

# Juvenile Dependency



The Hon. Ana España  
The Hon. Marian F. Gaston  
May 2, 2019

# Goals of Dependency Proceedings

Preserve the family  
*and*  
provide for the safety,  
protection, and physical and  
emotional well-being of the  
child.



# The Philosophy of Dependency Court

1. When the government takes a parent's kids, we're supposed to give them back
2. But only if it's safe, and there's a limited amount of time . . . .
3. So if we can't give them back, we need a good Plan B.

# Source of the law?

- Welfare and Institutions Code sections 300 and beyond
- Case law from appeals courts, the California Supreme Court, and the United States Supreme Court
- Federal laws including the Indian Child Welfare Act

# Types of Allegations?

- 45% Neglect
- 31% Emotional abuse
- 31% Physical abuse
- 19% Sexual abuse
- 3% Severe neglect
- 2% Caretaker absence
- .4% Exploitation



44,049

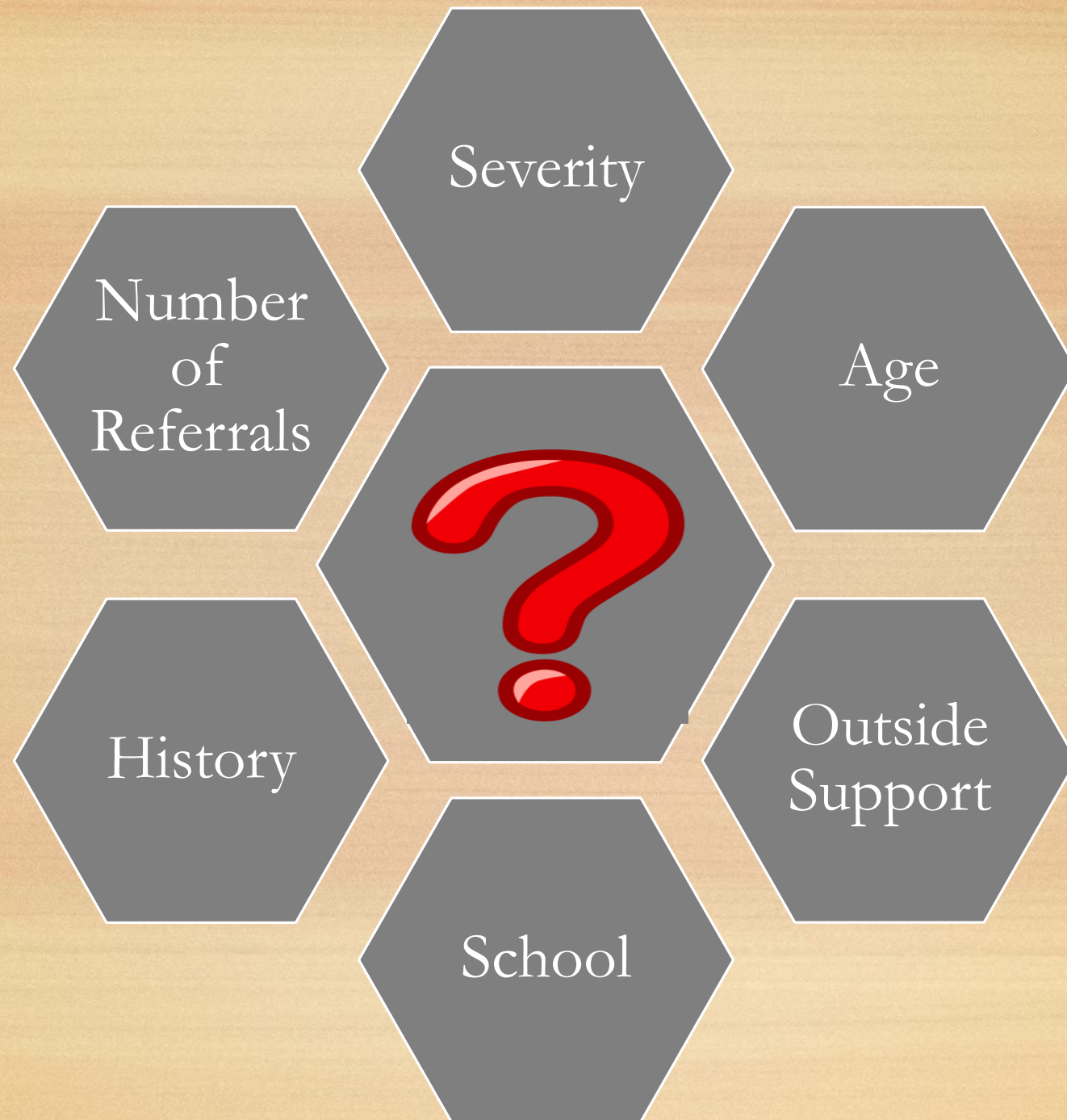
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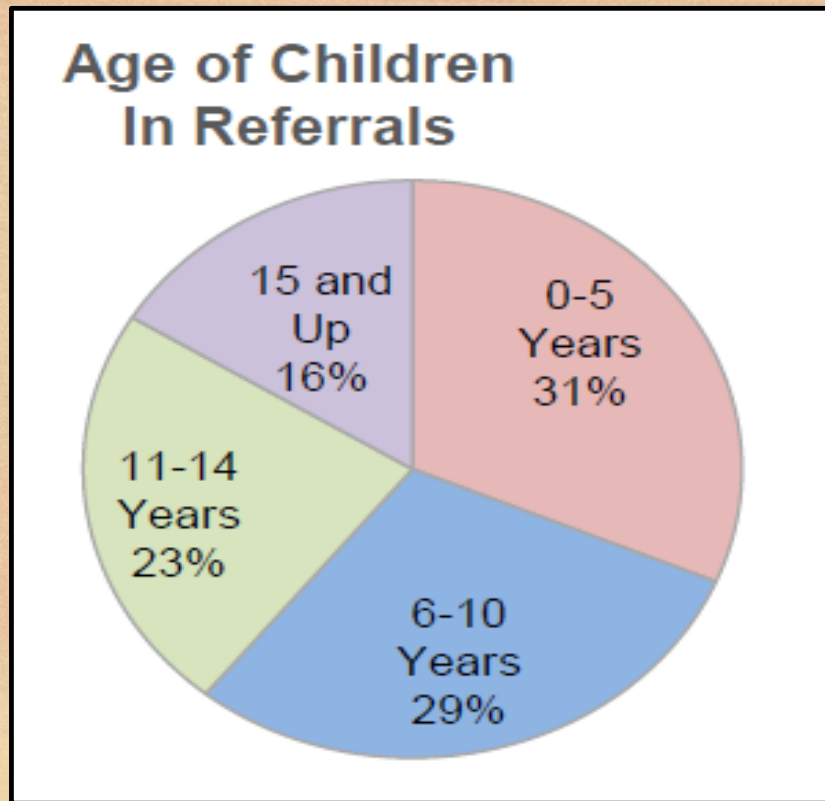
1,202

966





# Referrals by Age



# Once the Case Comes to Court....

- Both parents and children have the right to counsel
- Parents and children over 10 have the right to be present
- After most decisions, the parents and children have the right to appeal
- A CASA may be appointed for the child(ren)
- The court can make *any orders* necessary for the child's welfare

**Once the Case Comes to Court....**

Everything is confidential!



# Once the Case Comes to Court....

1. Are the allegations true?

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2. If so, what should happen next? Where should the children go?

**Once the Case Comes to Court....**

The law requires us to look for family



# Of 2,052 children in out-of-home care

- 36% with family
- 59% not with family
  - 38% foster care
  - 12% guardianship
  - 4% group homes
  - 3% San Pasqual Academy

# Once the Case Comes to Court....

1. Are the allegations true?
2. If so, what should happen next? Where should the children go?
3. How are the parents doing at fixing the problem?

# What are parents supposed to do?

- Drug treatment/testing
- DV counseling
- Individual counseling
- Parenting classes
- Medication
- Services for the children?

# Tight Timeframes



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Adoption

Guardianship

Placement with a fit  
and willing relative

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2. If so, what should happen next? Where should the children go?
3. How are the parents doing at fixing the problem?
4. If the parents aren't reunified with the children, what should the permanent plan be?
5. How is the child doing?

# What is Available to Help Adults Who Are Former Foster Youth?

- Extended foster care until age 21
- Free college at UCs, California state schools, and CC
- In San Diego, services up until age 27 through non-profit Just in Time

How can we help?