



# 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

#### APPEALS/WRITS

*In re Tabitha W.* – filed Oct. 3, 2006, Fourth Dist., Div. Two

Docket No. E039935

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/E039935.DOC>

Parents appealed from a visitation order made at the disposition hearing, during which the court also denied reunification services and set a Welf. & Inst. Code § 366.26 hearing. The court of appeal dismissed the parents' appeals, holding that all orders made at a hearing at which a § 366.26 hearing was set are governed by § 366.26(l), which bars direct appeals from orders setting a § 366.26 hearing. Such orders may only be challenged by filing an extraordinary writ. (See Cal. Rules of Court, rules 38 & 38.1.) The court disaffirmed its own prior ruling in *In re Elizabeth M.* (1991) 232 Cal.App.3d 553 which had said otherwise, and agreed with the courts that have followed *In re Anthony B.* (1999) 72 Cal.App.4th 1017 [extended § 366.26(l)'s bar to *all* orders made at hearing at which .26 is set]. The court said its holding was in keeping with the Legislature's increasing emphasis on expediting finality and permanence for children in the dependency system. (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):**

06-54 Notice of Hearing on Petition – WIC 361.5(b) Notification

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2006/FYI0654NoticeofPetition3615b.doc>

This FYI informs CSWs of a statement that must be added to the Notice of Hearing on Petition whenever a recommendation is being made not to provide Family Reunification services pursuant to WIC 361.5(b). (JC)