



Children's Law Center of Los Angeles

"DEPENDENCY LEGAL NEWS"

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NEW DEPENDENCY CASE LAW

HOME OF PARENT ORDERS; FAMILY MAINTENANCE SERVICES; Welf. & Inst. Code § 366.22, 364

In re Marilyn A. – filed Mar. 5, 2007, Second Dist., Div. Seven

Docket No. B195282

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/B195282A.DOC>

At 18-month hearing, county agency recommended that children be returned to mother, with family maintenance services. Juvenile court refused, stating that the only two options were to return the children and terminate jurisdiction immediately, or continue out of home placement and set a Welf. & Inst. Code § 366.26 hearing. Jurisdiction was terminated. Minors' counsel filed writ petition. Writ granted. At §§ 366.21(e), .21(f), and .22 hearings, the juvenile court has the discretion to return the children to the home of the parent(s) and either to terminate jurisdiction or order family maintenance services and set a § 364 review hearing. In exercising its discretion, the court should consider whether continued supervision is necessary to ensure the children's safety. Ordering family maintenance services after children are returned home at a § 366.22 hearing does not violate the 18-month time limit for reunification efforts in § 361.5. (MM)

UNPUBLISHED CASES OF INTEREST

The following are unpublished and may not be cited as legal authority (Cal.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

Order Prohibiting Parent From Discussing Religion Overbroad

In re Kevin D. – filed Jan. 18, 2007, Second Dist., Div. Seven

Docket No. B189315

Link to case: <http://www.courtinfo.ca.gov/opinions/nonpub/B189315.DOC>

Mother appealed from the juvenile court's disposition orders removing her son from her custody, placing him with his father, and prohibiting the mother from discussing religion, Satan, or the Bible with or in front of her son. The parents had battled for custody in family court and the mother routinely left messages on the father's answering machine telling the child that his father had Satan

inside of him and needed to repent. The court of appeal affirmed the removal from the mother's custody but held the order forbidding her to discuss religion, Satan, or the Bible was unconstitutionally overbroad and infringed on the mother's First and Fourteenth Amendment rights to freedom of speech and religion. A less restrictive alternative existed to protect the child's interests, namely, an order prohibiting the parents from making disparaging remarks about each other in the child's presence. (CS)

OTHER LEGAL DEVELOPMENTS

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

Procedural Guides:

For Your Information (FYIs):

07-09 Teen Parents In Foster Care Special Projects Coding

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2007/FYI0709TeenParentProjectCode.doc>

This FYI advises CSWs that the California Department of Social Services has developed a new set of Special Project Codes to be used to gather and track data about teen parents and their children in placement together. (JC)

Procedural Guides:

50-503.65 (REV) Child Protection Hotline (CPH): Referrals Regarding Children In Surrounding Counties

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0050/005050365surroundingcountiesV0307.doc>

This revised procedural guide informs SCSWs and CSWs of procedures to follow when the child abuse is reported in one county but the child is physically located in another county. (JC)

100-510.45 Out-of-Region Placements

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0100/010051045V0307.doc>

This procedural guide informs CSWs of procedures to follow whenever a child is in jeopardy of being placed in out-of-home care, including asking the parents whether they want to involve his or her faith-based practitioner or other community support person to assess whether community supports and/or resources can be used to either ameliorate the need for the out-of-home placement or to assist in locating a community-based placement for the child is good casework practice. (JC)

100-510.46 Out-of-County Placements

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0100/010051046V0307.doc>

This procedural guide informs CSWs of procedures to follow when it is determined that the youth's health or well-being is endangered by delaying the placement of the youth in an out-of-county placement. (JC)

200-507.35 (REV) Stepparent and Domestic Partner Adoptions

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0200/020050735V0307.doc>

This revised procedural guide informs SCSWs and CSWS of their responsibilities when completing the assessments of the stepparent/domestic partner. (JC)

300-503.30 (REV) Requesting a Change of Order Pursuant to WIC 385

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0300/030050330V0307385petition.doc>

This revised procedural guide informs CSWs of their responsibilities in preparing the WIC 385 petition. (JC)

600-515.10 (REV) Psychiatric Hospitalization and Psychiatric Hospital Discharge Planning for DCFS Supervised Children

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0600/060051510PsychHospV0207.doc>

This revised procedural guide informs CSWs of procedures to follow when a DCFS placed child is ready for discharge from a psychiatric hospital but cannot return to the home of the previous caregiver. (JC)

600-515.11 (REV) Interagency Placement Screening Committee Presentation Guide

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0600/060051511V0307.doc>

This revised procedural guide informs CSWs of their responsibilities when a child appears to require residential psychiatric treatment. (JC)

1000-501.40 (REV) Establishing the Service Address For Referrals

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/1000/100050140ServiceAddressv0307.doc>

This revised procedural guide informs CSWs of which service address is the correct one to use depending on the whereabouts of the parents and/or child when a referral is received. (JC)

