

DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 06: Court

Item 022: Communication with County Counsel

Suggested changes send to: [DSS PSOA](#) Mailbox

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References: N/A

Revisions in Red

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Preamble

Child Welfare Policy and Procedure Guides are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

Policy

It is the policy of the Department of Social Services (DSS) to increase the presence of County Counsel in dependency hearings. Social Workers (SW) will consult with County Counsel for legal advice in regards to dependency matters.

Purpose

Increasing the presence of County Counsel in dependency hearings will assist in providing a higher level of service to clients of the DSS.

Procedure

The SW will consult with their Social Work Supervisor (SWS) **and Division Chief (DC)**, first, before contacting County Counsel for assistance.

The assigned SW shall contact County Counsel:

- When a trial is scheduled on their case.
- When they are unsure what information can be shared with law enforcement, providers, relatives, and attorneys.
- If a child assigned to them dies.
- A hearing is set to determine if reasonable services have been provided.
- If the SW would like help preparing for a trial.

- If the SW and their SWS have questions in determining whether a family meets criteria under Welfare and Institutions Code (WIC) 361.5.
- Any other complex legal matters, as needed.
- As requested by the assigned SWS or court officer.

DSS will notify the Deputy County Counsel of the corresponding Court Department 21, Department 22, or Department 23 that the case is assigned to when requesting County Counsel's assistance or attendance on a case that meets criteria. The appropriate attorney will then be assigned to help.

The court officer will notify SWs of court orders directing further work from the SW (e.g., dates for report submittal, what details the court requests be addressed by a report, etc.)

To offset the time commitment of County Counsel, DSS will do the following:

- Staff must go through their SWS/DC before soliciting County Counsel's consultation with the exception of trials/contested hearings when direct communication is preferred.
- DSS and County Counsel will work to coordinate structured and time-reduced standing **consultation** hours in all court related program areas.
- SWSs will monitor and track the timeframes and quality of Court Reports and Discovery.

Attendance at Teaming Meetings

Occasionally, a parent or child/youth may request to have their attorney present at a meeting outside of a Court hearing. Fresno County DSS has decided that a parent and/or child/youth's attorney may be present at a staffing, Team Decision Making (TDM) meeting, **Child and Family Teaming (CFT) Meeting**, or Mediation, if County Counsel also attends the meeting.

If a request is made, the assigned SW shall contact County Counsel at 600-3479 to see if they can attend the meeting. If the family has an open case in Juvenile Court, first try to ask for the attorneys for that courtroom. If County Counsel is able to attend the meeting, advise them of the date, time, location, and items to be discussed.

If County Counsel is unable to attend the meeting, an exception may be made. The assigned SW is to advise their SWS of the situation, who in turn will consult with a **DC** and County Counsel. If an exception is not made, the assigned SW will advise the parent/child/youth that their attorney will not be allowed in the meeting.

If an exception is made, the attorney will be advised by the assigned SW that they can only be present as a support person and they are not to participate in the discussion.