



## Department of Children and Family Services Policy and Procedure Guide

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Division No: 3–Child Welfare  
Chapter No: 6–Court  
Item No: 13–Due Diligence

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Effective Date:  
3/14/07

**POLICY:** In compliance with State and Federal laws, the Department of Children and Family Services (DCFS) will assure that parents, guardians and other parties are provided legal notice of all Fresno County Juvenile Dependency Court proceedings. If it is determined that a person's whereabouts are unknown, the court may waive the notice requirement.

**PURPOSE:** To define the “Diligent Search” process using the Referral for Parent/Relative Search (6168) and for publications of WIC 366.26 court hearings.

**REFERENCE:** CWS/CMS Procedures  
Welfare and Institutions Code 290.1 through 297

**INTRODUCTION:** The assigned Social Worker must attempt to find the address of each child's parents and/or guardian in order to provide services enabling the child(ren) to remain in the home or, if removed, to return home. Determining whereabouts is usually made at initial intervention (usually Emergency Response) and by subsequent workers as needed to advise the individuals of the child's legal status and their rights under the law.

Knowing the whereabouts of these parties also allows DCFS to provide notice of any staffing held prior to a court hearing, notice of juvenile court proceedings, and assurance that parent(s), guardian(s) or other person(s) with custody of a child receives proper notice regarding dependency hearings. To establish to a legal standard that a person's identity and/or whereabouts is unknown, the court must determine that DCFS has "ascertained by due diligence" that the whereabouts cannot be determined.

Division/Program Manager Approval	–	_____	–	_____
		Name		Date
Assistant Director's Approval	–	Andrea Sobrado	–	3/14/07
		Name		Date
Director's Approval	–	Catherine Huerta	–	3/14/07
		Name		Date

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PROCEDURE:

I. SOCIAL WORKER RESPONSIBILITY:

- A. Submit the Referral for Parent/Relative Search (6168) as soon as possible if a parent and/or guardian's whereabouts are currently unknown.(Attachment A)
- B. At least 30 days prior to the specified hearing the assigned social worker will e-mail a Referral for Parent/Relative Search (6168) to the designated DCFS Parent Search Inbox as follows:
  - 1. The social worker will enter identifying client information under Section 1 of the 6168 and indicate any location(s) the parent(s), guardian(s), or relative(s) have been reported to live.
  - 2. The social worker will e-mail the completed 6168 to the designated DCFS Parent Search Inbox to complete the search process.

II. OFFICE ASSISTANT RESPONSIBILITY:

The OA will complete the search within 10 working days from the date the referral is received. The OA will contact the various agencies listed on Part II of the 6168 and enter information received into the CWS/CMS Search Log. Upon receipt of the completed 6168, the OA will determine if any individuals identified in the form 6168 is a parent of the minor(s).

- A. A letter of inquiry, which does not disclose identifying information of the minor, may be sent to the identified individuals by designated clerical staff.
- B. Telephone contact may be made with the individuals identified, but care must be taken to not release the child's identifying information.
- C. If a person is determined to not be the missing parent of a child, a notation must be made on the CWS/CMS Parent Search Log so the individual is not contacted again during future searches.
- D. If the parent's whereabouts are determined, the OA will inform the Social Worker. The OA will enter the finding into the CWS/CMS Search Log.
- E. The designated OA will generate a Declaration of Due Diligence from the CWS/CMS System

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- F. Once the OA has completed and signed the Parent Search and Due Diligence, the original and a copy of the 6168 along with the Due Diligence is routed to the designated Social Work Supervisor for distribution to the assigned Social Worker at CMC, Crocker, and L-Street.

III. FOLLOW-UP BY SOCIAL WORKER:

- A. The 6168 information may be used, verbatim, in the court report under the Section entitled "Notice and Legal Representation." A copy may also be attached to the court report
- B. DCFS must conduct a parent search for each subsequent hearing or at a maximum of six months from the previous search for each parent whose whereabouts is unknown. In order to involve the parent in the decision-making process for the child, social workers are encouraged to seek each parent's whereabouts before a court report is due.
- C. To allow for family representation at court, all parent(s) or guardian(s) must be notified. If there are parent(s) or guardian(s) who do not reside within the state, or if their whereabouts are unknown, a known adult relative residing in the county, or nearest the court must be notified.
  - 1. To obtain permission from the judge to publish, the Social Worker must complete an "Order for Notice", along with the "Due Diligence", with a cover letter to the judge, or
  - 2. When court order gives DCFS permission to publish, it also orders initiation of "Dec of Search" (Due Diligence) along with the publication. The court orders submission of both for the next hearing.
  - 3. Upon notification in court to Social Worker that a "Dec of Search" is needed, the Social Worker will need to immediately send a notification in email form to the "DCFS Parent Search" Inbox to begin Due Diligence if needed.
  - 4. If the parent's whereabouts have been determined, the Social Worker will then inform the parent of any staffing scheduled to discuss the case plans, as well as upcoming court dates and procedures.
- D. The Social Worker will file the 6168 on the right-hand side of the case folder under the correspondence tab.

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IV. AFFIDAVIT REQUIREMENTS:

State law requires that, if the whereabouts of a parent or guardian is unknown, the Court make such findings based on an affidavit or by proof that a reasonably diligent search has failed to locate the parent.

- A. An affidavit regarding the parent search is to be filed with the Court at the time of the adjudication, review, permanency planning, or 366.26 hearing. A “Declaration of Due Diligence” document in CWS/CMS must be used for that purpose. (See Attachments.)
- B. The affidavit is to be completed only after attempts have been made to contact all persons identified on the 6168. The document is signed under penalty of perjury and must, therefore, reflect accurate information.
- C. In the Adoptions Unit, upon receipt of the Minute Order, the Office Assistant will send a notification in email form to the “DCFS Parent Search” Inbox to advise that a Due Diligence is needed. The Parent Search Unit OA will start the process of the Due Diligence.
- D. In the Parent Search Unit, the Office Assistant handles the letters and telephone calls.

V. NOTICE OF PUBLICATION:

UPON RECEIPT OF 6127 INDICATING “PERMISSION TO PUBLISH” (DECISION HAS BEEN MADE to replace the 1909R as of March 1, 07, which is now considered obsolete, with the revised 6127)

The following attachments are needed:

FJV-05 Current Minute Orders, SOC 158A, Copy of 6168 Parent Search (only if whereabouts unknown)

- A. The designated Office Assistant shall:
  - 1. Prepare three (3) copies of the “Notice and Citation to Parent” for appearance at hearing (see example 1).
  - 2. Prepare the two (2) copies of the letter to Fresno Business Journal regarding the minor (see example 2).
  - 3. Deliver the three (3) copies of the “Notice and Citation to Parent” for appearance at hearing to the Juvenile Court window located at 1255 Fulton Mall, Fresno, CA 93721 to be stamped and signed by the court clerk.

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4. Deliver two (2) original date/stamped Notice and Citation along with two (2) cover letters to Fresno Business Journal, located at 1215 Van Ness Ave., Suite #200, Fresno CA. 93721, Fresno Business Journal will only accept our requests on Mondays, Wednesdays, and Fridays. The clerk at FBJ will stamp the cover letters received and hand back to the designated DCFS Office Assistant as proof of receipt for the “Notice by Publication” (See attached example 3).
5. Fresno Business Journal will then mail publication with article to County Counsel after four (4) consecutive weeks.
6. All bills regarding Fresno Business Journal will be sent monthly to the Fresno County Business Office located at ??????????, beginning on the 1<sup>st</sup> of the month.

**CWS/CMS Link for “Declaration of Due Diligence”** 

REFERRAL FOR PARENT/RELATIVE SEARCH

Attachment A

TO: Parent Search Clerk

FRom: Social Worker/ Worker Phone No.

Date: 8/11/2023 Court Date:

DUE DILIGENCE: Yes No

PURPOSE: Emergency search to locate a parent

Subject of Search:

Last First Middle AKA: Relationship: Social Security No: Sex: DOB:

Case No. Case Name: Child's Name: Sex: DOB: Social Security No. (or approximate age)

Last Known Address Date of Last Known Address

If subject of search is believed to reside outside of Fresno County, please specify city/state for search:

The following efforts have been made to locate:

Table with 8 columns: DATE, YES, NO, SEARCHED, DATE, YES, NO, SEARCHED. Rows include Family Support, Prison Locator, Sheriff's Records, Parole, County Jail, Adult Probation, CALWIN / HSS Records, Register Of Voters, Personal Property Rolls, SS/SSI Records.

- ☐ The names and addresses of the person searched for was not found in any of the records indicated above.
☐ The name and residence address(es) of the person searched for was found in the following record(s) listed below:

- 1 Address:
2 Address:
3 Address:
4 Address:
5 Address:

Form completed by: Search Clerk Date: