



# Children's Law Center of Los Angeles

## ***“DEPENDENCY LEGAL NEWS”***

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### **NEW DEPENDENCY CASE LAW**

#### **JURISDICTIONAL FINDINGS**

***In re Christopher C.***- filed February 22, 2010, Second Dist., Div. Four

Docket No. B216270

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/B216270.DOC>

Children were detained from parents because of allegations of sexual abuse by father, sexual conduct between the children, and physical abuse by mother. The parents had been involved in an ongoing bitter custody battle for several years, investigations by police officers and social workers indicated that the children were coached by their mother to make sexual abuse allegations against father, and medical examinations yielded normal results. Further, the children's accounts of the allegations varied and were inconsistent with each other and the children did not display the demeanor of sexually abused children. At the jurisdiction and disposition hearing, both parents' counsels agreed to submit to the court's tentative to conform the dependency petition to proof and agreed to waive notice. The court amended the petition to add that severe dysfunction within the family resulted in a family law conflict resulting in cross allegations of abuse, coaching, and failure to properly supervise the children. Father appealed claiming that the amended petition did not state a cause of action under WIC 300, subdivisions (b) or (c), and that the record did not support the conclusion that the children were suffering or were at risk of suffering substantial risk of serious emotional damage.

Affirmed. Father forfeited his claim by failing to demur to the petition in the trial court. Moreover, even if the petition failed to state a prima facie case, father cannot establish prejudice. The purpose of the dependency petition is to give a parent adequate notice of the

allegations against him/her. Here, the court amended the petition after discussing the matter in chambers with the attorneys who in turn conversed with their clients. After the court announced how it was going to amend the petition, no party objected or claimed to be confused and father did not claim in his appeal that he was misled by the amendment. Further, father's claim that the evidence is insufficient to sustain the juvenile court's finding is not supported by the evidence. The parents' tug-of-war for the children's affections, the family history of DCFS intervention which includes 30 referrals, that the children had become accustomed to making allegations against family members without regard for the truth, that the constant coaching hindered the children's ability to distinguish reality from fiction, that the children found it daunting to be constantly questioned about subjects they did not want to talk about and be subjected to physical examinations, that one child became more withdrawn while testifying and refused to answer questions while another had difficulty discussing the matter, etc. suggests that the children are at substantial risk of emotional harm. (SA)

### **OTHER LEGAL DEVELOPMENTS**

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

##### **Procedural Guides:**

0100-525.10 (REV) Interstate Compact on the Placement of Children (ICPC)

Link to procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0100/010052510ICPCv0210.doc>

This procedural guide was updated to reflect a change in the telephone number of the DCFS Multidisciplinary Team (MDT) Liaison. (SA)