DEPARTMENT: Human Services/SS

RECOMMENDED ACTION AND JUSTIFICATION:

It is respectfully recommended that your Board authorize the department to enter into a Professional Services Agreement with Allen, Polgar, Proietti and Fagalde 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:

Please see attachment.

Financial Impact? ( ) Yes (X) No Current FY Cost: $  
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded  
Amount in Budget: $  
Additional Funding Needed: $  
Source: 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.:  
Vote – Ayes: 5  
Absent:  
Approved ( ) Minute Order Attached ( ) No Action Necessary

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

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended  
No Opinion  
Comments:

CAO: 

Revised Dec. 2002
August 16, 2004

TO: Members, Board of Supervisors  
   Rich Inman, 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 Services Agreement with Allen, Polgar, Proietti and Fagalde for continued legal services for the Child Welfare/Protection unit.

Background / Current Situation

For the past nineteen (19) 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 agency is very pleased with the representation of Michael 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 charges $135 per hour for these particular services. 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 03-04 was $33,875.40. The department expects a 10% increase in legal work, which would bring FY 04-05 total to $37,263. 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. It is imperative that Social Services realignment dollars be spent on the programs for which they are intended rather than risk having to use general fund dollars.