



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

ICWA NOTICE

In re Robert A. – ordered partially published Feb. 20, 2007, Fourth Dist., Div. One
Docket No. D048994

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/D048994.DOC>

Father appealed from an order removing his son from his custody under Welf. & Inst. Code § 387 in part on grounds that the court did not comply with ICWA. The father had told the social worker early on that his grandfather was a full-blooded Cherokee Indian. The agency never provided ICWA notice. However, on appeal, the agency asked the appellate court to receive and consider ICWA notices it had filed in the dependency case of a half-sibling, which was presided over by a different judicial officer. Reversed for noncompliance with ICWA. The court of appeal held the agency's motion to augment the record with the ICWA notices filed in the half-sibling's case was inappropriate since the documents were never filed in the current case. Moreover, it was the job of the juvenile, not the appellate, court to review the ICWA notices sent and determine whether notice was proper before deciding whether ICWA applied. (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):

07-06 A New Needs and Services Plan Form Being Piloted

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2007/FYI0706NeddsandServices.doc>

This FYI advises staff that identified case managers from a select group of Foster Family Agencies (FFAs) and Group Homes will begin piloting a new Needs and Services Plan in the near future. The

new form is the result of a joint effort by providers, DCFS, the Auditor Controller's Office, Probation and Community Care Licensing to develop a single Needs and Services Plan/Quarterly Report which FFAs and Group Homes will utilize. (JC)

07-07 Foster Youth Substance Abuse Services Pilot

Link to FYI:

<http://dcfs.co.la.ca.us/Policy/FYI/2007/FYI0707FosterYouthSubstanceAbuseTreatpilot.doc>

This FYI informs CSWs that the substance abuse treatment protocol will be piloted in Departments 408, 410, and 418 beginning 02/20/2007. (JC)

Procedural Guides:

50-503.50 (REV) Child Protection Hotline (CPH): Referrals Regarding Children In Out-Of-Home Care And Day Care Who Are Not Under DCFS Supervision

Link to procedure: <http://dcfs.co.la.ca.us/policy/hndbook%20cws/0050/005050350V0207.doc>

This revised procedural guide informs SCSWs and CSWs of their responsibilities when a referral is received on children in out-of-home care, Regional Center care, or day care facilities who are not DCFS supervised but who are alleged to be victims of out-of-home abuse or neglect. (JC)

50-504.10 (REV) Child Protection Hotline (CPH): Referral Name Criteria

Link to procedure:

<http://dcfs.co.la.ca.us/policy/hndbook%20cws/0050/005050410namecriteriaV0207.doc>

This revised procedural guide informs CSWs of procedures to follow when determining the referral name and emphasizes the importance of the uniformity of referral names. (JC)