



Children's Law Center of Los Angeles

“DEPENDENCY LEGAL NEWS”

Vol. 3, No. 2 August 14, 2007

Issued by the Children's Law Center of Los Angeles the second and fourth Tuesday of each month

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NEW DEPENDENCY CASE LAW

Welf. & Inst. Code § 366.26 (i)(1); PRESUMED PARENT STATUS

In re Cody B. – filed July 27, 2007, Fourth Dist., Div. One

Docket No. D050351

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/D050351.DOC>

Mother and child appealed denial of motions for the mother to be designated the child's presumed mother. After mother's parental rights were terminated, Cody was adopted by a sibling's biological father, Vincent. After jurisdiction was terminated in 2002, Vincent allowed Cody to sporadically live with his mother. In September 2006, DCFS learned that Vincent's home was condemned as a safety hazard, that he was arrested for vandalism, and that he left Cody in the mother's care even after being released from jail. At the jurisdictional hearing, attorneys for mother and Cody moved for mother's designation as Cody's presumed mother as Vincent allowed the children to live with her soon after jurisdiction was terminated and because Cody was in an adoption that had failed. The juvenile court denied the motions as improper collateral attacks on the earlier judgment of termination. Affirmed and reversed for proper inquiry under ICWA. The appellate court found that under Welf. & Inst. Code § 366.26 (i)(1), “a juvenile court lacks jurisdiction to modify or revoke an order terminating parental rights once it has become final.” The appellate court stated that the motions seeking reinstatement of the mother's legal rights through the presumed parenthood statute were an inappropriate attempt to “revive” the mother's parental rights and was a collateral attack on the termination judgment.

Note: This case does not prevent the juvenile court from evaluating the mother's home for placement nor prevent DCFS from facilitating visits between the mother and child. This court also acknowledged that mothers whose parental rights have been terminated have readopted their children. (JC)

OTHER LEGAL DEVELOPMENTS

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

For Your Information (FYIs):

FYI 07-25 Recording CSW Contacts in the Child Welfare Services/Case Management System (CWS/CMS)

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2007/FYI0725RecordingCSWcontactsinCWSCMS.doc>

This FYI describes how to enter CSW Contacts into the Case Management computer system. (SH)

FYI 07-26 APPS99 1.5.2 for eCAPS Implementation

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2007/FYI0726APPSecCAPS.doc>

This FYI informs staff of recent security updates to the DCFS automatic payment system for foster care payments and other vendors.

Procedural Guides:

E090-0590 (REV) Foster Care Placement/Replacement

Link to Procedure <http://dcfs.co.la.ca.us/Policy/Hndbook%20FCE/E090/E0900590v0807.doc>

This revised procedural guide reviews the proper procedure for approving placement of dependents in a relative or non-relative extended family member home. (SH)

E020-0500 (REV) Foster Care Eligibility General Requirements

Link to Procedure: <http://dcfs.co.la.ca.us/Policy/Hndbook%20FCE/E020/E0200500V0807.doc>

This revised procedural guide reviews the eligibility criteria for placement and funding in foster care. (SH)

70-516.10 (REV) Assessing the Development of Children 0-59 Months Old

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0070/007051610V0807.doc>

This revised procedural guide informs CSWs of procedures to follow and Public Health Nurses of their responsibilities when making face-to-face contact with children 0-59 months old. (JC)

70-524.10 (REV) Assessment of Failure to Thrive

Link to Procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0070/007052410FaliureThrivev0808.doc>

This revised procedural guide informs CSWs of procedures to follow when considering the presence of failure to thrive in a child and assessing parental or environmental factors that may contribute to failure to thrive. (JC)

70-525.10 (REV) Assessment of Shaken Infant Syndrome

Link to Procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0070/007052510ShakenInfantv0807.doc>

This revised procedural guide informs Emergency Response Command Post, Emergency Response, and CSWs of their responsibilities and procedures to follow when attempting to formulate an accurate assessment of shaken baby syndrome. (JC)

70-529.10 (REV) Assessing Allegations of Physical Abuse

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0070/007052910v0807.doc>

This revised procedural guide informs CSWs of procedures to follow when a referral alleging child abuse is received. (JC)

100-525.15 (REV) Courtesy Supervision for California Counties

Link to Procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0100/010052515CourtseySupV0807.doc>

This revised procedural guide informs CSWs of procedures to follow when planning for a home evaluation for out-of-home courtesy supervision, when another county is providing courtesy supervision for LA County, and when a request is received from another county for courtesy supervision. (JC)

200-501.25 (REV) Preparing Children for Adoption

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0200/020050125v0807.doc>

This revised procedural guide informs CSWs of their responsibilities when it is determined that family reunification is unlikely and the permanence track is activated and when there is no adoptive family identified for the child. (JC)

300-303.07 (REV) Nondisclosure Orders

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0300/030030307v0807.doc>

This revised procedural guide informs CSWs of procedures to follow when requesting a non-disclosure order after the WIC 300 petition has been filed but prior to the disposition hearing. (JC)

500-501.60 (REV) Sealing Department Records

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0500/050050160v0807.doc>

This revised procedural guide informs CSWs that WIC 389 allows an individual age 18 years of age or older to petition the juvenile court to have his or her juvenile records permanently sealed. This also

informs CSWs of procedures to follow upon receipt of a request from juvenile court services to provide the case record for sealing and when an individual or agency requests the records of an individual whose records have been sealed. (SH)

500-507.10 (REV) Confidentiality Protocols for Telecommuting and Mobile Workers

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0500/050050710v0807.doc>

This revised procedural guide informs CSWs of procedures to follow when telecommuting. (SH)

0900-500.10 Eligibility Resource Information

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0900/090050010v0807.doc>

This procedural guide informs CSWs of various benefits available to caregivers. Such benefits include Adoption Assistance Payments, other funding streams, clothing allowances, funeral and burial costs, Kin-GAP, Medi-Cal and special immigration status, among others.

900-503.10 (REV) Back to School Clothing Allowance

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0900/090050310v0807.doc>

This revised procedural guide reviews the eligibility requirements for dispersing back to school clothing allowances. The revisions clarify that relative and non-related extended family member caregivers are entitled to back to school clothing allowances, and that Kin-GAP rates are the same as foster care rates. (SH)

1200-500.85 Special Immigrant Status (SIS)

Link to Procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/1200/120050085SISv0807.doc>

This procedural guide informs CSWs of their responsibilities when making a referral to the Special Immigration Status Unit when a permanent plan is considered and informs Special Immigration Status Unit staff of their responsibilities when such a referral is made. (SH)

1200-503.20 (Rev) Creating a Case Without a Referral

Link to Procedure:
<http://dcfs.co.la.ca.us/policy/hndbook%20cws/1200/120050320creatingCase0807.doc>

This revised procedural guide informs CSWs of procedures to follow when creating a case without a referral and informs them of case situations in which it is appropriate to do so. (SH)