

1 (Firm)
2 BY: (Attorney) CSB#
3 Address XXXXXXX
4 Phone XXXXXXX
5 Fax XXXXXXX

6 Attorney for (MOTHER)

7
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF X**
10 **SITTING AS THE JUVENILE COURT**

11 In the matter of:

12 (CHILD)

13
14
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16 DOB:

) CASE NO.

) NOTICE OF MOTION COMPELLING
) DISCOVERY PURSUANT TO
) CALIFORNIA RULES OF COURT RULE
) 5.546; POINTS AND AUTHORITIES;
) DECLARATION OF _____
) IN SUPPORT OF MOTION

) DATE:
) TIME: 8:30 A.M.
) DEPT.:
)
18 _____

19 TO: EACH PARTY AND TO THE ATTORNEY OF RECORD FOR EACH PARTY IN

20 THIS ACTION:

21 YOU ARE HEREBY NOTIFIED THAT: At 8:30 a.m. on X, 2003, or as soon
22 thereafter as this matter can be heard in Department of this court located at ____ the mother
23 through her attorney of record, ____, will move this court for an order compelling
24 the Department to furnish information regarding work performed by family reunification
25 social worker Ms. O. including but not limited to results of any investigation into allegations
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1 that Ms. O. testified untruthfully in court, presented information in court reports which she
2 knew to be false and failed to perform tasks which she represented had been performed.
3 Said motion will be made on the ground that the requested information is relevant to the
4 subject matter of this action and does not relate to privileged matters and that the
5 Department's refusal to answer and provide this information is without substantial
6 justification. Said motion will be based on this notice, the attached points and authorities
7 and declaration of ____ and the complete files and records in this action.
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11 DATED: _____

12 Attorney for (MOTHER)
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Attorney for (MOTHER)

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF X
SITTING AS THE JUVENILE COURT**

In the matter of:

(CHILD)

DOB:

) **CASE NO.**

) **POINTS AND AUTHORITIES
IN SUPPORT OF MOTION**

) **DATE:**
) **TIME: 8:30 A.M.**
) **DEPT.:**

STATEMENT OF FACTS

Please see attached Declaration of ____ in Support of Motion.

LAW AND ARGUMENT

**THE MOTHER IS ENTITLED TO DISCOVERY OF THE REQUESTED INFORMATION
PURSUANT TO CALIFORNIA RULES OF COURT, RULE 5.546.**

The applicable law with regard to pre-hearing discovery in juvenile dependency cases is set forth in California Rules of Court, Rule 5.546. Pursuant to Rule 5.546(c) the petitioner shall disclose any evidence or information within the petitioner's possession or

1 control favorable to the child, parent, or guardian. California Rule of Court, Rule 5.546(d)
2 sets forth a non-exclusive list of material or information which must be disclosed subject to
3 privilege. Rule 5.546(a) states that this rule “shall be liberally construed in favor of informal
4 disclosures”. Rule 5.546(d)(5) includes “records of statements or conversations of
5 witnesses or other persons interviewed by an investigating authority in connection with a
6 pending matter”.

7
8 In the instant case it is believed that an investigation has taken place into the
9 allegations that Ms. O. has provided false information to the court. This would constitute an
10 investigation which is connected with the above referenced pending matter. This is
11 particularly true in light of the fact that the mother in this case has stated that Ms. O. has
12 falsified information related to the number of contacts that Ms. O. has had with the mother
13 in this case.

14
15 The matter is currently set for a hearing pursuant to Welfare and Institutions Code
16 section 366.22. Consequently, this court will have to determine whether or not the
17 Department has provided reasonable reunification services. Clearly an investigation into the
18 quality of Ms. O.’ work as well as potentially an admission by her to falsifying information
19 submitted to the court could prove extremely relevant in the instant case. In assessing
20 whether a party is entitled to discovery in a civil case the standard is whether or not the
21 request is “reasonably calculated to lead to discovery of admissible evidence” (Laf v.
22 Sup. Ct.(1996) 48 CA 4th 1599). Appellate courts have recognized that “in making the
23 difficult decisions which it must make, a juvenile court can only benefit by having available
24 to it all relevant information”. In re: Rachael C. (1991) 235 Cal. App. 3rd 1445, 1452. Q.A. v. A.C., Q.A. v. A.C.

25
26
27 or the reasons set forth above it is respectfully requested that the Department be
28

1 ordered to provide the mother with any and all information related to any investigation
2 conducted into any alleged improprieties of Ms. O. related to the work she preformed. This
3 includes but is not limited to specific admissions of wrongdoing.
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7 DATED: _____

8 Attorney for (MOTHER)
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1 **(Firm)**
2 **BY: (Attorney) CSB#**
3 **Address XXXXXXX**
4 **Phone XXXXXXX**
5 **Fax XXXXXXX**

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8 **Attorney for (MOTHER)**

9
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF X**
12 **SITTING AS THE JUVENILE COURT**

13 **In the matter of:**

14 **(CHILD)**

15 **DOB:**

16) **CASE NO.**

17) **DECLARATION OF**
18) **(Attorney)**
19) **IN SUPPORT OF MOTION**

20) **DATE:**
21) **TIME: 8:30 A.M.**
22) **DEPT.:**

23 _____)
24
25 I, _____, state and declare the following:

26 1) On or about X, 2003, this court conducted a Transfer-in/Disposition hearing in the above
27 referenced case. The court ordered that an ICPC be conducted on the mother, (Mother)
28 who resides in _____ Washington. The matter was set for an Appearance Progress Report
for X, 2003, at 8:30 a.m. in Department and a hearing pursuant to W&I Code Section
366.21(e) on X, 2003. On X, 2003, Social Worker, Ms. O. prepared an Appearance
Progress Report. This report indicated that she received the case on X, 2003. Despite this
fact, social worker O. waited until X, 2003 to submit the ICPC paperwork.

1 2) On X, 2003, the Department requested a continuance due to the fact that there was no
2 report ready in this case. This report indicates, "All contacts with the parent including the
3 month of X 2003 were to have been completed by the previous social worker." There is a
4 substantial question as to the number of contacts which actually took place with the mother.
5 Similar issues are raised with regard to contacts with the child. Furthermore, the recently
6 prepared 366.21(e) report indicates that an ICPC request was not submitted on X, 2003, as
7 represented by Ms. O. It appears that no services have been set up for the mother. Clearly
8 this case raises significant issues regarding reasonable services.
9

10 3) (Firm) has learned that in at least two other cases significant questions have been raised
11 as to Ms. O.' veracity:

12 a) In case numbers ____, I am informed and believe as follows: Ms. O. was
13 specifically asked on cross-examination whether she had "identified any problems with the
14 foster care placement". Ms. O. stated "No". After the hearing concluded and the matter
15 was set for hearing pursuant to Welfare and Institutions Code Section 366.26, the
16 Department provided discovery of the delivered service logs. The delivered service logs
17 indicated that another child in the home had molested/sodomized three boys involved in the
18 case and that all three children had undergone MDIC interviews as well as scans through
19 the Medical Center. These service logs also indicated that Ms. O. was the person who set
20 up the scans and the MDIC interviews in this matter. At no time during her testimony did
21 she ever indicate that there was molest occurring in the foster home. This matter was
22 particularly important since one of the key reasons that the Department was recommending
23 that the matter proceed to a hearing pursuant to Welfare and Institutions Code section
24 366.26 was because Ms. O. testified that the visits between the mother and the children
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1 were chaotic. If the molest had been disclosed earlier it is possible that the children could
2 have gotten appropriate treatment. Furthermore this information could have impacted the
3 court's decision whether or not to terminate reunification services.

4 b) In yet another case (case number __) Ms O. prepared a report for an X, 2003
5 366.21(f) hearing, which she personally signed. This report indicated that Ms. O. had seen
6 the child, on the following 7 dates: XXX. At the hearing on X, 2003 in Department __, this
7 matter was continued to X, 2003 with an order for the Department to provide all the
8 delivered service logs regarding visitations and services provided to the mother. At the X,
9 2003 hearing both the minor and the mother contested the accuracy of the number of times
10 the mother had seen the social worker. The social worker had also represented in her
11 report that the mother had visited "sporadically" over the last six months. This was contrary
12 to the information provided by the maternal grandmother which indicated that the mother
13 had been visiting on weekends and also had overnight visitation.
14
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16 On X, 2003 Ms. O. submitted another addendum indicating once again that she
17 personally had seen the child on the following 8 dates: xxx. This matter was set for trial at
18 that time because of the inaccuracies of the reports. The delivered service logs which were
19 written by Ms O. indicated that Ms. O. had face-to-face contacts with the minor only on 4
20 dates: Xxx.

21 This matter was reassigned to new social worker, Ms. B. on X, 2003. The
22 reassigned social worker indicated the only dates the Department was able verify face-to-
23 face contact with the minor were on two dates: XX. This addendum was in direct
24 contradiction to the delivered service logs as written and entered by Ms O., as well as the
25 addendum and original report written by Ms. O. A copy of this addendum is attached hereto
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1 and labeled Exhibit "A".

2 3) In the instant case, this matter is pending a hearing pursuant to Welfare and Institutions
3 Code section 366.21(e). As part of this hearing, the court must determine whether
4 reasonable services have been provided to the mother.

5 4) (Firm) has made good faith efforts to resolve this matter informally. On X, 2003 I
6 contacted the division manager, Ms. W., and requested a list of all cases that Ms O. was
7 assigned to. Ms. W. indicated that she would not be providing (Firm) with a list of cases Ms.
8 O. worked on. In a follow-up phone call conversation, Ms. W. referred me to county
9 counsel, _____ to address this issue. On X, 2003, I sent a letter to supervising county
10 counsel, _____, requesting discovery of the above referenced materials informally. I further
11 advised _____ of my intent to file this motion. A copy of this letter is attached hereto and
12 labeled exhibit "B". To date county counsel has not responded to this request. It is
13 important to note that this letter was sent as a follow up to a telephone conversation in
14 which I requested a list of all of Ms. O.' cases.

15 9) I am informed and believe that an investigation into any possible wrongdoing by Ms. O.
16 has been conducted. I have been informed by Ms. W. that Ms. O. "no longer has a case
17 load". It is also important to note that at no time has any member of the Department denied
18 that an investigation has been conducted by the Department into this matter.
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22
23 DATED: _____

24 Attorney for (MOTHER)
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PROOF OF SERVICE

Case Name: IN RE: (MINOR)
Court: COUNTY SUPERIOR COURT; JUVENILE DIVISION
Case No.:

I am a resident of the United States and of the State of California. I am employed in the County of. My business address is. My business telephone number is; fax number is. I am over the age of eighteen years. I am not a party to the within action or proceeding. On X, 2003, I served the following document(s):

NOTICE OF MOTION COMPELLING DISCOVERY PURSUANT TO CALIFORNIA RULES OF COURT RULE 5.546; POINTS AND AUTHORITIES AND DECLARATION OF ___ IN SUPPORT OF MOTION

I am familiar with the practice of (Firm) for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document(s) would have been deposited with the United States Postal Service on the same day on which it was placed at (Firm) of for deposit

X by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the addresses set forth below. (CCP §1011)

COUNTY COUNSEL

Attorney

Attorney

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on X, 2003 at , California.

1 **(Firm)**
2 **BY: (Attorney) CSB#**
3 **Address XXXXXXX**
4 **Phone XXXXXXX**
5 **Fax XXXXXXX**

6
7 **Attorney for (MOTHER), MOTHER**

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF X**
10 **SITTING AS THE JUVENILE COURT**

11 **In the matter of:**) **CASE NO.**
12 **(CHILD)**) **SUPPLEMENTAL DECLARATION OF**
13 **DOB:**) **(Attorney)**
14) **IN SUPPORT OF MOTION**
15) **DATE:**
16) **TIME:**
17) **DEPT.:**
18 _____)

19 I, _____, state and declare the following:

20 I am the attorney for the mother, (Mother), in the above referenced matter.

21 I am informed and believe that the Department of Health and Human Services keeps
22 written records of complaints made against social workers and that such records are kept
23 in the personnel file or other files maintained by said agency.

24 I am informed and believe that issues have been raised to said agency concerning
25 Ms. O. These issues include but are not limited to, concerns that Ms. O. may have
26 submitted false information to the court by way of written reports or oral testimony.

27 I am informed and believe:
28

1 (Firm)
2 BY: (Attorney) CSB#
3 Address XXXXXXX
4 Phone XXXXXXX
5 Fax XXXXXXX

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Attorney for (MOTHER), MOTHER

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF X
SITTING AS THE JUVENILE COURT**

In the matter of:)	CASE NO.
(CHILD))	REPLY TO DEPARTMENT OF HEALTH AND HUMAN SERVICES' OPPOSITION TO MOTION COMPELLING DISCOVERY PURSUANT TO CALIFORNIA RULES OF COURT RULE 5.546
DOB:)	DATE:
)	TIME: 8:30 A.M.
)	DEPT.:

The mother by and through her attorney, respectfully submits the following Reply to the Department of Health and Human Services Opposition (Firm)'s Motion Compelling Discovery Pursuant to California Rules of Court Rule 5.546.

**I.
THE MOTHER HAS ESTABLISHED "GOOD CAUSE" FOR THE MATERIAL
REQUESTED**

Juvenile courts, like all other courts possess inherent power to order discovery (Joe V. The Superior Court (1970) 3 Cal.3d 797, 801-802, 91 Cal.Rptr. 594). The exercise of the juvenile courts discretion will be reversed on appeal only on a showing of

1 clear abuse. (Michael P. v. Superior Court (2001) 92 Cal.App.4th 1036)

2 In the instant case the mother has provided information that strongly suggests
3 that social worker O. may have submitted false information to the Juvenile Court.
4 Furthermore by the Department's own admission, Ms. O. no longer has an active
5 caseload. This obviously raises a question as to whether she no longer has a caseload
6 because of concerns regarding her veracity or competence.
7

8 The purpose of the juvenile court system is to provide for the protection and
9 safety of each minor under its jurisdiction and to preserve and strengthen the minor's
10 family ties whenever possible (Welfare and Institutions Code Section 202(a)). Children
11 under the jurisdiction of the juvenile court who are in need of protective services shall
12 receive care, treatment, and guidance consistent with their best interest and with the
13 best interest of the public. (Welfare and Institution Code Section 202(b)) Underlying the
14 goals of protecting the child, preserving the family and providing the child with a
15 permanent home is the fundamental goal of serving the best interest of the child.
16 Clearly the momentous task a juvenile court referee has in determining what is in a
17 child's best interest is significantly, if not hopelessly, impeded when the juvenile court is
18 provided false information. In the instant case the mother's Motion clearly sets forth
19 good cause for the requested information. This matter is currently scheduled for a
20 hearing pursuant to Welfare and Institutions Code Section 366.21(e). Pursuant to
21 Welfare and Institutions Code Section 366 this court must render orders on such issues
22 as the necessity for and appropriateness of the placement, the extent of the agency's
23 compliance with the case plan, whether there should be any limitation on the right of the
24 mother to make educational decisions, the extent of progress which has been made
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1 toward alleviating or mitigating the causes necessitating out of home care, etc. In
2 making these decisions the court traditionally relies heavily on information provided by
3 the social worker. If indeed there exists information such as an admission on the part of
4 Ms. O. to having submitted false information to the court, such information is critical to
5 this court in assessing the reliability of the information which has been provided in the
6 report. These facts rise to the level of the plausible justification necessary to grant this
7 request for discovery (See Joe Záv. Superior Court (1970) 3 Cal.3d 797).

9 Furthermore, it is important to note that while County Counsel's Opposition states
10 that "good cause" must be shown for the mother's motion to be granted, nowhere in the
11 Department's lengthy Opposition does the Department maintain that "good cause" does
12 not exist in the instant case.

13 County counsel argues that the "list" which mother seeks potentially
14 encompasses any case that Ms. O. ever worked on, even in a remote or miniscule way
15 unrelated to the circumstances of the current case. However the mother is not seeking
16 a list of all cases which M. O. worked on in a remote or minuscule way. Instead mother
17 is seeking personnel information going to what is believed to be an investigation into
18 allegations that Ms. O. has misstated information to the court. Such information is
19 clearly relevant to Ms. O.'s credibility. The Department contends that the mother has
20 failed to establish that she cannot obtain the information through her own efforts.
21 However the Department's significant efforts to avoid disclosure of the information being
22 sought, establish that this information is not readily available to the mother.

25 The Department contends that the issue of when referrals were made and what
26 services were provided is readily ascertainable without resort to privilege and
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1 confidential information. This statement by the Department is either naive or
2 disingenuous. If indeed Ms. O. has knowingly submitted false information to the court, it
3 is completely within the realm of possibility that she has fabricated information such as
4 referrals. Mother merely seeks information which could provide answers to this
5 question as well as others.

6
7 **II.**

8 **THE MOTHER’S REQUEST IS SUFFICIENTLY SPECIFIC**

9 The Department contends that the mother’s request was “confusing and unclear”
10 and lacks the requisite specificity. This position is without merit. While the civil
11 discovery rules do not apply in dependency cases, those rules do provide guidance on
12 the issue of the requisite specificity of discovery requests. Code of Civil Procedure
13 section 2031 states that an inspection demand is sufficient if the documents or things to
14 be produced are of a category described with “reasonable particularity” in the demand. Á

15
16 **“For example requests for “all financial records” or “all correspondence” maybe be**
17 **objectionable for inadequate description as they embrace too many subcategories to**

18 “For example requests for “all financial records” or “all correspondence” maybe be
19 objectionable for inadequate description as they embrace too many subcategories to
20 have much meaning. However, requests for “all correspondence” relating to “a
21 particular subject matter” or “all correspondence between specific parties or specific

22 dates” would require response “(Weil & Brown, CAL.PRAC.GUIDE:CIV.PRO.BEFORE
23 TRIAL, The Rutter Group (2003) §8:1442.” In this instant case the mother has
24 requested the specific category which would include any documents, records or writings
25 having to do with an investigation into allegations that Ms. O. has testified untruthfully or
26 presented information which she knew to be false. It is hard to imagine how much more
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1 specific this request could be. It is important to know that the mother could easily have
2 requested all of the personnel records of Ms. O. Since the Department feels that the
3 existing request for discovery if not sufficiently specific, the mother hereby amends that
4 request to include the personnel records of Ms. O. (please see attached Supplemental
5 Declaration of _____ in support of request for discovery).
6
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8 **III.**
9 **WELFARE AND INSTITUTIONS CODE SECTION 827 IS NOT THE APPROPRIATE**
10 **AVENUE FOR REQUESTING THE ABOVE REFERENCED INFORMATION. INSTEAD**
11 **DISCOVERY OF THIS INFORMATION IS PROPERLY CONTROLLED BY**
12 **CALIFORNIA RULE OF COURT RULE 5.546**

13 County counsel spends more than two and a half pages of her brief discussing
14 the applicability of W&I Code Section 827 to the mother's request in this case. County
15 counsel is mistaken. California Rules of Court Rule 5.546 provides for discovery
16 between the social services department and the parent. (California Juvenile Courts
17 practice and procedure (2003) Seiser-Kumli §2.109 [15]) Persons who are involved in
18 dependency proceedings but not entitled to discovery under California Rule of Court
19 Rule 6.546 can seek discovery under W&I Code Section 827. This allows the juvenile
20 court the ability to determine what discovery should be provided these participants,
21 while recognizing that in most cases they should not receive all information that a
22 parent, guardian, or child would receive. (Id at § 2.109) Certain court personnel and
23 others are authorized to inspect juvenile court records without first obtaining a court
24 order after petition to the juvenile court. These include [W&I Code Section 827(a)(1):
25 California Rules of Court Rule 5.552].
26

- 27 • the minor's parents or guardian
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1 as suspected child abuse information. The mother contends that to the extent that the
2 information sought refers specifically to the names of other children, said information
3 can be redacted to preserve that confidentiality.
4

5 **VI.**

6 **EVIDENCE CODE SECTION 1040 DOES NOT PRECLUDE DISCOVERY OF THE
7 REQUESTED INFORMATION**

8 County counsel spends much time discussing Evidence Code Section 1040.
9 However she spends very little time discussing its application to the facts of the instant
10 case. In *Michael P. v. Superior Court* (2001) 92 Cal.App.4th 1036, a petition was filed in
11 dependency case alleging that the father of a seven-year-old child was responsible for
12 the death of his girlfriend's twenty-one month old child. The father's attorney in the
13 dependency case subpoenaed the custodian of records for the coroner's office to obtain
14 the forensic information. The Coroner moved to quash the subpoena's citing evidence
15 code section 1040. The Court of Appeal in *Michael P.* recognized that a public entity
16 can only withhold information as privileged under section 1040(b)(2) "upon a finding that
17 ... it's disclosure would be "against the public interest." The court went on to hold:
18

19 "This determination requires that the trial court consider with respect to each item
20 of material sought whether there is a necessity for preserving the confidentiality of the
21 information that out weighs the necessity for disclosure in the interest of justice... Such
22 a weighing procedure will entail a separate assessment of the necessity for disclosure
23 in the interest of justice and the necessity for preserving the confidentiality. Implicit in
24 each assessment is a consideration of consequences – i.e., the consequences to the
25 litigant of non-disclosure and the consequences to the public disclosure."
26

27 The *Michael P.* court indicated that an in-camera review is one method to use in
28 addressing these issues. The *Michael P.* court went on to recognize that parents have a
"fundamental liberty interest: in the care, custody, and management" of their biological

1 children. Furthermore, Michael P. recognized that a parents' desire for and right to the
2 companionship, care, custody and management of his or her children is an important
3 interest that undeniably warrants deference and absent a powerful countervailing
4 interest, protection (Lassiter v. Department of Social Services (1981) 452 U.S. 18, 27).

5 The Michael P. the court of appeal directed the juvenile court to conduct an in-
6 camera review of the requested items and in doing so, the court was instructed to
7 consider the importance of the materials sought to the fair presentation of the litigant's
8 case, as well as the availability of the material to the litigant by other means. Michael P.
9 recognizes that material which is exculpatory to petitioner would necessarily have great
10 importance to "the fair presentation of his case". This must be weighed against the
11 interest of the state "preserving the confidentiality of the information". In the instant case
12 the mother has shown how the requested information could potentially be relevant. The
13 Department has utterly failed to show the County's strong interest in preserving the
14 confidentiality of the information.
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17 VII.

18 **PERSONNEL/EMPLOYMENT RECORDS ARE PROPER SUBJECTS OF** 19 **DISCOVERY**

20 The Department next argues that personnel or employment records are
21 confidential and privileged. However, the Department correctly recognizes that
22 discovery may be appropriate after a court balances the compelling need for the
23 discovery against the individual's right of privacy. In this case, the Department has
24 failed to show how and why information going to the social workers credibility should be
25 precluded from discovery when balanced against the significant interests of a mother in
26 a dependency proceeding.
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VIII.

CONCLUSION

The Department's twelve page Opposition to the mother's motion is nothing more than subterfuge to avoid discovery of information which the mother is entitled to under the circumstances of this case. The mother has clearly set forth good cause for the requested information and has provided the adequate specificity. The Department's claim that the mother must comply with Welfare and Institutions Code Section 827 is unfounded. Furthermore, the Department completely fails to articulate how other statutes which set forth broad rules of confidentiality should preclude discovery of the information in the instant case. The Department does correctly point out that this court has authority to engage in an in-camera review of the documents in question. The mother would have no objection to this court reviewing the relevant information in-camera and then allowing the disclosure of whatever information this court thinks is relevant.

DATED: _____

Attorney for (MOTHER)

1 **(Firm)**
2 **BY: (Attorney) CSB#**
3 **Address XXXXXXX**
4 **Phone XXXXXXX**
5 **Fax XXXXXXX**

6 **Attorney for (MOTHER)**

7
8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF**
10 **SITTING AS THE JUVENILE COURT**

11 **In the matter of:**) **CASE NO.**
12 **(CHILD)**) **VOIR DIRE QUESTIONS FOR**
13) **IN-CAMERA REVIEW OF RECORDS**
14 **DOB:**) **DATE:**
15) **DEPT.:**
16 _____)

17 Pursuant to this court's order, the mother, (Mother), in the above referenced case
18 hereby submits the following voir dire questions to be posed to the Department's
19 representative at the in-camera inspection currently scheduled for X, 2003.
20

- 21 1) Was any investigation conducted by the Department or its' representative(s)
22 regarding social worker, Ms. O. during calendar years 2002 and/or 2003.
23 2) Who conducted the investigation?
24 3) Where are any writings related to the investigation being kept?
25 4) How was the investigation conducted?
26 5) What were the results of the investigation?
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- 6) Please provide all of the case numbers for cases, which Ms. O. was, the assigned family reunification worker for a one-year period prior to X, 2003?
- 7) What is the current status of Ms. O's. employment with the Department of Health and Human Services?
- 8) What were the inclusive dates of any investigation into Ms. O.?
- 9) Were the results of the investigation put in writing?
- 10) Was Ms. O. interviewed as part of the investigation?
- 11) Did Ms. O. admit to providing false information by testifying?
- 12) Did Ms. O. admit to providing false information through court reports?
- 13) Did Ms. O. admit to providing false information in CWS CMS logs?
- 14) Provide the case numbers of any and all cases which Ms. O. was found to have provided false information.
- 15) Provide all case numbers for all cases in which Ms. O. admitted to providing false information.
- 16) Did Ms. O. admit to falsifying information related to her job in any way?
- 17) What specifically were the allegations which lead to the investigation into Ms. O.?

DATED: _____

Attorney for (MOTHER)

PROOF OF SERVICE

Case Name: IN RE: (MINOR)

Court: COUNTY SUPERIOR COURT; JUVENILE DIVISION

Case No.:

I am a resident of the United States and of the State of California. I am employed in the County of . My business address is. My business telephone number is ; fax number is . I am over the age of eighteen years. I am not a party to the within action or proceeding. On X, 2003, I served the following document(s):

VOIR DIRE QUESTIONS FOR IN CAMERA REVIEW OF RECORDS

I am familiar with the practice of (firm) for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document(s) would have been deposited with the United States Postal Service on the same day on which it was placed at (firm) for deposit

X by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the addresses set forth below. (CCP §1011)

COUNTY COUNSEL

X by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the addresses set forth below. (CCP §1011)

Attorney

X by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the Courthouse in the mailbox located in Room 101 of the mail distribution center.

Attorney

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December, 2003 at , California.
