

DEPARTMENT: Human Services/Social Services

BY: Cheryle Rutherford-Kelly

PHONE: 966-2442

**RECOMMENDED ACTION AND JUSTIFICATION:**

It is respectfully recommended that your Board authorize the Department to enter into a Professional Service Agreement with Allen, Proietti and Fagalde, LLP for continued legal services for the Child Welfare/Protection unit.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

Please see attachment.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Financial Impact? ( ) Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? (X) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Board Memo, Pages 1-2
Source:		Agreement, Pages 3-8
Internal Transfer _____		
Unanticipated Revenue _____ 4/5's vote		
Transfer Between Funds _____ 4/5's vote		
Contingency _____ 4/5's vote		
( ) General ( ) Other		

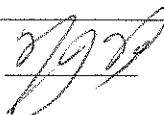
**CLERK'S USE ONLY:**

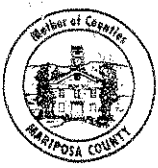
Res. No.: 07-212 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved  
 ( ) Minute Order Attached ( ) No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.  
 Date: \_\_\_\_\_  
 Attest: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California  
 By: \_\_\_\_\_  
 Deputy

CAO: 



**MARIPOSA COUNTY  
HUMAN SERVICES DEPARTMENT**

P.O. Box 7 • Mariposa, CA 95338 • (209) 966-3609 • Fax (209) 742-5854

Alcohol & Drug    Community Action    Housing Authority    Mental Health    Public Guardian/Conservator    Social Services  
CHERYLE RUTHERFORD-KELLY, MSW, DIRECTOR

May 7, 2007

TO: Members, Board of Supervisors  
Rick Benson, CAO  
FROM: Cheryle Rutherford-Kelly  
RE: Child Welfare/Protective Services / Authorization to Enter into an Agreement for  
Continued Legal Counsel Services

**Recommendation**

It is respectfully recommended that your Board authorize the Department to enter into a Professional Service Agreement with Allen, Proietti and Fagalde, LLP for continued legal services for the Child Welfare/Protection unit.

**Background / Current Situation**

For the past twenty (20) years, the Department has enjoyed legal representation from Allen, Polgar, Proietti & Fagalde for our Child Welfare/Protection unit. To continue to receive such services, an agreement needs to be authorized by your Board. This agreement and recommendation have been discussed with, and approved by, County Counsel.

It is the goal of Child Welfare to work with families to prevent removal. However, in cases of abandonment, imminent danger and/or sexual molest, there is a need to remove children from the adults who are abusing them. Such action requires that we bring the matter before the Juvenile Court. Three separate court proceedings (detention, jurisdiction and disposition) are involved. Everyone in Court is represented by counsel, including the child and the parents. The Department must be legally represented to be able to act in the best interest of the child and to do so in a manner that is lawful and prevents civil litigation to the greatest extent possible. The laws surrounding Child Welfare are complex. It is difficult for most counties to find quality legal representation.

The agency is very pleased with the representation of Mike Fagalde. He has handled our cases for over 10 years. When he is on vacation, his partner, Susan Albertoni, has assisted us. They will not substitute attorneys without prior approval of the department.

This law firm has demonstrated that they have the professional expertise to deal with the complex laws surrounding child welfare. Upon appeal of certain contested cases, the law firm has prevailed.

## Financial

The law firm has agreed to charge \$145 per hour for these particular services to Mariposa County. Their normal rate for a family law attorney is \$250 per hour. Additionally, should the firm need to use one of their paralegals, which is rare, the cost is \$90 per hour. The annual cost for FY 05-06 was \$40,865. The department has budgeted \$45,000 for FY 07-08. However, to set a cap on these services would be unwise because they are child need driven. There are no local costs involved. These costs are paid from federal, state and local realignment dollars.