



Children's Law Center of Los Angeles

“DEPENDENCY LEGAL NEWS”

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NEW DEPENDENCY CASE LAW

CONTINUANCES; WIC 352; JURISDICTION; WIC 300(a); DE FACTO PARENT STATUS

In re Giovanni F. – filed May 11, 2010, Fourth Dist., Div. One

Docket No. D056472

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/D056472.DOC>

One-year-old child was detained because father punched mother in the face while driving car, with child in car, and there were prior domestic violence incidents in the presence of the child. On date of jurisdictional and dispositional hearing, father came to court, but could not be found when the case was called. His attorney asked the court to trail the case, and informed the court that father intended to file a *Marsden* motion. Juvenile court declined the request and went forward with the hearing. Father entered the courtroom during closing argument and requested a continuance to retain a private attorney. Juvenile court denied the request. Juvenile court sustained petition under WIC 300(a), and granted maternal grandmother's petition for de facto parent status. Father appealed.

Affirmed. Juvenile court did not abuse its discretion under WIC 352 in denying father's request for a continuance to retain private counsel; father's request occurred over a month after the hearing was set. Father was not entitled to a *Marsden* hearing because he asked for a continuance to obtain private counsel, but did not assert that his appointed counsel was inadequate. Juvenile court did not err in sustaining petition under WIC 300(a), because father's non accidental conduct – e.g. hitting mother while he was driving, struggling with mother over child's car seat while child was in it, and hitting mother while she was holding child -- put the child at risk of serious physical injury. Juvenile court did not abuse its

discretion in granting de facto parent status to grandmother, because child had lived with her for substantial time period and she was involved in his day-to-day care. (MM).

OTHER LEGAL DEVELOPMENTS

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

Procedural Guides:

0070-548.05 (REV) Emergency Response Referrals Alleging Abuse in Out-of-Home Care Regarding Children Who are Under DCFS Supervision

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0070/007054805v0510.doc>

This procedural guide was updated to clarify instructions related to conducting the emergency response investigation and the closure of the referral. (SA)

0070-548.06 (REV) Emergency Response Referrals Alleging Abuse of Children Who are Under DCFS Supervision and Residing in the Home of a Parent

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0070/007054806v0510.doc>

This procedural guide was updated to clarify instructions related to conducting the emergency response investigation and the closure of the referral. (SA)