



Children's Law Center of Los Angeles

“DEPENDENCY LEGAL NEWS”

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NEW DEPENDENCY CASE LAW

CODE OF CIVIL PROCEDURE 170.6 PEREMPTORY CHALLENGES

C.C. v. Superior Court of Orange County- filed September 11, 2008, Fourth Dist., Div. 3
Docket No. G040580

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/G040580.DOC>

The Court of Appeal reversed the juvenile court's disposition order granting mother reunification services and remanded the matter to the juvenile court to enter a new order denying her reunification services and setting a WIC 366.26 hearing. After the case was remanded, father's counsel filed a peremptory challenge to the juvenile court judge previously assigned to the case, pursuant to Code of Civil Procedure (CCP) 170.6. The judge accepted the challenge and the case was assigned to another judge. Mother filed a writ petition.

Petition granted. According to CCP 170.6(a)(2), if a trial court's decision or final judgment is reversed and remanded on appeal, a peremptory challenge can be made only when that trial judge is ordered to conduct a new trial on the matter. Thus, CCP 170.6 applies only where the remand requires a reexamination of a factual or legal issue that was in controversy in the prior proceeding. It does not apply to the performance of a ministerial act. Here, the remand to the juvenile court was clearly for the performance of a ministerial act, which was to enter an order denying reunification services to the mother and set a WIC 366.26 hearing. This does not require reexamination of an issue of fact or a retrial of the dispositional issues. (SA)

REASONABLE REUNIFICATION SERVICES

Amanda H. v. Superior Court – filed June 27, 2008, Second Dist., Div. Eight

Docket No. B205474

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/B205474.DOC>

Mother filed a petition for extraordinary relief arguing that the department did not prove by clear and convincing evidence that it had provided reasonable services. The children were detained from their parents because of domestic violence. The juvenile court ordered reunification services and the mother's case plan consisted of (1) domestic violence counseling, (2) parent education, and (3) individual counseling addressing anger management and case issues. At the six-month review hearing, the social worker reported that mother recently contacted the department, was enrolled in parenting classes, individual counseling, drug testing, and domestic violence counseling, and that if she continued to participate in the programs, there was a possibility for the children to return home by the 12-month review hearing. For the continued 12-month review hearing, mother's counseling center indicated that mother was not enrolled in a separate domestic violence course, but did discuss domestic violence in her individual counseling sessions. The social worker learned after the 12-month review hearing that mother was not enrolled in a separate program of domestic violence counseling and never clarified that fact with the mother's counseling center. Based on the grounds that the mother was not consistent with her participation in the programs and had not enrolled in separate domestic violence classes, the social worker recommended that the court terminate reunification services. The juvenile court terminated mother's services and found that the department had provided reasonable reunification services.

Petition granted. The appellate court stated that the department failed to demonstrate that it had provided the mother with reasonable reunification services. The department told the mother and the juvenile court for a year that the mother was enrolled in all the required court-ordered programs and waited until the 12-month review to tell mother that she needed to enroll in a separate domestic violence course. The appellate court stated that while it was the mother's responsibility to attend the court-ordered programs and address her problems, it was the social worker's job to maintain adequate contact with the service providers and accurately inform the juvenile court and mother of the sufficiency of the enrolled programs to meet the case plan's requirements. The social worker could not use its own mistake, the mother's lack of enrollment in a course, to recommend that services be terminated. (JC)

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

For Your Information (FYIs):

08-35 Regional Center Rate For Dual Agency Children

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2008/FYI0835RegionalCenterRate.doc>

This FYI advises DCFS staff that they must request the appropriate rate for dual agency children; i.e., children receiving Regional Center services and either Aid to Families With Dependent Children-Foster Care *or* Adoption Assistance Program Benefits. This FYI also lists the appropriate rates for dual agency children. (SA)

08-36 Notification Requirements When a Change in Placement Results in the Youth Attending a New School

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2008/FYI0836Changingschool.doc>

This FYI is to remind CSWs that California Rules of Court Section 5.651(e)(1) requires them to notify the court, the child's attorney, and the holder of education rights within **24 hours**, excluding non-judicial days, that a proposed change of placement would result in removal of the child from the school of origin. It also specifies the procedure for notifying the listed people. (SA)

08-37 (REV) Update On DCFS Group Home/Foster Family Agencies Contract Expiration Transition Plan

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2008/FYI0837GroupHomeFFAUpdate.doc>

This FYI is an update to FYI 08-33. According to this FYI, **on October 31, 2008 the contracts will expire for the following foster family agencies:** Drew Child Development, Psych Med Inc. (aka Hudson/Lyndsey), Family Solutions, Free to Be Programs, The Multicultural Service Center **and for the following group homes:** Acts for Children, New World Independent Living Program, Allen's Teen Care Inc., St. Paul's Group Home, Children's Therapeutic Community, Starshine Treatment Center Inc., Ferree's Group Home, Street Academy, Greater Hope Society, Summerplace Inc, Greene Home for Boys, Renaissance Unlimited Homes, Hart Community Homes Inc, Rolling Hills Group Home, Hope House, The Sherman Group, Karis House/Kairos Unlimited, United American Indian Involvement Inc, Kids First Foundation/Mid Valley, Manna Manor, Michelle Travis Inc. **All children currently placed through these agencies must be moved by October 24, 2008 and no new children shall be placed through these agencies.** (SA)

08-38 Obtaining Paternity Testing Results From Labcorp

Link to FYI:

<http://dcfs.co.la.ca.us/Policy/FYI/2008/FYI0838PaternityTestresultsfromLabCorp.doc>

This FYI advises DCFS staff that to obtain the results of paternity tests conducted by LabCorp, parents and DCFS staff should call LabCorp Customer Service at 1-800-742-3944

and select option #3 (customer service). They should not be calling the Clerk's Office at the Juvenile Court. (SA)

08-39 2008 Presidential Election Voter Registration for Youth Receiving DCFS Services

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2008/FYI08392008RegisterToVoteYouth.doc>
This FYI provides instructions on assisting children, who are 18 years old or will be by November 4, 2008, to register for the 2008 presidential election. (SA)

Procedural Guides:

0070-548.04 (REV) Point of Engagement: Intensive Services

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0070/007054804ISWv0908.doc>

This procedural guide was updated to add the concurrent planning assessment -related responsibilities of the Intensive Services Worker (ISW) when assigned to a case and to reflect that Point of Engagement (POE) has been implemented county-wide. *(See FYI 05-61: Point of Engagement is a collaborative public and private initiative that provides a community safety net for children and families. It provides a faster response for providing services and, through the use of teams, an emphasis on shared decision-making and comprehensive case evaluations and investigations. POE utilizes a multi-disciplinary approach that includes the family in the process of selecting and planning for the delivery of needed services while using resources within DCFS and other County Departments such as Mental Health, Health, Probation, and Public Social Services and Sheriff's. POE uses community-based agencies, and other non traditional organizations, including faith based organizations which work in the areas of domestic violence, drug and alcohol, mental health, health, clothing, housing, and transportation to assist in providing services to families.)* (SA)

0070-548.20 (REV) Taking Children Into Temporary Custody

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0100/010052530PlacementPacketv0908.doc>

This procedural guide was updated with procedures regarding Multidisciplinary Assessment Teams (MAT). Also, references were made to obtaining a parent's consent for mental health treatment when a child is detained. References were also made to completing ICWA-010(A) "Indian Child Inquiry," DCFS 179, and DCFS 179MH. (SA)

0080-505.20 (REV) Health And Education Passport (HEP)

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0080/00805052HEPv0908.doc>

This procedural guide was updated to indicate that Concurrent Planning Redesign has been implemented county-wide. It also removed references to obsolete procedural guides. It was

also updated to notify CSWs to use forms Family Background 1,2, and 3 to collect medical information about the child and explains how to use the forms. (SA)

0080-507.20 (REV) Concurrent Planning and Concurrent Planning Assessment (CPA)

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0080/008050720v0908.doc>

This procedural guide was updated to clarify the concurrent planning assessment related responsibilities of the Intensive Services Worker (ISW) when assigned to a case. It also references WIC 366.26(c)(1)(A)- relative caregiver's preference for legal guardianship over adoption- as well as the required information to be provided to relative caregivers. (SA)

0080-507.21 (REV) Concurrent Planning: Obtaining Family History Information

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0080/008050721FamilyHistoryv0908.doc>

This procedural guide was updated to indicate that Concurrent Planning Redesign has been implemented county-wide. It also removed references to obsolete procedural guides. (SA)

0080-508.05 (REV) Fast Track To Permanency (FTP) Provisions

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0080/008050805v0908.doc>

This procedural guide, which discusses how to handle cases identified as FTP cases, was updated to clarify the concurrent planning assessment (CPA) related responsibilities of the Intensive Services Worker when assigned to an FTP case. It also clarifies that the Emergency Response Command Post does not complete the CPA for FTP cases. (SA)

0100-520.30 (REV) Relative Placement: Relative Caregiver Financial Eligibility
(Youakim)

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0100/010052030YouakimV0908.doc>

This procedural guide was revised to reflect that the Kinship Support division is now called the ASFA Division. In addition, other revisions were made to reflect current practice. (SA)

0100-525.30 (REV) Placement Packet and Health & Education Passport Binder

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0100/010052530PlacementPacketv0908.doc>

This procedural guide was revised to include a reference to DCFS 179-MH, "Parental Consent for Child's Mental Health Assessment and for Child's Participation in Mental Health Treatment." (SA)

0600-501.05 (REV) Psychological Testing of DCFS- Supervised Children

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0600/060050105V0908.doc>

This procedural guide was updated to inform CSWs that prior to requesting psychological testing of a child, they must obtain written consent from the child's parent or legal guardian using DCFS form 179-MH, or written consent from the child if the child is 12 years or older, or a court order must be sought if neither is obtained. (SA)

0600-501.09 Consent For Mental Health Treatment

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0600/060050109v0908.doc>

This procedural guide specifies who can provide consent for mental health services for a child under various circumstances and also provides guidelines to CSWs on how to obtain the consent. (SA)

0600-501.10 (REV) Medical Consent

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0600/060050110v0908.doc>

This procedural guide was updated with instructions on completing the DCFS 179-MH, "Parental Consent for Child's Mental Health Assessment and for Child's Participation in Mental Health Treatment" and was also updated with a reference to Procedural Guide 0600-501.09, Consent for Mental Health Treatment. (SA)

MD08-06 (REV) Medi-Cal Information Security

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Management%20Directives/MD0806MediiCalSecurity.doc>

This management directive notifies DCFS staff that DCFS has entered into an agreement with California Department of Health Care Services (DHCS) to allow designated DCFS staff on-line access to the Medi-Cal Eligibility Data System for activities or services directly related to the administration of Medi-Cal program in accordance with WIC 14100.2. (SA)

