



# 14<sup>TH</sup> ANNUAL BCLT PRIVACY LECTURE: POLICING FAMILIES

Comments for Professor Dorothy E. Roberts

# Riverside County Department of Social Services v. T.S.

- Father himself identified housing as a barrier to his taking custody of Serenity and repeatedly requested help from the social worker. The case plan itself rightly identifies obtaining a stable residence and adequate resources to take care of Serenity as objectives he should pursue to regain custody. **Yet the department did nothing to help him achieve those goals.** Their negligence compounded father's problems, as did their insistence that he expend time and resources attending individual counseling sessions and parenting classes, which the department recommended and the court imposed even before father had contacted the department.
- Father throughout the duration of this case since it began in May of 2018 has not demonstrated that he's capable of providing a safe and stable home, along with the financial means to have Serenity in his care.... **I understand from what counsel is representing today, he's not asking for placement. He's really asking for services so it could potentially lead to placement.** But this Court has to look at the entire case and the actions of father and where he's progressed from the beginning to now, and the Court doesn't believe that giving six more months of services is going to get father to a point of being able to have his daughter in his care and weighing that with keeping Serenity where she is with her caregiver.

# *Riverside County Department of Social Services v. T.S.*

- The real problem with the trial court's detriment finding is it was based on father's poverty, which is barred by statute and our case law. The dependency statute directs "[a] child shall not be found to be a person [subject to dependency proceedings] solely due to the lack of an emergency shelter for the family." It follows that "poverty alone, even abject poverty resulting in homelessness, is not a valid basis for assertion of juvenile court jurisdiction. . . . Put differently, indigency, by itself, does not make one an unfit parent and 'judges [and] social workers . . . have an obligation to guard against the influence of class and life style biases.'" **Thus, where family bonds are strained by the incidents of poverty, the department must take steps to assist the family, not simply remove the child and leave the parent on their own to resolve their condition and recover their children.**

# *In re D.N.*

- “Father asserted he had ‘trouble balancing life and ‘the case,’ given that he worked ‘Monday-Friday most weeks’”
- “Visiting his child was made even more difficult because he had ‘no set schedule and [was] on-call’ and ‘live[d] in the valley on weekends.’”
- “The court appointed special advocate filed a report noting that the father stated he was ‘working two part-time jobs, one at Disneyland and one as a security guard’ and he did ‘not make enough money to afford his own apartment.’”
- According to the CASA, “father said he was ‘looking for free parenting classes and [intended to] complete the classes as soon as possible, [but] not[ed] that most parenting classes cost money and he [could not] afford to pay them.’”
- “Father ‘express[ed] difficulty in finding housing,’ stating, ‘every place I apply to tells me no or they might accept me if I had my son[.]’
- “Father stated he applied to ‘approximately twenty different apartments between Los Angeles and Riverside Counties without success,’ and that although the parent partner assigned to this matter had ‘referred him to multiple housing options in Riverside County,... all of the options reported no vacancies, asked him to sign up for their waitlist, or informed him that they would consider him if he had his child with him already.’”
- “[F]ather’s failure to reunify with [his son] was due solely to poverty.”

# BECOMING ABOLITIONISTS

POLICE, PROTESTS, AND  
THE PURSUIT OF FREEDOM



DERECKA PURNELL