



Children's Law Center of Los Angeles

"DEPENDENCY LEGAL NEWS"

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Written by: Martha Matthews (MM), Cameryn Schmidt (CS), Jenny Cheung (JC)

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NEW DEPENDENCY CASE LAW

ADOPTABILITY

In re Y.R et al – filed June 15, 2007, Fourth Dist., Div. Three
Docket No. G037715

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/G037715.DOC>

Mother appealed termination of parental rights arguing that Y.R. was not adoptable due to her past behavioral problems and that Daniel R. was not adoptable because he was in a sibling set with Y.R. At the six month review hearing, the children were moved to a new foster home where Y.R.'s behavior improved from previously masturbating in public, using profanity, and acting aggressively towards Daniel and her peers. However, due to the parents' lack of compliance and exposing the children to their conflicts during visits, the children acted out in placement and were placed into another foster home in December 2005. At the .26 hearing in March 2006, the juvenile court proceeded under Welf. & Inst. Code § 366.26(c)(3) and concluded that termination of parental rights would not be detrimental for the children, and found "a probability" of adoption because the children were "difficult to place for adoption" within the meaning of the statute and no prospective adoptive parent had been identified. In June 2006, the foster parents for the children contacted the social worker and expressed their commitment in adoption. In its new .26 report, the social worker described Y.R. as an "affectionate, talkative, pretty child with big brown eyes and long hair" and that the foster parents helped settle her past acting out behaviors. The juvenile court found the children likely to be adopted and terminated parental rights.

Affirmed. The appellate court first found that the mother did not waive her right to challenge the juvenile court's conclusion that the children were "likely" to be adopted by failing to appeal the March 2006 order which found the children had "a probability" of adoption. The appellate court noted the distinction between "a probability" and "likely" as used in subdivisions (c)(1) and (c)(3) of section 366.26 and emphasized the different outcomes provided for in those subdivisions. The appellate court then found that the children were adoptable as the social worker's uncontested account of Y.R. was that she was "an open, playful, and attractive child who played appropriately and cooperatively with other children who also enjoyed the attention of adults." In addition, the foster parents were committed to adopting the children and Y.R. showed marked and sustained improvement in her

behavior, demonstrating that any challenges the children previously presented were not likely to dissuade others from adopting them. (JC)

OTHER LEGAL DEVELOPMENTS

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

Procedural Guides:

For Your Information (FYIs):

07-19 Relative And Non-Relative Extended Family Member
 Approvals: Some Frequently Asked Questions

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2007/FYI0719RelativeApprovalQuestions.doc>

This FYI informs staff of frequently asked questions and how to answer them when situations arise requiring clarification as to whether or not staff are required to request the Kinship Support Division conduct an assessment of a caregiver's home. (JC)

Procedural Guides:

100-520.51 (REV) Summary of Clearances

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0070/007055910V0507.doc>

This revised procedural guide informs CSWs of the various criminal and child welfare clearances and instructs SCSWs and CSWs to evaluate each clearance to determine the risk a person may pose to children. (JC)

100-525.10 (REV) Maintaining the Confidentiality of a Child's Placement

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0100/010052051v0607.doc>

This revised procedural guide informs SCWSs and CSWs of procedures to follow when placing a child in a licensed foster family home or FFA home prior to the dispositional hearing. (JC)

100-535.70 (REV) Pre-exit Interview for Emancipating Youths

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0100/010053570v0607.doc>

This revised procedural guide informs CSWs of procedures and timelines to follow when conducting pre-exit interviews for emancipating youth. (JC)

200-507.10 (REV) Identifying a Prospective Adoptive Family for a Child Through the
 Placement and Recruitment Unit (PRU)

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0200/020050710v0607.doc>

This revised procedural guide informs CSWs of procedures to follow when placing a child who is three years old or younger and who cannot be placed with a relative/NREFM or in a sibling's adoptive home, when a child who meets the requirements for a fast track to permanency or an infant who is a safely surrendered baby, when activating the adoption plan for a child in need of a prospective adoptive home, and when there are issues that may impact recruitment. (JC)

200-508.10 (REV) Advising & Providing Services To Parents Prior To Accepting A Statement Of Understanding & Relinquishment Document

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0200/020050810V0607.doc>

This revised procedural guide instructs CSWs to advise relinquishing parents of an Indian child about the provisions of the Indian Child Welfare Act. It also informs CSWs that for an Independent Adoption, the time frame for a parent to revoke consent to the adoption changed from a 90-day period to a 30-day period. (JC)

300-503.15 (REV) Writing the Status Review Hearing Report

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0300/030050315StatusReviewV0607.doc>

This revised procedural guide instructs CSWs to include a summary of all contacts with tribal representatives, tribal membership status and whether or not the tribe is federally recognized. (JC)

300-503.16 (REV) Writing the 366.3 Status Review Hearing Report

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0300/030050316V0607.doc>

This revised procedural guide instructs CSWs to include a summary of all contacts with tribal representatives, tribal membership status and whether or not the tribe is federally recognized. (JC)

300-503.80 (REV) Vacation Requests

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0300/030050380V0607v2.doc>

This revised procedural guide informs CSWs of procedures to follow when a parent, legal guardian, or caregiver plans a vacation or excursion inside the United States. (JC)

300-508.30 (REV) Placements with Relatives: Informing the Court of Recurring Efforts to Locate Relatives

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0300/030050830v0607.doc>

This revised procedural guide informs CSWs of procedures to follow when a relative has been located. (JC)

700-502.10 (REV) Referring Children to Healthy Start

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0700/070050210V0607.doc>

This revised procedural guide informs CSWs of procedures to follow when a child needs additional school supportive services. (JC)

900-521.10 (REV) Service-Funded Activities (SFA)

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0900/090052110SFAv06007.doc>

This revised procedural guide informs CSWs that Service-funded activities (SFA) are available to children and their families in all phases of the Child Welfare Services program (ER, FM, FR or PP) as specifically identified in the child's case plan. It also informs CSWs that SFA must be provided as necessary to ensure the protection of the child and informs them of the range of SFA. (JC)