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NON-DEPENDENCY CASES OF INTEREST

PROBATE GUARDIANSHIP - TERMINATION OF PARENTAL RIGHTS; Probate Code § 1516.5

In re Charlotte D. - filed Feb. 15, 2006, Second Dist., Div. Six

Docket No. B183788

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/B183788.DOC>

Under Probate Code § 1516.5, a guardian may bring an action to have parental rights terminated if: (1) one or both parents do not have legal custody of the child; (2) the child has been in the guardian's physical custody for two years or more, and (3) the court finds that the child would benefit from being adopted by the guardian. Father appealed from a judgment terminating his parental rights under § 1516.5. The Court of Appeal reversed on the grounds that § 1516.5 is unconstitutional as applied to a father who has shown a full commitment to his parental responsibilities (i.e. a presumed or *Kelsey S.* father), because it allows termination of parental rights without a showing of unfitness. (The Court of Appeal did not strike down § 1516.5 as facially unconstitutional, however, because it could constitutionally be applied to an alleged father who did not attempt to fulfill his parental responsibilities.) (MM)

STIPULATED TERMINATION OF PARENTAL RIGHTS VOID

In re Marriage of Jackson - filed Feb. 15, 2006, Second Dist., Div. Seven

Docket No. B180135

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/B180135.DOC>

In 2001, Deborah Rowe Jackson petitioned to terminate her own parental rights over her two children with Michael Jackson. Counsel for Michael Jackson agreed, and the retired judge hearing the matter terminated her parental rights pursuant to Fam. Code § 7822(b). Over two years later, Deborah filed a motion for custody of the children due to concerns arising from Michael's criminal prosecution. The court found that its prior order terminating parental rights was void because it had failed to order an investigation or to consider appointment of counsel for the children, as required by Fam. Code § 7850 and § 7861. Michael appealed. Affirmed. A court may not terminate parental rights based solely on the stipulation of the parents. Public policy favors a child having two parents. The court must order an investigation into and must consider the children's best interests before terminating parental rights. Because the termination order was in excess of the trial court's jurisdiction and contrary to public policy, it was properly voided. (CS)

OTHER LEGAL DEVELOPMENTS

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

Procedural Guides:

0050-501.10 Child Abuse And Neglect Reporting Act (CANRA): Who Must Report

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0050/005050110CANRA.doc>

This procedural guide has been revised to include information regarding a reporting party's ability to report by fax or electronic transmission. See also FYI 06-10 below. (DE)

1200-500.80 Connecting DCFS Individuals/Families to Programs Administered by the Department of Public Social Services (DPSS)

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/1200/120050080.doc>

This new procedure outlines the DCFS objective of maintaining children in the home a parent, where appropriate, through the use of DPSS administered programs such as CalWORKS, food stamps, general relief, and Medi-Cal. (DE)

For Your Information (FYIs):

06-10 Child Abuse and Reporting Act: (CANRA)

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2006/FYI0610CANRA.doc>

Reminder to CSWs to immediately report observed or suspected child abuse to the child protection hotline. See procedural guide 0050-501.10 above. (DE)

06-11 Notice of Report to the Child Abuse Central Index (CACI)

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2006/FYI0611CACIupdate.doc>

This FYI provides information regarding how CSWs should report and make amendments to reports submitted to the Child Abuse Central Index. (DE)

06-15 The New Medical HUB System is Now Operational Countywide

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2006/FYI0615MedicalHubs.doc>

This FYI announces that three new medical Hubs are available to provide initial medical exams and forensic exams for newly detained children. Three additional Hubs will also open soon to provide forensic examinations; these additional Hubs may eventually expand to include initial medical examinations. (DE)

06-17 Mandatory Use of the JV-365 When Recommending Emancipation

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2006/FYI0617JV365.doc>

This FYI explains that CSWs must use judicial council form JV-365 when requesting emancipation of a dependent youth. (DE)