

**DEPARTMENT:** Human Services  
Social Services & Behavioral Health

**BY:** James Rydingsword  
**PHONE:** (209) 966-2000

09-309

**RECOMMENDED ACTION AND JUSTIFICATION:**

It is respectfully recommended that your Board authorize the Department to enter into a Professional Service Agreement with Allen, Fagalde, Albertoni and Flores, LLP for legal services for Human Services Programs.

*authorize BOS Chair to sign agreement*

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

For the past twenty (20) years, the Department has enjoyed legal representation from Allen, Fagalde, Albertoni and Flores, LLP (formerly Allen, Proietti & Fagalde, LLP) 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.

This law firm can also provide paralegal services for the Public Guardian/Conservatorship function currently housed in the Behavioral Health Division of Human Services. They have the expertise to support our staff in accurately preparing documents for court.

**Financial**

The law firm has agreed to charge \$145 per hour for these attorney-level services to Mariposa County. Their normal rate for a family law attorney is \$250 per hour. Additionally, should we need to use one of their paralegals, the cost is \$90 per hour. The annual cost for FY 08-09 to date was \$22,359. The department has budgeted \$30,500 for FY 2009/10. There are no local costs involved for the child welfare services. These costs are paid from federal, state and local realignment dollars. The services to support the Public Guardian/Conservator function are county general fund dollars and are budgeted in 2009/10 in the Behavioral Health Division.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

Financial Impact? (X) Yes ( ) No    Current FY Cost: \$ \_\_\_\_\_    Annual Recurring Cost: \$ \_\_\_\_\_  
 Budgeted In 2009/10 FY? (X) Yes ( ) No ( ) Partially Funded  
 Amount in Budget: \$30,500    List Attachments, number pages consecutively  
 Additional Funding Needed: \$ \_\_\_\_\_    Professional Service Agreement, Pages 1-5  
 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.: 04-309    Ord. No. \_\_\_\_\_  
 Vote - Ayes: 4    Noes: \_\_\_\_\_  
 Absent: Observed  
 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: [Signature]