



Children's Law Center of California

“DEPENDENCY LEGAL NEWS”

Vol. 22, No. 4: April 14, 2026

Issued by the Children's Law Center of California on the second Tuesday of each month.

Written by: Kristin Hallak (KH), Michael Ono (MO), Ann-Marissa Cook (AMC), Stanley Wu (SW), Sarah Liebowitz (SL), Taylor Lindsley (TL), Daniel Szrom (DS), Liz Lopez (LL), Kaveh Landsverk (KL).

© 2026 by Children's Law Center of California (“CLC”). All rights reserved. No part of this newsletter, except those which constitute public records, may be reproduced in any form or by any electronic or mechanical means, including information storage and retrieval systems, without permission in writing from CLC. Cases reported may not be final. Case history should be checked before relying on a case. Cases and other material reported are intended for educational purposes only and should not be considered legal advice. Links to cases expire after 120 days. References are to the Welfare and Institutions Code unless otherwise noted. For more information on Children's Law Center, please visit our website at www.clccal.org.

NEW DEPENDENCY CASE LAW

Jurisdiction—WIC 300(b)(1)(D); Disposition—WIC 361(c)(1)

In re L.G.—filed 03/06/2025; First Appellate Dist., Div. Four

Docket No. A173218; 118 Cal.App.5th 1208

Link to Case: <https://www.courts.ca.gov/opinions/documents/A173218.PDF>

[1] SUBSTANTIAL EVIDENCE SUPPORTS COURT'S FINDING THAT MOTHER'S MENTAL ILLNESS PREVENTED HER FROM PROVIDING REGULAR CARE AND PUT HER 8-MONTH OLD CHILD AT RISK OF SERIOUS HARM; [2] THE AGENCY HAS NOT MET ITS BURDEN OF PROOF AT DISPOSITION TO SHOW THAT THERE WERE NO REASONABLE MEANS SHORT OF REMOVAL BY WHICH THE CHILD COULD BE PROTECTED WHEN IT FAILS TO EXPLORE DISABILITY-COMPETENT SUPPORTIVE SERVICES OR CREATE A SAFETY PLAN WITH AVAILABLE RELATIVES.

Child L.G. was detained due to concerns about mother's mental health. At a bifurcated jurisdiction and disposition hearing, the court sustained b-1 allegations based on the years-long nature of mother's mental health struggles and her inconsistent treatment. The court then found that the agency had made reasonable efforts to prevent the need for removal and ordered L.G. removed from her mother's custody. Mother appealed both the

court's jurisdictional finding and dispositional order, as well as its requirement that she submit to a substance use assessment and drug testing.

Affirmed in part and reversed in part. [1] Under WIC 300(b)(1)(D), the agency bears the burden of proving by a preponderance of the evidence that (1) mental illness (2) makes the parent unable to provide regular care to the child and (3) this inability has caused the child to suffer serious physical harm or illness or creates a substantial risk of such. While the juvenile court could reasonably have determined that the agency did not meet this burden, the substantial evidence standard of review at jurisdiction controls the conclusion that the agency met its burden here. Mother's mental illness resulted in documented struggles which posed a particular risk given that her child was only eight months old. Were her child older, or if there were multiple caregivers in the home or a reliable support network for mother, the risk to L.G. may have been sufficiently mitigated. [2] Substantial evidence does not support the juvenile court's finding that there were no reasonable means to protect L.G. without removing her from her mother's care. The agency did not explore a family maintenance plan with disability-competent supportive services in place, nor did it follow up with available family members to try to execute a viable safety plan. A vague bullet-point list in a report under the heading "Reasonable Efforts" does not satisfy the agency's obligation to make efforts aimed at keeping the family safely together without removal. (KL)