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## Due Diligence

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### Overview

This policy reviews the due diligence process for locating the current whereabouts and/or identity of a parent, in an effort to notify the parent of an upcoming dependency hearing.

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### Version Summary

This policy guide was updated from the 07/01/14 version to include instructions for finding parents in Immigration and Customs Enforcement (ICE) custody.

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## POLICY

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### **Purpose of a Due Diligence**

The purpose of the due diligence report is to show the court that reasonable efforts were made to locate a parent whose whereabouts and/or identity is unknown. The search is conducted in the hope of locating the parent, so that he/she can be notified of an upcoming dependency hearing. While a number of standard search approaches exist, each case is unique and therefore each search must be tailored and customized to locate the particular parent. A search is to be conducted in the parent's last known city, state, or country of residence, and must include all known aliases, and gathered dates of birth.

Due diligence must be updated every 6 months to coincide with a progress report to the court, and the completed Declaration of Due Diligence report is to be submitted with the court report.

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## PROCEDURE

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### **Initiating a Due Diligence Search**

These instructions also apply to a foreign country search.

#### **Staff Conducting the Search Responsibilities**

1. A search must include, but is not limited to, the following steps:
  - Ensure that all parents (i.e., birth parents, presumed fathers and all alleged fathers) have been properly identified.
    - If the identity of a parent is unknown, the CSW is still required to complete due diligence on that parent.
  - Conduct a thorough review of all online and hardcopy case documentation, including County and outside agencies, to search for previous or current contacts who may have knowledge of the absent parent's whereabouts.
  - Ask all involved parties (i.e., mother, father, children, relatives, siblings' CSWs, ER/ERCP CSW(s), etc.) and available collateral contacts for information regarding the whereabouts and identity (including aliases) of the parent or legal guardian and when and

where he or she last had contact with the missing parent or legal guardian.

- Check the case file to determine if a birth certificate is on file for each child who is in placement.
    - If a birth certificate is not in the file, the CSW must submit a completed [DCFS 280](#).
2. For all hearings, except detention hearings:
- Complete the [DCFS 136, Notice/Search Request](#) to initiate a record search.
  - Check the appropriate boxes on page three of the form.
3. Complete the following searches, and document them in the Declaration Regarding Due Diligence:
- All known relatives and significant non-relative extended family members (NREFM)
  - A search of online telephone directories (including in other cities and outside California)
  - Department of Justice (DOJ) CLETS
  - Department of Motor Vehicles (DMV) clearance
  - Registrar of Voters
  - Postmaster
  - Military Service
  - Jail clearance
  - Probation Index
  - LexisNexis
  - California Youth Authority (CYA) files (for minor parents)
  - State Prison/Parole index
  - Federal Prison record check
  - [Leader Replacement System \(LRS\)](#)
  - Child Welfare Services/Case Management System (CWS/CMS)
  - Receipt of child's birth certificate and/or Vital Statistics Inquiry (VSI)
  - Los Angeles County Child Support Services Department (ARS data base)
  - California Department of Child Support Services Statewide System (CDCSS SWS)
  - Global Locate (also known as Aristotle or Government Records.com)
  - [Use of technology, including use of social media](#)
  - Other search efforts, including asking CSWs of siblings
4. If it is not already on file, complete the DCFS 280 to request a [Vital Statistics Inquiry \(VSI\)](#), and submit it to the Technical Assistant Unit.

5. If the parent or legal guardian is detained by Immigration and Customs Enforcement (ICE), use the [Online Detainee Locator System](#) or call ICE Detention Reporting and Info Line at (888)351-4024. You must have the person's A-Number (nine-digit identification number assigned by immigration) or the first and last name and the country of birth.
6. If the missing parent or legal guardian is incarcerated in a California state prison, contact the following and provide all known information on the parent or legal guardian, including their full name and date of birth:
  - [Los Angeles County Sheriff's Department-Inmate Information Center](#) or call (213)473-6080
  - [California State Department of Corrections Identification](#) or call 916-445-6713.
7. If recommending termination of Family Reunification (FR) or Termination of Parental Rights (if not previously done), obtain the child's birth certificate prior to initiating the search.
  - The staff person conducting a search shall document their search efforts on the Search Log Page.
8. Complete and submit the DCFS 136 to the DDC/ DIA to complete the search of the items specified on the DCFS 136.
  - Time frames for initiating a due diligence search are:

Responsibility of:	Action & Time Frame:
DI CSW	Initiates a search for each parent or legal guardian whose identity and/or whereabouts is unknown, within three (3) business days after receipt of the case for Jurisdictional/Disposition Hearing.
FM&R/G CSW	Initiates a search for each absent parent or legal guardian whose identity and/or whereabouts is unknown, at least ninety (90) calendar days before the WIC 366.21(e), 21(f) and .22, and the WIC 366.26 hearing.
CSW	May request the Due Diligence Clerk/Dependency Investigation Assistant do the search by completing and submitting the

	form DCFS 136 at least ninety (90) calendar days before the hearing.
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- Use the exact name(s) of the parent as they appear on the birth certificate or VSI and all known aliases and date(s) of birth.
    - A separate due diligence search must be conducted if the parent is known by any other name(s), but all information for all names may be submitted to the court under one Declaration of Due Diligence report.
9. Upon receipt of the DCFS 136, document all search efforts and results on the Search Log Page and Contact Notebook.
10. When a due diligence search uncovers an address for a parent/legal guardian (even if it is already known to DCFS and/or the address was obtained after the time to meet the legal requirement to notice a parent), give notice to the parent/legal guardian at that address, in addition to submitting the due diligence report to the court.
11. Attach a VSI to the due diligence search document for a child if the VSI lists the parents' date of birth. If the VSI does not list the parents' date of birth, but just their ages, attach a copy of birth certificate to the due diligence search document.
- For default jurisdictional/dispositional hearings for newborns, a birth certificate or VSI may not be available through normal channels to attach to the due diligence search document.
    - Contact the hospital directly to obtain a copy of the birth certificate or the VSI.
  - Make a diligent effort to obtain the birth certificate for all children born outside of Los Angeles County.
    - Attach a photocopy of birth certificate to the due diligence search document if available.
12. Upon obtaining any new information regarding the identity and/or whereabouts of a parent, including aliases, CSWs are to follow up on all leads, which may include initiating new search activities listed above. CSWs should provide that information to other CSWs who may be associated with the case (e.g., siblings on another open case).

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## **For All Hearings, Except Detention Hearings**

## DIA Responsibilities

1. The DIA should follow up on search leads in preparation for the hearing if DCFS is requesting to terminate FR services and/or requests a WIC 366.26 hearing including WIC 366.26(e), 21(f), 22 and WIC 366.3 hearings where the permanent plan changes to adoption, and a .26 DI has been assigned the case.

## **Completing the Declaration Regarding Due Diligence**

### CSW Responsibilities

1. The CSW preparing the [Jurisdictional/Disposition Hearing report](#) must submit the Declaration Regarding Due Diligence for all pre-disposition cases.
  - When the child is a dependent of the court, it is the responsibility of the case-carrying CSW to submit the Declaration Regarding Due Diligence.

### Staff Completing the Declaration Responsibilities

1. Document all search efforts and results on the Search Log Page in the specified fields. In addition, provide the following information in the specified field:
  - Description: Enter a description of the search conducted.
    - Example: "Searched the New York City telephone directory" or "Request for records".
  - Results: Enter a description of the results of the search.
    - Example: "No record found" or "The search revealed the following information..."
2. Prior to creating the Declaration Regarding Due Diligence, review the on-line case record to ensure that all identifying information including names, addresses, and court information are recorded and current.
  - Additionally, review the Search Log Page to ensure that all search efforts have been documented.
  - If necessary, update the case record and Search Log Page, to ensure that all fields populated by the database are accurate.
3. Ensure that only current (no older than 6 months) search efforts are displayed in the Declaration Regarding Due Diligence.
  - If necessary, update any outdated (more than 6 months old) search elements.
  - If necessary, update pre-populated data elements.

- Ensure that any inaccurate data is also corrected in the on-line case record in the Search Log Page.
4. Create the Declaration Regarding Due Diligence in a timely manner. Follow the required [time frames](#) for the court report being submitted.
    - If the Declaration Regarding Due Diligence is being submitted without a court report, it must be at court at least two judicial days prior to the scheduled hearing.
  5. Complete all appropriate fields on the Declaration Regarding Due Diligence, not populated by the data base. Provide the following information in the indicated fields:
    - Search Identifiers/Parameters: Provide the name(s) and job title of all individual(s) who conducted any of the searches displayed in the Due Diligence Search document.
      - Enter: "The following individual(s) conducted one or more of the searches listed below."
    - Summary: Enter a brief summary of the search results. For example, "The above-cited search efforts to locate (enter person's name) were not successful".
      - Successful example: "The above-cited search efforts located (enter parent's/legal guardian's name) at (enter complete address). (Enter parent's/legal guardian's name) was notified by (enter means of notification, e.g., in-person, telephone, mail, etc.) of the legal status of his or her child(ren) and the date, time and place of today's hearing."
  6. If new information is added to the Search Log Page after the Declaration Regarding Due Diligence is created, it will not populate into the generated document.
    - In order for that information to populate, the Declaration Regarding Due Diligence must be removed and recreated.
  7. Review the Declaration Regarding Due Diligence for accuracy and completeness.
    - If the data elements are not accurate, update as needed.
  8. If more than two staff members conducted one or more of the search efforts, create additional signature blocks, as needed.
  9. Enter the following text under Field "F" of the sample for each signature block: "I conducted the following searches: \_\_\_\_\_"

10. Print the Declaration Regarding Due Diligence.
11. Enter the following information in the designated fields:
  - Field A – Date
  - Field B – Month and year
  - Field C – Office location by city and state
  - Field D – Sign the Due Diligence Search
  - Field E – Job Title
  - Field F – Type name, job title, and date
12. Numbers will be displayed for each Search Source when the document is populated on CWS/CMS. Enter the numbers displayed on the document which corresponds to the searches you conducted.
  - Example: I conducted the following searches: 1-5 and 8.
13. Submit the signed hard copy of the Declaration Regarding Due Diligence and all supporting documents of your search results to the SCSW for approval.
14. If the Declaration Regarding Due Diligence is approved, attach photocopies of all search information, including Criminal Identification Investigation clearances, and Department of Motor Vehicles results.
15. Route all information to support staff for final preparation and delivery to court.

### **SCSW Responsibilities**

1. Review the Declaration Regarding Due Diligence and all supporting documents.
  - If approved, return the Declaration Regarding Due Diligence to the CSW or to its author.
  - If not approved, return the Declaration Regarding Due Diligence to the CSW, or to its author for corrective action.

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### **Assembling the Due Diligence Folder**

The Search Folder (gray) must contain a separate Due Diligence Folder for each absent parent or legal guardian.

### **Staff Assembling the Folder Responsibilities**

1. File the following documents in the Due Diligence Folder:

- Copies of the DCFS 136, letters and forms sent
- Replies received
- Copies of the Declaration Regarding Due Diligence
- The Publication Packet

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## Requesting Probation Records of a Parent/Guardian

### Staff Requesting Records Responsibilities

1. All due diligence clerks and staff that need to obtain Adult Probation information, must call their request to the Probation Information Center:
  - 1-866-931-2222 during business hours (8:00 am to 5:00 pm)
  - 1-323-226-8506 after hours (outside business hours)
  
2. All clerks and staff needing Probation information must first log into FCI (Family and Children’s Index) and establish a security question.
  - Probation staff will ask the caller for their FCI security question to verify the caller’s identity. After verifying identity, Probation staff will provide the information being requested.
  - If unable to obtain the information by telephone, locate and download the DCFS [4389-1](#), Declaration in Support of Access to Probation Records.
  
3. Complete the DCFS 4389-1, checking the appropriate box regarding locating a parent or guardian.
  
4. Fax the completed form to the Probation Department (818-901-2874).

Probation staff will conduct a search of their records and will document the results of their search on the DCFS 4389-1 and fax it back to the requestor at the designated fax number assigned to each section.

Office	Fax Number	Office	Fax Number
Adoptions	(626) 395-0323	Pasadena/American Indian/Asian Pacific Unit	(626) 397-9169
Belvedere	(323) 869-0922	Glendora	(626) 691-0216

Santa Fe Springs	(562) 946-7462	Metro North	(213) 351-2466 or (213) 639-1344
South County	(562) 429-5840	Pomona	(909) 686-1316
Torrance	(310) 222-5544	El Monte	(626) 433-1202
YDS	(213) 427-6105	Lancaster	(661) 723-8538
Child Protection Hotline	(213) 639-1346	Santa Clarita	(661) 257-5008
ERCP	(213) 738-8373	West San Fernando Valley (Chatsworth)	(818) 775-0292
Compton	(310) 604-5152	Palmdale	(661) 265-6071
Wateridge	(323) 290-3169	West L.A.	(323) 954-5944
Vermont Corridor	(323) 789-5669		

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## APPROVALS

### SCSW

- Declaration of Due Diligence

## HELPFUL LINKS

### Forms

#### LA Kids

[DCFS 136](#), Notice/Search Request

[DCFS 280](#), Technical Assistance Action Request

[DCFS 4389-1](#), Declaration in Support of Access to Probation Records

#### Referenced Policy Guides

[0300-503.10](#), Writing the Jurisdiction/Disposition Report

[1200-500.10](#), Vital Records (Birth, Death, Marriage and Divorce)

## Statutes

[Welfare and Institution Code \(WIC\) Sections 290.1, 290.2, 291, 292, 293, 294, 295, 296, 297, 366.21 and 366.26](#) – State in part, that the probation officer or social worker shall serve notice to the mother, presumed and alleged father(s), legal guardian(s), children 10 years of age and older, whose whereabouts are known or become known prior to initial, jurisdictional/dispositional, status review, selection and implementation and sequential dependency hearings. If there are no parents or guardian residing in California or the residence is unknown, then notice shall be served to any adult relative residing within the county, or if none, the adult relative residing nearest the court. It is not required to send notices to parents whose parental rights have been terminated.

[Welfare and Institutions Code \(WIC\) Section 294 \(f\) \(7\)](#) – States in part, that if a parent's whereabouts are unknown and the parent cannot, with reasonable diligence, be served, the petitioner shall file an affidavit with the court at least 75 days before the hearing date, stating the name of the parent and describing the efforts made to locate and serve the parent.

[Welfare and Institutions Code \(WIC\) Section 361.5 \(b\) \(1\)](#) – States in part, that one of the conditions that reunification services need not be provided to a parent or guardian is when the court finds by clear and convincing evidence that the whereabouts of a parent or guardian is unknown and a finding that an affidavit that a reasonable diligent search has failed to locate the parent or guardian.

[Penal Code Section 11105 \(b\) \(18\)](#) – States that the Attorney General shall furnish state summary criminal history information to any of the following, if needed in the course of their duties, provided that when information is furnished to assist an agency, officer, or official of state or local government, a public utility, or any other entity, in fulfilling employment, certification, or licensing duties, chapter 1321 of the Statutes of 1974 and Section 432.7 of the Labor Code shall apply: County child Welfare agency personnel who have been delegated the authority of county probation officers to access state summary criminal history information pursuant to section 272 of the Welfare and Institutions Code for the purposes specified in Section 16504.5 of the Welfare and Institutions Code. Information from criminal history records provided pursuant to this subdivision shall not be used for any purposes other than those specified in this section and Section 16504.5 of the Welfare and Institutions Code. When an agency obtains records obtained both on the basis of name checks and fingerprint checks, final placement decisions shall be based only on the records obtained pursuant to the fingerprint check.

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