



# Children's Law Center of Los Angeles

## ***“DEPENDENCY LEGAL NEWS”***

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### **NEW DEPENDENCY CASE LAW**

#### **APPEAL**

***In re Phoenix H.*** – filed December 21, 2009, Supreme Court of California

Docket No. S155556

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/S155556.DOC>

The Supreme Court of California granted review of the Court of Appeal's decision denying mother's request to personally file a supplemental brief and dismissing her appeal after appointed counsel filed a brief raising no issues. The juvenile court terminated mother's parental rights and chose adoption as the permanent plan for the children. Mother's appointed counsel filed a 30-page opening brief describing the procedural history of the case, raised no specific arguable issues, but asked the Court of Appeal to exercise its discretion to independently review the entire record on appeal to determine whether reversible errors were made. Mother's counsel also asked the Court of Appeal to provide her the opportunity to file her own supplemental brief within 30 days. The Court of Appeal declined to review the record independently for error, denied the mother's request to personally file a brief, and dismissed the appeal.

Affirmed. The Supreme Court held that where appointed counsel files an appellate brief raising no issues regarding an order affecting parental rights, the Court of Appeal is not required to permit the parent to file an additional brief absent a showing of good cause. Citing to *In re Sade C.* (1996) 13 Cal.App.4<sup>th</sup> 952, the Supreme Court stated that the procedures required in criminal appeals are not required in an appeal from an order of the juvenile court affecting parental rights. The state's interest in expediting juvenile proceedings in order to promptly achieve a permanent placement for the child causes the Court to reach a

different conclusion from that of criminal defendants and conservatees. Criminal defendants and parents are not similarly situated because by definition, criminal defendants face punishment but parents do not. In addition, when an appellant is being held pursuant to a conservatorship, it does no harm to permit the conservatee to file a supplemental brief because the delay that would result affects only the conservatee. The delay in the juvenile court matter directly affects the child's interest in securing a permanent placement as soon as possible. (JC)

## **OTHER LEGAL DEVELOPMENTS**

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

#### **For Your Information (FYIs):**

10-01      Returning Telephone Calls

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1001ReturningCalls.doc>

This FYI was released in response to information that DCFS has received a number of complaints from caregivers, service providers, and others that CSWs are not returning telephone calls in a timely manner. This FYI is to remind CSWs that in order to better serve clients, caregivers, providers, etc., each office must ensure that during regular business hours, all callers have the opportunity to speak to a live and courteous person and that voicemail may only be used in certain circumstances. In cases that CSWs allow the call to be answered by voicemail, they must follow the procedures listed in this FYI regarding checking the voicemail and returning calls. (SA)

10-02      Arranging Monitored Visits Between Dependent Children and their Parents Who Reside in Tijuana, Mexico through the Mexican Consulate Office

Link to FYI:

<http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1002VisitsMexicanConsulate.doc>

This FYI is to inform staff that in order to facilitate visits between dependent children and their parents who reside in Tijuana, Mexico, the Consulate General of Mexico in San Diego has an office at the San Ysidro-Tijuana Port of Entry that will be used as a liaison between both countries in matters of different nature, including visitations between dependent minors and their parents. Further, due to time and space limitations at this office, the Consulate General of Mexico in San Diego produced a protocol to coordinate such type of visitations. (SA)

10-03      Policy Release Update

Link to FYI:

<http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1003PolicyReleaseUpdate.doc>

This FYI provides an update to the posting of new/revised Procedural Guides/Management Directives to LA Kids since the release of FYI 09-58 issued 11/04/09. (SA)

10-04      Forms Posting Update

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1004FormsUpdate.doc>

This FYI provides an update to the posting of new/revised forms to LA Kids and to the CWS/CMS (LA County specific templates) since the release of FYI 09-59 issued 11/04/09. (SA)

**Procedural Guides:**

0600-500.00 (REV) Utilization of Medical Hubs

Link to procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0600/060050000v1209doc.doc>

This procedural guide was updated with contact information for medical hubs for DCFS, as well as clinics that conduct initial medical examinations and forensic examinations. (SA)

0900-511.10 (REV) AFDC-FC/GRI-FC Rates

Link to procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0900/090051110FCRatesv0110.doc>

This procedural guide was revised to reflect that on December 14, 2009, the Court issued an amended Preliminary Injunction to prohibit the rate reduction for all children placed in group homes, whether or not they are federally eligible. Until further notice, for services rendered November 04, 2009 onward, counties shall pay the group home rates effective January 1, 2008, before the ten percent reduction mandated in WIC Section 1462(g)(5). (SA)