



EMPOWERING FAMILIES AND PROMOTING JUSTICE

# HOLISTIC FAMILY DEFENSE

LOS ANGELES DEPENDENCY LAWYERS



## Los Angeles Dependency Lawyers Community Outreach and Partnership Committee

Los Angeles Dependency Lawyers (LADL) is the largest dependency law firm in the nation.

LADL is a non-profit organization comprising five law firms of attorneys, social worker investigators, parent partners, paralegals, and support staff.

The Community Outreach and Partnership (COAP) Committee aims to connect beyond the courtroom to educate the public about dependency law, parents' and guardians' rights, and LADL's services.

In addition to COAP, LADL has many other committees, such as our legislative and expert committees.



## WHAT IS DEPENDENCY LAW?

Juvenile dependency court hears cases involving children who have allegedly been abused, neglected, or inadequately cared for. The laws governing dependency court can be found within the California Welfare and Institutions Code.



# The Law

*Welfare and Institutions Code §300.2*

Notwithstanding any other provision of law, the purpose of the provisions of this chapter relating to dependent children is to provide maximum safety and protection for children...**The focus shall be on the preservation of the family as well as the safety, protection, and physical and emotional well-being of the child.**

# BEFORE A CASE OPENS



100% FREE  
Parent Hopeline  
**323 -790-LADL (5235)**

LADL provides free and confidential consultations with trained parent advocates who understand where parents are because they have been there too.

Consultations are readily available in Spanish and English.

LADL is dedicated to educating parents on the rights especially when child welfare enters their life!

LADL stands ready to give the necessary information parents need to make informed decisions for their family.

## Great resource for you!

If your client is concerned about a possible/ pending DCFS investigation have them call the Hopeline.

If you have any questions about dependency law, supporting a client, looking to get extra resources for a client with a DCFS investigation, You can call our Hopeline for guidance, information, and resources.

If your client has an open case, they can get connected to their attorney by calling the LADL main office line at **(323) 262-0472**

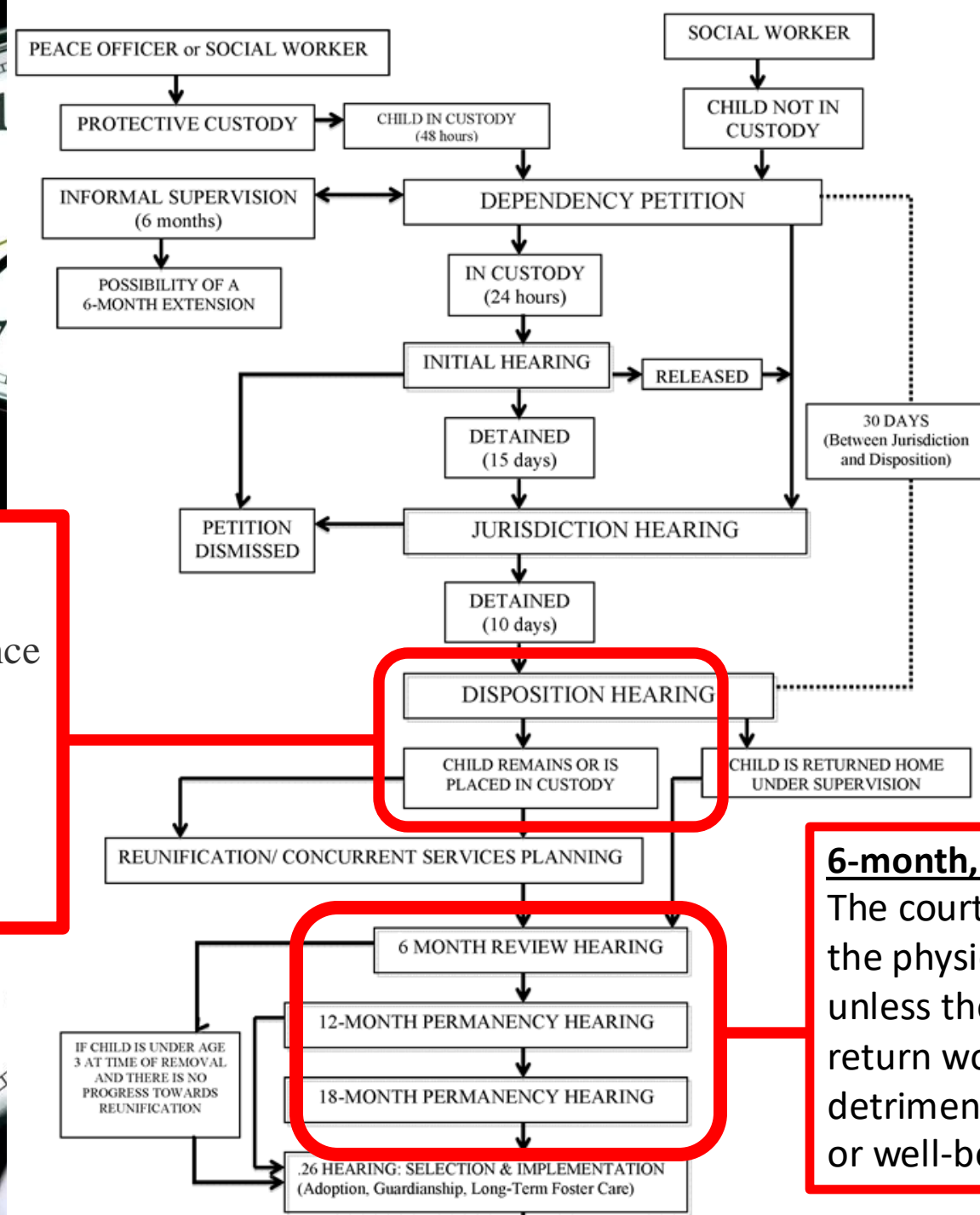
# HIDDEN FOSTER CARE (Probate Legal Guardianships)

After an initial referral (or during a DCFS investigation), DCFS will often suggest (or strongly pressure) families to go to Probate Court and file for guardianship of the child or children to avoid a petition filed in Dependency Court.

**PROS:** no ongoing dependency case; no possibility of termination of parental rights; no ongoing interaction with a DCFS social worker, and the referral or investigation closes.

**CONS:** notice requirements for parents are not as stringent as in Dependency Court (parents may not even be aware the caregiver is filing!); caregivers do not receive foster care funding; no court-appointed lawyers for parents or children; and orders can be difficult to change.

A child shall not be taken from parents' custody unless the court finds clear and convincing evidence that there would be a substantial danger to **AND** there are no reasonable means by which the minor's physical health can be protected.



### 6-month, 12-month, and 18-month Reviews

The court **shall** order the child's return to the physical custody of his or her parent unless the court finds... that the child's return would create a substantial risk of detriment to the child's safety, protection, or well-being.

# Placement with the parent is the rule, not the exception.

Disposition: *Welfare and Institutions Code §361(c)(1)*

A child shall not be taken from parents' custody unless the court finds clear and convincing evidence that there would be a substantial danger to AND there are no reasonable means by which the minor's physical health can be protected.

## **Reasonable means to protect is where YOU CAN HELP:**

This can include that the parent is already enrolled in services, the child being released to the parent on condition they reside in a program/ safe house, that a family member resides with the parent and child, that a parent has a relapse prevention plan already prepared, or anything else that demonstrates to the court that the parent has already remedied the issue.



# Paper vs. Practice: Legal Process Takeaways

## **The timeline is a time crunch:**

under 3 = 6 months, over 3 = 12 months

## **A broken system is demanding perfection from parents.**

Little to no consideration for financial limitations, houselessness, mental health, race or gender barriers, etc.

## **A client's mistrust of the dependency system is valid.**

Parents are often, mislead and misinformed about their rights.





# Parent's Legal Rights

---

- ✓ Visitation
- ✓ Reasonable Services
- ✓ Legal and medical decisions

Termination of Family Reunification services (TFR)

vs

Termination of Parental Rights (TPR)

# 388 MOTIONS

1. Request liberalization of visitation between the statutorily scheduled hearing
2. Request a change in the case plan or a change in paternity status
3. Reinstate Family Reunification services or seek HOP after termination or denial of FR services before the .26 hearing
4. Terminate a dependency Legal Guardianship



# IMPACT OF FAMILY SEPARATION

The experience of family separation in and of itself is widely considered to be traumatic. Congress recognized that removal has a “profound effect on the child and family . . . that cannot be undone”. The Human Rights Watch stated that the “Child Welfare System Harms Families”

Children coping with trauma of family separation, are at a higher risk of depression, anxiety, substance use, and suicidality as they grow older.

In an Oregon and Washington State study, almost 1/3 of foster children reported abuse by a foster parent or another adult in the home.

Study in Maryland found children in foster care are 4 times more likely to be sexually abused than their peers not in this setting, and children in group homes are 28 times more likely to be abused.

Black and Indigenous families are disproportionately affected. 7% of children in L.A. County are Black, while 24% of those removed from their homes are Black, according to the L.A. County Department of Children and Family Services.



# What can you do?

- **Ask for attorney contact/ release of information/ case information**
- **Holistically address case issues in services.**
- **Inform CSW (with caution) of barriers clients are facing.**
- **Indicate whether you think a parent is receiving “reasonable services” so that reunification is possible from your perspective**
- **Advocate for FAMILY focused care**





# Questions

COAP Committee Co-Chairs:

Emily Berger, Firm Director:

BergerE@ladlinc.org

Morgan Thompson, Staff Attorney:

Phone: 323-327-8713

Email: ThompsonM@ladlinc.org

Parent Hope Line: 323-790-LADL (5235)

LADL EXECUTIVE OFFICE: (323) 262-0472



A blue pen with a silver tip is positioned diagonally across the left side of the image. It rests on a document featuring a bar chart with blue bars of varying heights. The background is a light blue gradient.

# Data Sources

Title IV-E Foster Care Eligibility Reviews and Child and Family Services State Plan Reviews, 65 Fed. Reg. 4051, 4052 (Jan. 25, 2000) (to be codified at 45 C.F.R. pts. 1355, 1356, 1357).

Sankaran, Vivek, co-author. "Easy Come, Easy Go: The Plight of Children Who Spend Less Than 30 Days in Foster Care." *C. Church, U. Pa. J. L. & Soc. Change* 19, no. 3 (2016): 207-237.

Human Rights Watch. (2022, November 17). U.S. Child Welfare System Harms Families. Retrieved from <https://www.hrw.org/news/2022/11/17/us-child-welfare-system-harms-families>

California Child Welfare Indicators Project  
<https://ccwip.berkeley.edu/>

US Department of Health and Human Services  
<https://ccwip.berkeley.edu/>

LA County DCFS Fact Sheets  
<https://dcfs.lacounty.gov/resources/data-and-monthly-fact-sheets/>