appointment of GAL. Alternative writ of mandate issued. Even assuming that CCP 372 and 373 apply to dependency proceedings, these statutes only permit, not require, appointment of a GAL for a minor litigant. Where a mentally competent minor parent over age 14 objects to the appointment of a GAL, it would violate her fundamental rights to appoint a GAL. Juvenile court must either enter a new order denying the agency’s motion to appoint a GAL, or show cause why not. (MM)

OTHER LEGAL DEVELOPMENTS

New or Revised Los Angeles County Department of Children and Family Services Policies of Significance –

Procedural Guides:

70-548.07 Assessing for the Safety and Risk of Newborns for Families Already Under DCFS Supervision

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0070/007054807NewbornV0407.doc>

This procedural guide informs SCSWs and CSWs of their responsibilities when assessing the safety and risk of newborns for families already under DCFS supervision. (JC)

70-548.09 Multi-Agency Response Team (MART) Referrals

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0070/007054809MARTv0407.doc>

This procedural guide informs CSWs of procedures to follow when a MART or Drug Endangered Child referral is received. (JC)

200-509.25 (REV) Presentation of Child Information to a Prospective Adoptive Family

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0200/020050925v0407.doc>

This revised procedural guide informs CSWs of their responsibilities prior to the presentation of child information and when presenting child information to a prospective adoptive parent. (JC)

300-303.15 (REV) Writing the Detention Report

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0300/030030315DetRptv0407.doc>

This revised procedural guide instructs CSWs to make active efforts to locate an American Indian home when placing of an Indian Child in out-of-home care. The JV 135, Notice of Involuntary Child Custody Proceedings for an American Indian Child (Juvenile) shall not be mailed to Non-Federally Indian tribes. (JC)

500-302.10 (REV) Suspected Child Abuse Report: Release of Information Pursuant to Penal Code Sections 11167(d) and 11167.5

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0500/050030210v0407.doc>

This revised procedural guide informs CSWs of when disclosure of the identity of the reporting party or the disclosure of the report contained in the child abuse and neglect reporting act report is appropriate. (JC)

500-509.10 (REV) Permission to Videotape, Photograph, Voice Record or Interview Children

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0500/050050910V0407.doc>

This revised procedural guide informs CSWs of procedures to follow when the media requests direct access to children supervised by DCFS, when research projects require direct access to DCFS-supervised children, and when there is a special blanket order for pre-adoptive publicity for adoptive placement. (JC)

600-501.05 (REV) Psychological Testing of DCFS -Supervised Children

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0600/060050105V0407.doc>

This revised procedural guide informs SCSWs and CSWs of their responsibilities when submitting a request for psychological testing and upon receipt of the testing report. (JC)

600-501.11 (REV) Cessation Of Life-Sustaining Medical Treatment For Children

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0600/060050111V0407.doc>

This revised procedural guide informs CSWs of procedures to follow when a new referral is received and there are no allegations of abuse or neglect and when a new referral is received and there are allegations that the child's condition was caused by abuse or neglect. (JC)

900-523.10 (REV) Supplemental Security Income (SSI) For Children With Disabilities

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0900/090052310ssiV0407.doc>

This Procedural Guide has been revised to reflect legislation changes related to Supplemental Security Income (SSI) for youth and to clarify procedures in ensuring children's receipt of Social Security (SS)/SSI if appropriate. (JC)

E060-0550 Special Payments

Link to procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20FCE/E060/E0600550SpecialPaymentsv0407.doc>

Payments made to caregivers, providers and vendors for services other than foster care are known as Special Payments. Special Payments include, but are not limited to respite care, medical/dental special needs, funeral expense, counseling, child care, educational equipment, tutoring, transportation and court-ordered substance abuse testing. The CSWs will initiate a request for Special Payments when she receives an invoice or cost estimate for services. After the appropriate authorizing signature is obtained, the request is faxed to the Fiscal Monitoring & Special Payments Unit. This procedural guide informs CSWs of the process upon receipt of the Special Payments request. (JC)