



Children's Law Center of Los Angeles

“DEPENDENCY LEGAL NEWS”

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NEW DEPENDENCY CASE LAW

RELINQUISHMENT OF PARENTAL RIGHTS; Fam. Code 8700(f).

In re R.S. – filed Nov. 30, 2009, First District, Division One

Docket No. A124021

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/A124021.DOC>

One-year old child was removed from parents and placed in foster care. At six-month hearing, juvenile court terminated reunification services and set WIC 366.26 hearing. Mother then requested placement with an aunt (the child was not initially placed with this aunt because she lived in another county and this would have interfered with reunification efforts). After holding a hearing under WIC 361.3, the juvenile court denied this request. Before the WIC 366.26 hearing, mother and father made “designated relinquishments” of their parental rights pursuant to Fam. Code 8700(f), identifying aunt and uncle as the prospective adoptive parents. The state adoption agency, after completing a home study for the aunt and uncle, accepted and filed these relinquishments. At the WIC 366.26 hearing, however, the juvenile court terminated parental rights and designated the foster parents as prospective adoptive parents under WIC 366.26(n). Parents appealed.

Reversed. WIC 361(a) provides that the juvenile court may not limit the ability of a parent of a dependent child to voluntarily relinquish parental rights. This includes the right to make a designated relinquishment under Fam. Code 8700(f). A designated relinquishment becomes final when it is accepted and filed by the public adoption agency. If the agency decides not to place the child with the designated persons, the parent has a right to notice and may rescind the relinquishment. Fam. Code 8700(g). When a parent of a dependent child has made a designated relinquishment, the juvenile court may not terminate parental rights under WIC

366.26, because this would cut off the parent's one remaining right—the right to rescind the relinquishment if the child is not placed with the designated persons. The juvenile court should have vacated the WIC 366.26 hearing. Also, after a parent makes a designated relinquishment, the prospective adoptive parent provisions, WIC 366.26(n) and the caretaker preference, WIC 366.26(k), no longer apply. (MM)

OTHER LEGAL DEVELOPMENTS

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

For Your Information (FYIs):

09-63 New Process For Non-Detained Petitions

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2009/FYI0963Non-DetPet.doc>

This FYI is to advise staff that the Court Clerk's office will no longer schedule hearing dates for non-detained petitions. IDC will assume the responsibility for selecting the hearing date to allow DCFS to have non-detained petitions heard earlier than the normal thirty-day period established by the court. (SA)

09-64 How To Translate Documents To Comply With The Hague Convention Treaty

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2009/FYI0964Hague.doc>

This FYI informs staff what the Hague Convention Treaty is, when it applies, what the notice requirements are under the treaty, and further informs staff how to provide notice to parties in the country's native language as required by the treaty. (SA)

Procedural Guides:

0070-559.11 (REV) Family and Children's Index (FCI)

Link to procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0070/007055911v1209.doc>

This procedural guide was revised to include language recommended by the Chief Executive Office to standardize FCI use County-wide. (The FCI system is a computerized interagency database designed to better identify children and families who are at risk of child abuse and neglect by tying together basic information about families and children that have had relevant contacts with public agencies and have been identified as at risk for abuse or neglect. It provides authorized provider agencies with minimal identifying information regarding a child and family as well as minimal information regarding another provider agency contact(s) with a child and family. FCI also contains the names of agency contact person for pursuing additional information.) (SA)

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

Link to procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0900/090051110FCRatesv1209.doc>

This procedural guide was revised to reflect the appropriate group home rates. (SA)