



# Children's Law Center of Los Angeles

## *“DEPENDENCY LEGAL NEWS”*

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### NEW DEPENDENCY CASE LAW

#### **JURISDICTION; § 300(b)**

*In re V.M.* – filed December 22, 2010, Second Dist., Div. Eight  
Docket No. B220976

<http://www.courtinfo.ca.gov/opinions/documents/B220976.DOC>

Seven year-old V.M. was raised by her maternal grandparents from birth. The mother died in 2006. When father attempted to obtain custody of V.M., the maternal grandparents made a referral to the county agency asserting father abused alcohol, including on the rare instances he visited V.M. The county agency filed a petition containing those allegations. After a contested jurisdictional hearing, the juvenile court struck all allegations regarding father's alcohol abuse, but sustained a count under section 300, subdivision (b) stating that “other than occasional visits, father has never parented his child. Because of the lack of a parent/child relationship, [V.M.] will be traumatized and suffer detriment if she is forced to leave the care of the only caretaker she has known . . . and forced to reside with her father.” The court ordered V.M. suitably placed with her grandparents. Father appealed.

Reversed. A dependency court cannot assert jurisdiction where there is no evidence of parental abuse or neglect; “abdication of a parental role” is not a statutory basis for dependency jurisdiction. Before courts can assert jurisdiction under section 300, subdivision (b), there must be a finding of substantial risk of serious physical harm or illness. Therefore, the trial court was ordered to dismiss the petition, and discharge the child from any detention ordered. The appellate court did indicate, however, that its ruling would not affect any probate proceeding the grandparents might commence to obtain probate guardianship. (TBN)

## **VISITATION**

*In re Grace C.*,--filed December 8, 2010; pub. order December 20, 2010, First Dist., Div. Four

Docket No. A127208

Link to case: <http://www.courtinfo.ca.gov/opinions/documents/A127208.DOC>

Children were detained from mother following a petition filed pursuant to section 387. Pursuant to settlement, the petition was sustained, and maternal great-grandmother and maternal great-aunt were appointed legal guardians. After a failed mediation, the court conducted a contested hearing with respect to disposition. After the hearing, the court terminated jurisdiction and issued a detailed visitation schedule. Included as part of the schedule was a provision that visitation could be reduced upon the recommendation of the children's therapist, provided that any therapist recommendation be put in writing and any reduction in visitation "truly be for good reasons." Mother appealed, arguing that the court's order constituted an improper delegation of discretion over visitation.

Affirmed. In light of all of the circumstances of the case, including the fact that it was essentially undisputed that visits were going well and were expected to continue indefinitely despite the provision granting some discretion to the legal guardians, the juvenile court's visitation order was not an abuse of discretion. The court properly considered the need for flexibility and allowed for adjustments if necessary after the termination of jurisdiction. If visits are reduced for what mother considers insufficient reasons, mother may petition the juvenile court for relief. (PB)

## **OTHER LEGAL DEVELOPMENTS**

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

#### **For Your Information (FYIs):**

10-79      Residentially Based Services (RBS) Demonstration Project

Link to FYI: <http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1079RBS.rtf>

This FYI is to notify staff that Los Angeles County, San Bernardino County, Sacramento County, and San Francisco County were selected to participate in an AB 1453 Residentially Based Services (RBS) Demonstration Project to shorten timeframes to durable permanency for children who face a residential stay. This FYI further specifies Los Angeles County's plan to implement AB 1453 services to shorten the timeframes to achieve permanency. (SA)

10-80 Pregnant And Parenting Teen (PPT) Conference Utilizing The Family Group Decision Making (FGDM) Model

Link to FYI:

<http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1080PregnantParentingTeen.doc>

The purpose of this FYI is to remind staff that the Pregnant and Parenting Teen (PPT) conference still exists. Further, this FYI provides information on PPT. (SA)

10-81 Children with Pervasive Developmental Disorders (PDD) (Autism Spectrum Disorders are included in PDD)

Link to FYI:

<http://dcfs.co.la.ca.us/Policy/FYI/2010/FYI1081AutissimSpectrimDisorder.rtf>

This FYI is to remind staff that children with a Pervasive Developmental Disorder (PDD), usually diagnosed with autism, may qualify for Regional Center services. This FYI further provides information on PDD. (SA)