



Children's Law Center of Los Angeles

“DEPENDENCY LEGAL NEWS”

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NEW DEPENDENCY CASE LAW

DE FACTO PARENTS

In re D. R.--filed June 15, 2010, First Dist., Div. Four

Docket No: A124573

Link to Case: <http://www.courtinfo.ca.gov/opinions/documents/A124573.PDF>

A supplemental petition was filed after then 12-year-old dependent child D.R. was removed from the home of his uncle, C.S., with whom he had lived since he was an infant. C.S. had been D.R.'s de facto parent from the time he was one year old. The supplemental petition alleged that C.S. had inflicted corporal punishment on D.R., leaving marks on the child's body. The juvenile court found the allegations of physical abuse to be true. The county agency filed a motion to terminate C.S.'s status as D.R.'s de facto parent. At the same time, C.S.'s partner, K.F., filed a motion to also be granted de facto parent status. Citing *In re Keisha E.* (1993) 6 Cal.4th 68, 78, the agency argued that once the juvenile court found physical abuse had occurred, C.S. automatically forfeited his de facto parent status. For similar reasons, the agency argued, K.F. could not be granted de facto parent status. The juvenile court denied the agency's motion, and granted K.F.'s request for de facto parent status. The court ruled that it was entitled to determine whether the serious physical abuse inflicted rose to the level which would trigger application of *Keisha E.* The agency appealed.

Affirmed. First, *Keisha E.* may not even apply to the question whether de facto parent status should be terminated. Arguably, the case only governs the situation where an individual is seeking de facto status, not where a party is seeking to have that status revoked. Moreover, even if *Keisha E.* does automatically preclude an individual from assuming de facto parent

status where he or she has inflicted serious abuse, the juvenile court must still make the threshold decision whether the de facto parent's misconduct was the type of serious physical abuse that *Keisha E.* contemplated would trigger automatic termination. In this case, the juvenile court reasonably concluded that C.S.'s misconduct did not trigger mandatory loss of de facto parent status. For the same reason, the juvenile court did not abuse its discretion by granting de facto parent status to K.F. (PB)

OTHER LEGAL DEVELOPMENTS

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

For Your Information (FYIs):

10-35 New Protocol for Obtaining Adult Probation Information

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1035AdultProbaationInfo.rtf>

This FYI is to inform DCFS staff that in order to expedite obtaining prior adult probation information on DCFS clients, the Probation Department is providing them with telephone access to the probation database. This FYI provides the procedure for CSWs to follow when they need to obtain the Adult Probation information. (SA)

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/0070/007054805v0610.doc>

This procedural guide was updated to reflect that no less than three pertinent collateral contacts are required for each child abuse referral. A contact with a reporting party who is a mandated reporter will count as one of the three required collateral contacts. However, if the reporting party is not a mandated reporter, a contact with that reporting party will not count as one of the three pertinent collateral contacts. (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/0070/007054806v0610.doc>

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0070-548.10 (REV) Disposition of the Allegations and Closure of the Emergency
Response Referral

Link to Procedure:

<http://dcfs.co.la.ca.us/Policy/Hndbook%20CWS/0070/007054810v0610.doc>

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