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12 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA

13 COUNTY OF LOS ANGELES

14 TIMOTHY J., by his Guardian Ad) Case No. CA001128
15 Litem Cheryl J.; TEQUILA L., by) FIRST AMENDED CLASS ACTION
her Guardian Ad Litem Donna) COMPLAINT FOR DECLARATORY
16 Groman, and ANDREA U., by her) AND INJUNCTIVE RELIEF;
Guardian Ad Litem Kimberly K.,) PETITION FOR WRIT OF
17) MANDATE
Plaintiffs and Petitioners,)

18 vs.)
19)

20 ROBERT CHAFFEE, Director, Los)
Angeles County Department of)
Children's Services, in his)
21 official capacity, THE BOARD)
OF SUPERVISORS OF LOS ANGELES,)
22 and the individual members)
thereof, LINDA MCMAHON, Director,)
23 California Department of Social)
Services, in her official)
24 capacity and the CALIFORNIA)
DEPARTMENT OF SOCIAL SERVICES)

25 Defendants and Respondents.)
26)

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PRELIMINARY STATEMENT

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2 1. Thousands of children in Los Angeles County have
3 suffered or are at risk of suffering abuse, neglect or
4 exploitation. State law requires that these children be
5 provided with Child Welfare Services, pursuant to Welfare and
6 Institutions Code §16500, et seq. These services include
7 preventative services to ensure the child's safety in the home,
8 and foster care if the child cannot remain at home. In Los
9 Angeles County, the Board of Supervisors has invested the
10 Department of Children's Services ("County Department") with
11 responsibility for providing these services to abused or
12 neglected children, or those at risk.

13 2. The State Department of Social Services (DSS) supervises
14 the provision of child welfare services by individual counties
15 and adopts regulations which govern the counties' Child Welfare
16 Services Programs. The DSS has a duty to secure county
17 compliance with the Child Welfare Services Act, Welf. and Inst.
18 Code Section 16500 et seq., and DSS regulations.

19 3. State regulations require that a county social worker have
20 regular face-to-face visits with children and their parents at
21 minimum specified intervals. If children are in foster care the
22 social worker must have regular contact with foster parents.
23 These minimum visitation requirements are necessary to monitor
24 the child's emotional and physical condition and assess the
25 types of services which should be provided to achieve the
26 purposes of the Child Welfare Services program set forth in
27 state law and, where possible, to achieve family reunification.

28 4. Los Angeles County has failed to meet the minimum

1 visitation requirements in state regulations. Children are not
2 visited for months at a time, despite requests for assistance by
3 their parents or evidence of continuing abuse by their parents.
4 Without regular monitoring of a child's physical and emotional
5 condition, his or her needs cannot be assessed and as a result,
6 the child will not receive critically needed services to prevent
7 abuse or treat physical and emotional trauma. Likewise, failure
8 to visit parents inhibits the possibility of parents receiving
9 necessary services to reunify the family and thus, causes
10 children to remain in foster care unnecessarily. Despite Los
11 Angeles County's failure to comply with these minimum visitation
12 requirements, DSS has failed to compel the County's compliance.

13 5. This action is brought on behalf of all children in Los
14 Angeles County who are denied the regular visitation to which
15 they are entitled under state law between them and their social
16 worker and their parents. By failing to provide these children
17 with regular face-to-face visits from their social workers, Los
18 Angeles County deprives these children of necessary services and
19 fails to protect them from potential abuse. DSS, by failing to
20 secure the County's compliance with these minimum visitation
21 regulations, deprives these children of necessary services and
22 fails to protect them from potential abuse. Plaintiffs seek
23 declaratory and injunctive relief as well as a writ of mandate
24 to enforce these children's rights to regular visitation.

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PARTIESPlaintiffs

6. Plaintiff Timothy J. is a two year old child who is in foster care in Rancho Palos Verdes, California. In this action, he is appearing by his guardian ad litem, Cheryl J..

7. Plaintiff Tequila L. is a twelve year old child who is in foster care in Los Angeles, California. In this action, she is appearing by her guardian ad litem, Donna Groman.

8. Plaintiff Andrea U. is a 6 year old child who is in foster care in Los Angeles, California. In this action, she is appearing by her guardian ad litem, Kim K.

Defendants

9. Defendant Robert Chaffee, Director of the Department of Children's Services, is charged with the responsibility for administering programs mandated by the Child Welfare Services Act in Los Angeles County. Pursuant to a delegation of authority by the Los Angeles Board of Supervisors, Defendant Chaffee promulgates regulations and implements the County's Child Welfare Services Program. Defendant Chaffee is sued in his official capacity.

10. Defendant Board of Supervisors of Los Angeles County is the governing body of said County, pursuant to Government Code Section 2500, et seq. The Board is charged with the responsibility of ensuring compliance by the County with the laws of the United States and California and in particular the State Child Welfare Services Act, Welf. and Inst. Code Section 16500 et seq.

11. For purposes of this complaint, Defendants CHAFFEE and

1 the BOARD OF SUPERVISORS will be referred to as "defendant
2 County" or "County".

3 12. On November 17, 1988, the Honorable Kurt J. Lewin
4 ordered plaintiffs to join the State of California's Department
5 of Social Services as a necessary party, defendant. Defendant
6 California Department of Social Services ("DSS") is the single
7 state agency authorized to supervise the administration of
8 public social service programs, including the State Child
9 Welfare Services Act, Welf. and Inst. Code Section 16500, et
10 seq., and is responsible for securing compliance with the
11 applicable provisions of law. Welf. and Inst. Code Section
12 10605.

13 13. Defendant Linda McMahon ("McMahon") is the director of
14 the Department of Social Services, and pursuant to Welf. and
15 Inst. Code Section 10553, is charged with the state-wide
16 administration of laws pertaining to public social services,
17 including the State Child Welfare Services Act, and with the
18 duty to formulate, adopt, amend or repeal regulations and
19 general policies affecting the purposes, responsibilities and
20 jurisdiction of DSS. Defendant McMahon is sued in her official
21 capacity.

22 14. For purposes of this complaint, Defendants DSS and
23 McMAHON will be referred to as "defendant DSS" or "DSS".

24 CLASS ACTION

25 15. Plaintiffs bring this action on their own behalf and on
26 behalf of all others similarly situated in the County of Los
27 Angeles. Plaintiffs seek to represent a class consisting of
28 children for whose placement and care defendant County

1 department is or will be responsible and who have a right to:
2 a) regular face-to-face visits with their social workers
3 under state regulations implementing the Child Welfare Services
4 program, and/or
5 b) regular face-to-face visits between their social workers
6 and their parents under state regulations implementing the Child
7 Welfare Services program, and/or
8 c) regular contacts between their social workers and their
9 foster parents under state regulations implementing the Child
10 Welfare Services program, if they are living in an out-of-home
11 placement.

12 16. This is a proper class action under Code of Civil
13 Procedure Section 382. The class is definite and ascertainable
14 and is so numerous that the joinder of all its members is not
15 practical. Currently, there are over 29,000 children under the
16 jurisdiction of the Court in Los Angeles County. Roughly 20,000
17 of these children are in foster care. There are substantial
18 questions of law and fact common to the plaintiffs and members
19 of the class. The claims of plaintiffs are typical and
20 substantially identical to the class as a whole, and they will
21 fairly and adequately represent the interests of the class.

22 17. Defendants and each of them have acted on grounds
23 generally applicable to the class by failing to ensure that
24 every child has a social worker who complies with state
25 regulations by having at least the minimum number of face to
26 face visits with both the child and parent and, if the child is
27 in out-of-home care, having the minimum number of contacts with
28 the foster parent.

1 20. The State Department of Social Services ("DSS") has
2 adopted regulations implementing the Child Welfare Services
3 Program. DSS Manual of Policies and Procedures §§ 30-100 to 30-
4 499. These regulations establish mandatory case management
5 standards for each of the four Child Welfare Services programs.
6 The case management standards require the social worker assigned
7 to a child's case to monitor the child's physical and emotional
8 condition. DSS Manual §§ 30-162.13, 30-342.2, 30-442.2. The
9 standards require that the social worker provide counseling and
10 other supportive services to child and parent. DSS Manual §§
11 30-162.12, 30-162.2, 30-252.12, 30-342.33. The social worker
12 must also assure that the child's various needs are
13 appropriately met. DSS Manual §§ 30-162.2, 30-342.33-36, 30-
14 442.5. To ensure that these goals are met, the case management
15 regulations for each of the four programs mandate that the
16 social worker regularly visit with the child, and the child's
17 parents and that he or she regularly contact the foster parents.
18 DSS Manual §§ 30-162.1, 30-252.11, 30-252.2, 30-342.31, 30-
19 342.51, 30-342.61, 30-442.31, 30-442.6.

20 Emergency Response Program

21 21. The Emergency Response Program provides immediate in-
22 person response to reports of abuse, neglect or exploitation for
23 the purpose of providing initial intake services and crisis
24 intervention to maintain the child safely in his or her home or
25 to protect the safety of the child. Welf. & Inst. Code §
26 16501.1.

27 22. Pursuant to DSS Manual § 30-162.1, for each child
28 receiving emergency response services the social worker must

1 have face-to-face contact with the child at least once every 7
2 calendar days unless the case meets certain specified
3 exceptions, in which case visits are required every 15 days. If
4 the case is pending adjudication and the child has been in the
5 program 21 calendar days, face-to-face contact is required once
6 every 15 calendar days.

7 Family Maintenance Program

8 23. The Family Maintenance Program provides time-limited
9 protective services to prevent or remedy neglect, abuse or
10 exploitation, for the purpose of preventing separation of
11 children from their families. Welf. & Inst. Code §16501.1

12 24. Pursuant to DSS Manual § 30-252.11, for each child
13 receiving family maintenance services, the social worker is
14 required to have face-to-face contact with the child at least
15 once every 15 calendar days during the first 90 calendar days
16 the case is open and thereafter, at least once a month. If
17 during the first 90 days the case is open it meets certain
18 specified exceptions, visits are required at least once a month.

19 25. Pursuant to DSS Manual § 30-252.2 the social worker is
20 required to have face-to-face contact with parents or guardians
21 receiving family maintenance services at least once every 15
22 calendar days during the first 90 calendar days the case is open
23 and at least once a month thereafter, unless the case meets
24 certain specified exceptions.

25 Family Reunification Program

26 26. The Family Reunification Program provides time-limited
27 foster care services to prevent or remedy neglect, abuse or
28 exploitation when the child cannot safely remain at home, and

1 needs temporary foster care while services are provided to
2 reunite the family. Welf. & Inst. Code § 16501.2

3 27. Pursuant to DSS Manual § 30-342.31, the social worker
4 must have face-to-face contact with the child at least monthly
5 unless the case meets certain specified exceptions in which case
6 the worker must have contact at least once every three months.

7 28. Pursuant to DSS Manual § 30-342.51, the social worker
8 must have face-to-face contact with the parent or guardian from
9 whom a child in placement has been removed at least monthly
10 unless the case file documents justification for less frequent
11 contact.

12 29. Pursuant to DSS Manual § 30-342.61, the social worker
13 must have contact with each foster care provider at least
14 monthly.

15 Permanent Placement Program

16 30. The Permanent Placement Program provides an alternative
17 permanent family structure for children who because of abuse,
18 neglect, or exploitation cannot safely remain at home and who
19 are unlikely to ever return home. Welf. & Inst. Code §16501.3

20 31. Pursuant to DSS Manual 30-442.31, for each child in
21 permanent placement the social worker must have face-to-face
22 contact with the child at least monthly unless the case meets
23 certain specified exceptions in which case the worker must have
24 contact at least once every three or six months depending on
25 which exception applies.

26 32. Pursuant to DSS Manual § 30-442.6, the social worker
27 must have contact with the foster parent caring for children in
28 permanent placement at least monthly.

1 Implementation Of Child Welfare Services In Los Angeles County

2 33. The visitation requirements described in paragraphs 18
3 through 32 are a necessary component of each child welfare
4 services program and are essential to fulfill the stated purpose
5 of each respective program.

6 34. Pursuant to Welf. & Inst. Code § 16502, a county
7 establishes a child welfare services program and receives funds
8 for the program by creating a plan for services and obtaining
9 certification of the plan by the defendant Department of Social
10 Services (DSS). A county must provide services in accordance
11 with the certified plan and with standards and regulations
12 promulgated by DSS. Id.

13 35. Although Los Angeles County receives funding from the
14 State of California to provide Child Welfare Services, the
15 County has failed to submit and obtain certification of a Child
16 Welfare Services plan.

17 36. Los Angeles County has adopted regulations which
18 incorporate the minimum visitation requirements in the state
19 regulations. Los Angeles County Children Services Handbook
20 ("County Handbook") § 1360 (Emergency Response Program); County
21 Handbook § 2040.2 (Family Maintenance Program); County Handbook
22 § 3030.1 (Family Reunification Program); County Handbook §
23 4015.3 (Permanent Placement Program).

24 37. Plaintiff is informed and believes and therefore alleges
25 that defendant DSS has found that Los Angeles County has failed
26 to meet the minimum visitation and contact requirements in state
27 regulations. Los Angeles County has not complied with essential
28 elements of the Child Welfare Services program, including the

1 visitation requirements.

2

3 Harm to Individual Plaintiffs

4 Timothy J.

5 38. On or about March 26, 1987 Plaintiff Timothy J., age 1,
6 was made a dependent of the Orange County Juvenile Court because
7 of suspected child abuse by an unknown perpetrator. Timothy had
8 been admitted to the hospital with physical injuries and trauma
9 as a result of child abuse. The injuries were so severe that
10 Timothy required corrective surgery. After a brief placement
11 with his grandmother, Timothy was returned to the physical
12 custody of his mother. The Court retained jurisdiction over the
13 case and ordered that Family Maintenance services be provided.

14 39. Because the family lived in Los Angeles County, on May
15 12, 1987, Timothy's case was transferred from the Orange County
16 Juvenile Court to the Los Angeles County Juvenile Court.
17 Although the Court's order remained in effect, the family was
18 not provided with any support services. The social worker
19 assigned to the case in Los Angeles did not have a face to face
20 visit with either Timothy or his mother for over four months,
21 until September, 1987. The County also failed to provide the
22 family any child welfare services. Plaintiff is informed and
23 believes and therefore alleges that the social worker had
24 between 60 and 70 other cases when she was assigned to his case.
25 No further visitation or services were provided until December
26 2, 1987, when, upon the recommendation of defendant County
27 Department, the Court terminated jurisdiction over the case.

28 40. On January 26, 1988, Timothy, now age 23 months, his

1 brother, age 6 and 1/2 and his sister, age 13 were removed from
2 the physical custody of their mother after Timothy was severely
3 beaten with a switch and an extension cord by his mother's
4 boyfriend. Both Timothy and his brother showed signs of chronic
5 abuse. All three children stated that they were afraid of the
6 boyfriend. Currently, Timothy and his siblings remain out of the
7 home while the mother finds another place to live away from her
8 boyfriend and attends parenting classes. Plaintiffs are
9 informed and believe and therefore allege that because the
10 social worker did not visit Timothy and his mother monthly, as
11 required by regulations governing the Family Maintenance
12 Program, appropriate services to prevent the breakup of this
13 family were not provided in a timely fashion.

14 41. Cheryl J. has had ongoing contact with Timothy since he
15 was removed from her care in January of 1988. Since that time
16 she is aware of only one visit between Timothy and his social
17 worker.

18 42. Timothy was assigned a new social worker in April or May
19 of 1988 however, neither Timothy nor his mother were told who
20 this social worker is. Cheryl J. would like to arrange to have
21 weekend visits with Timothy but because she has not had any
22 contact with her new social worker, she does not know if this is
23 permissible. Plaintiffs are informed and believe and therefore
24 allege that because the current social worker is not complying
25 with the mandatory visitation requirements, Timothy's safety and
26 well-being is possibly being jeopardized. Moreover, without
27 ongoing visits by the social worker with Timothy and his mother
28 and contact with Timothy's foster mother, the social worker is

1 unable to assess what services this child and his family need to
2 be reunified.

3 Tequila L.

4 43. Plaintiff Tequila L., age 10 and and her brother, age 3,
5 were made dependents of the Court on or about September 15, 1986
6 because they were being neglected by their mother who was using
7 PCP. Tequila was placed in two different foster homes in Los
8 Angeles County before she was placed in the home of her maternal
9 aunt on July 15, 1987, where she now lives.

10 44. She has had three different social workers since she
11 first entered foster care. The first worker failed to make the
12 required visits; Tequila only saw her on the day of placement
13 and the day she left the first foster home. Only as a result of
14 repeated telephone calls from her second set of foster parents
15 did Tequila receive visits from the second CSW. Tequila had no
16 CSW assigned to her case from July 1987 to January 1988.
17 Therefore, during that six-month period she received no visits
18 whatsoever.

19 45. Tequila was finally assigned her current CSW on January
20 20, 1988. However, her present social worker has had face to
21 face visits with her only twice and rarely calls her.

22 46. Tequila's very basic need for medical care was neglected
23 by her social workers. From in or around December of 1986 to
24 February of 1988, Tequila was not provided with Medi-Cal
25 benefits. She was sick often, and her aunt had to pay the
26 medical bills herself. Plaintiff is informed and believes and
27 therefore alleges that this denial of benefits was unlawful.

28 47. The Court has ordered the Department of Children's

1 Services to provide Tequila with the counseling she needs as a
2 result of the trauma she has suffered. Tequila's mother and her
3 boyfriend left Tequila and her brother in a hotel room without
4 food for days at a time, with no changes of clothing, and little
5 personal care or supervision. At age 10, Tequila was
6 effectively her brother's sole caretaker. The two children were
7 subsequently removed from the home, and on or about April 5,
8 1987, the children's mother died. Soon thereafter, Tequila's
9 brother was placed with family in Washington D.C. Tequila was
10 deeply affected by the separation from both her mother and her
11 brother. She began having behavioral problems at school and
12 fighting with other students. Her social worker did nothing to
13 intervene. The therapist recommended by her social worker has
14 not been able to deal with Tequila's problems. Despite repeated
15 requests by Tequila and her guardian ad litem to remedy this
16 situation, Tequila has not been provided with appropriate and
17 effective therapy.

18 48. Plaintiff Tequila L. is informed and believes and
19 therefore alleges that because her social workers did not visit
20 her as required by law, she was deprived of necessary services
21 which she was entitled to under the Child Welfare Services Act,
22 Welf. and Inst. Code Section 16500, et seq.

23 Andrea U.

24 49. Plaintiff Andrea U., age 4, was made a dependent of the
25 Juvenile Court when her mother was arrested for shoplifting.
26 She was placed in the home of her paternal grandparents.

27 50. Andrea U. saw her social worker only once or twice
28 during the two years she lived at her grandparent's house.

1 51. Andrea's social worker failed to initiate contact with
2 Andrea's mother as well. However, Kim K., Andrea's mother,
3 called the social worker every few weeks. She repeatedly
4 complained to the worker that she had heard from her daughter
5 and other sources that Andrea was being seriously neglected.
6 Kim K. informed the social worker that she believed Andrea's
7 grandfather was using and selling drugs in Andrea's presence in
8 the home and that Andrea was being left alone at night.

9 52. For approximately two years, Kim K. attempted to get
10 Andrea's social worker to investigate her child's situation to
11 no avail. On December 9, 1987, the Court appointed an attorney
12 to represent the mother, Kim K., in the dependency proceedings.
13 That attorney immediately obtained a court order directing the
14 social worker to make a home visit to investigate the situation.
15 After the investigation was completed, the social worker removed
16 the child from the grandparent's home and placed her in the home
17 of her maternal grandmother, where she remains today.

18 53. Since Andrea has been at her grandmother's house, she
19 has suffered behavioral problems. Plaintiff is informed and
20 believes and therefore alleges that if the social worker had
21 visited her as required by law, she would have been apprised of
22 the conditions Andrea was living in.

23 FIRST CAUSE OF ACTION

24 (Against All Defendants)

25 (Injunctive Relief For Violation Of

26 State Regulations Which Implement Welfare

27 And Institutions Code Section 16500, et seq.)

28 54. Plaintiffs reallege and incorporate paragraphs 1 through

1 53 as if set out here in full.

2 55. As a result of Defendant County's failure to comply with
3 DSS Manual regulations 30-162.1, 30-252.1, 30-252.2, 30-
4 342.311, 30-342.5, 30-342.6, 30-442.3, and 30-442.6, foster
5 children are denied a social worker who is monitoring their care
6 in order to ensure their safety and well being. In addition,
7 without the regular, on-going contact contemplated by the
8 Children's Services Act, children are denied a social worker who
9 can assess the appropriate protective and reunification services
10 which should be provided to the child and their family. In
11 addition, the social workers are failing to monitor the child's
12 care in foster placement and to ensure that the foster parent is
13 aware of and understands the child's service plan. Thus,
14 defendants and each of them have violated Welfare and
15 Institutions Code Section 16500 et seq. because they failed to
16 carry out the goals of the Child Welfare Services Act.

17 56. Defendant DSS has failed to secure defendant County's
18 compliance with DSS' minimum visitation regulations 30-162.1,
19 30-252.1, 30-252.2, 30-342.311, 30-342.5, 30-342.6, 30-442.3,
20 and 30-442.6, and as a result foster children are denied a
21 social worker who is monitoring their care in order to ensure
22 their safety and well being. In addition, without the regular,
23 on-going contact contemplated by the Children's Services Act,
24 children are denied a social worker who can assess the
25 appropriate protective and reunification services which should
26 be provided to the child and their family. In addition, the
27 social workers are failing to monitor the child's care in foster
28 placement and to ensure that the foster parent is aware of and

1 understands the child's service plan. Thus, defendants and each
2 of them have violated Welfare and Institutions Code Section
3 16500 et seq. because they failed to carry out the goals of the
4 Child Welfare Services Act.

5 57. Unless the Court issues preliminary and permanent
6 injunctive relief, defendant County will continue to fail to
7 enforce and defendant DSS will continue to fail to ensure that
8 the County complies with the face-to-face visitation and contact
9 provisions set out in paragraphs 18 through 32, thereby failing
10 to comply with the mandate of Welfare and Institutions Code
11 Section 16500 et seq. set out above.

12
13 SECOND CAUSE OF ACTION

14 (Against All Defendants)

15 (Writ Of Mandate Against Violation

16 Of State Regulations Which Implement Welfare

17 And Institutions Code Section 16500 et seq.)

18 58. Plaintiffs reallege and incorporate paragraphs 1
19 through 56 as if set out in full herein.

20 59. Defendants and each of them have a clear and mandatory
21 duty to enforce and secure compliance with the mandatory face-
22 to-face visitation and contact regulations set out in the
23 paragraphs 18 through 32, above. At all times herein mentioned,
24 these defendants have had the ability to comply with this
25 obligation. Notwithstanding such ability, defendants have
26 failed and refused to perform this duty.

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1 program and receives funds for the program by creating a plan
2 for services and obtaining certification of the plan by
3 defendant DSS. Defendants Chaffee and Board have failed and
4 refused to adopt such a plan. Defendant DSS has failed to secure
5 defendant County's compliance with Welfare and Institutions Code
6 sections 16501 and 16502 which require such a plan.

7 64. Unless the Court issues preliminary and permanent
8 injunctive relief, defendants Board and Chaffee will continue to
9 fail and refuse to adopt such a plan and defendant DSS will
10 continue to fail to secure defendant County's compliance with
11 Welfare and Institutions Code sections 16501 and 16502 which
12 require such a plan.

13
14 **FIFTH CAUSE OF ACTION**

15 **(Against All Defendants)**

16 **(Writ Of Mandate Against Violation Of Welf.**

17 **And Inst. Code Sections 16501 And 16502-Failure**
18 **To Adopt A County Plan For Child Welfare Services)**

19 65. Plaintiffs reallege and incorporate paragraphs 1 through
20 53 and 62 through 63 as if set out in full herein.

21 66. Defendants Chaffee and Board have a clear and mandatory
22 duty to adopt a County-Wide plan for child welfare services in
23 Los Angeles County and to submit that plan to defendant DSS for
24 certification. Defendant DSS has a clear and mandatory duty to
25 secure defendant County's compliance with this statutory
26 requirement. At all times mentioned, these defendants and each
27 of them has had the ability to comply with this obligation.
28 Notwithstanding such ability, defendants and each of them have

1 failed to perform their duties.

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SIXTH CAUSE OF ACTION

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(Against All Defendants)

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(Declaratory Relief For Violation Of Welf. And

6

Inst. Code Sections 16501 And 16502-Failure To Adopt

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A Child Welfare Services Plan For Los Angeles County)

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67. Plaintiffs reallege and incorporate paragraphs 1 through

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53 and 62 through 66 as if set forth in full herein.

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68. There is an actual controversy between plaintiffs and

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defendants and each of them relating to the legal rights and

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duties of the parties, in that plaintiffs claim and contend that

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defendants actions described above in paragraphs 33 through 53

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violate the aforesaid provisions of law. Defendants contend in

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all respects to the contrary. Plaintiffs desire a judicial

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declaration of the rights and duties of the parties with respect

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to the controversy described herein.

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PRAYER FOR RELIEF

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1. That this Court issue its judgment declaring that the

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failure of defendant County to meet the minimum contact schedule

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set forth in DSS regulations §§ 30-162.1, 30-252.1, 30-252.2,

23

30-342.311, 30-342.5, 30-342.6, 30-442.3, and 30-442.6, is a

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violation of state law.

25

2. That this Court issue its judgment declaring that the

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failure of defendant DSS to secure defendant County's compliance

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with the minimum contact regulations set forth in DSS

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regulations 30-162.1, 30-252.2, 30-342.311, 30-342.5, 30-342.6,

1 30-442.3, and 30-442.6, is a violation of state law.

2 3. Issue a preliminary and permanent injunction enjoining
3 defendant County from denying Plaintiffs and other class members
4 the minimum contact and visitation requirements which are
5 required by MPP Sections 30-162.1, 30-252.1, 30-252.2, 30-
6 342.311, 30-342.5, 30-342.6, 30-442.3, and 30-442.6

7 4. Issue a preliminary and permanent injunction enjoining
8 defendant DSS from failing to secure defendant County's
9 compliance with the minimum contact and visitation requirements
10 which are required by MPP Sections 30-162.1, 30-252.1, 30-252.2,
11 30-342.311, 30-342.5, 30-342.6, 30-442.3, and 30-442.6

12 5. Issue a peremptory writ of mandate pursuant to Code of
13 Civil Procedure Section 1085, commanding defendant County to
14 meet the minimum contact requirements set out in MPP Sections
15 30-162.1, 30-252.1, 30-252.2, 30-342.311, 30-342.5, 30-342.6,
16 30-442.3, and 30-442.6.

17 6. Issue a peremptory writ of mandate pursuant to Code of
18 Civil Procedure Section 1085, commanding defendant DSS to secure
19 defendant County's compliance with the minimum contact
20 requirements set out in MPP Sections 30-162.1, 30-252.1, 30-
21 252.2, 30-342.311, 30-342.5, 30-342.6, 30-442.3, and 30-442.6.

22 7. Enter a declaratory judgment that defendant County has
23 the duty under MPP Sections 30-162.1, 30-252.1, 30-252.2, 30-
24 342.311, 30-342.5, 30-342.6, 30-442.3, and 30-442.6 to ensure
25 that the minimum contact requirements set out therein are met.

26 8. Enter a declaratory judgment that defendant DSS has the
27 duty to compel defendant County to comply with MPP Sections 30-
28 162.1, 30-252.1, 30-252.2, 30-342.311, 30-342.5, 30-342.6, 30-

1 442.3, and 30-442.6 to ensure that the minimum contact
2 requirements set out therein are met.

3 9. Issue a preliminary and permanent injunction enjoining
4 defendant County from failing to adopt a plan for the provision
5 of child welfare services in Los Angeles County and submitting
6 such a plan to defendant DSS for certification.

7 10. Issue a preliminary and permanent injunction enjoining
8 defendant DSS from failing to secure defendant County's
9 compliance with Welfare and Institutions Code Sections 16501 and
10 16502 relating to the adoption and submission of a plan for the
11 provision of child welfare services in Los Angeles County.

12 11. Issue a peremptory writ of mandate pursuant to Code of
13 Civil Procedure Section 1085, commanding defendant County to
14 adopt a plan for the provision of child welfare services in Los
15 Angeles County and submit said plan to DSS for certification.

16 12. Issue a peremptory writ of mandate pursuant to Code of
17 Civil Procedure Section 1085, commanding defendant DSS to secure
18 defendant County's compliance with Welfare and Institutions Code
19 Sections 16501 and 16502 which require the County to adopt a
20 plan for the provision of child welfare services in Los Angeles
21 County and submit said plan to DSS for certification.

22 13. Enter a declaratory judgment that defendant County has
23 the duty to adopt a plan for child welfare services in Los
24 Angeles County and submit such plan to DSS for certification.

25 14. Enter a declaratory judgment that defendant DSS has the
26 duty to compel defendant County to adopt a plan for child
27 welfare services in Los Angeles County and submit such plan to
28 DSS for certification.

- 1 15. Certify that this case may proceed as a class action;
- 2 16. That plaintiffs be granted their reasonable attorneys'
- 3 fees and costs for the maintenance of this action;
- 4 17. That plaintiffs be granted such other or further relief
- 5 as the Court deems just and proper.

6 DATED: November 30, 1988

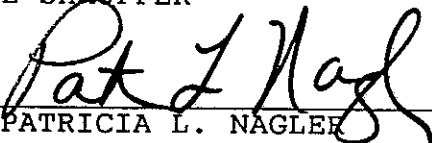
7 LEGAL AID FOUNDATION OF LOS ANGELES
8 MARIE BOCKWINKEL
9 BYRON J. GROSS
10 PATRICIA L. NAGLER
11 SANDRA PETTIT
12 YOLANDA VERA

13 WESTERN CENTER ON LAW & POVERTY
14 MELINDA R. BIRD

15 NATIONAL CENTER FOR YOUTH LAW
16 ALICE BUSSIÈRE

17 PUBLIC COUNSEL
18 PAMELA A. MOHR
19 STEVEN A. NISSEN

20 YOUTH LAW CENTER
21 CAROL SHAUFFER

22 By: 
23 PATRICIA L. NAGLER
24 Attorneys for Plaintiffs and
25 Petitioners
26
27
28

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing First Amended Class Action Complaint for Declaratory and Injunctive Relief; Petition for Writ of Mandate and know its contents

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner _____ a _____ of _____

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on November 29, 1988, at Los Angeles California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

CHERYL J., Guardian Ad Litem

Signature on Original

Type or Print Name for Timothy J.

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT
(other than summons and complaint)

Received copy of document described as _____

on _____ 19____

Type or Print Name

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA COUNTY OF

I am employed in the county of _____, State of California

I am over the age of 18 and not a party to the within action: my business address is: _____

On _____ 19____, I served the foregoing document described as _____

_____ on _____

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at _____, California.

Executed on _____, 19____, at _____, California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on _____, 19____, at _____, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF

I have read the foregoing First Amended Class Action Complaint for Declaratory and Injunctive Relief; Petition For Writ of Mandate and know its contents

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true

I am an Officer a partner a of

a party to this action and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief and as to those matters I believe them to be true

I am one of the attorneys for a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true

Executed on November 30, 1988, at Los Angeles, California

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Donna Groman, Guardian Ad Litem

Type or Print Name for Tequila L.

Signature

Signature

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT

(other than summons and complaint)

Received copy of document described as

on 19

Type or Print Name

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of State of California. I am over the age of 18 and not a party to the within action; my business address is:

On 19, I served the foregoing document described as

on

in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at California.

Executed on 19, at California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

Executed on 19, at California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature