IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

In re N.R., Minor.	Case No. S274943 Court of Appeal Nos. B312001
LOS ANGELES DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Appellant, v. O.R., Objector and Appellant:	Superior Court Nos. 20CCJP06523, 20CCJP06523A

After the Unpublished Decision by the Court of Appeal
Second District, Division Five
Filed April 29, 2022

APPLICATION OF CALIFORNIA DEPENDENCY TRIAL COUNSEL AND CALIFORNIA APPELLATE DEFENSE COUNSEL FOR LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT OF APPELLANT FATHER, O.R.

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Pursuant to Rule 8.208 of the California Rules of Court, Amici certify that they know of no interested entities or persons to be listed.

Dated: April 5, 2023

Respectfully submitted,

By: _____

Brian Okamoto (Cal. Bar No. 217338)
Senior Deputy Public Defender
ORANGE COUNTY PUBLIC DEFENDER
Counsel for Amici Curiae

APPLICATION FOR LEAVE TO FILE AMICUS BRIEF

TO THE HONORABLE PATRICIA GUERRERO, CHIEF JUSTICE, AND ASSOCIATE JUSTICES OF THE CALIFORNIA SUPREME COURT, pursuant to rule 8.200(c) of the California Rules of Court, leave is hereby requested to file the attached brief as amici curiae on behalf of California Dependency Trial Counsel and California Appellate Defense Counsel in support of Appellant Father O.R. California Dependency Counsel are listed in the Appendix to the attached brief.

STATEMENT OF INTEREST

California Dependency Trial Counsel and California Appellate Defense Counsel represent children and parents in dependency trial and appellate proceedings and have a substantial interest in the outcome of the issues presented.

Amici, and the families they represent, will be directly affected by how this Court determines the meaning of "substance abuse" for purposes of dependency jurisdiction as contemplated in Welfare and Institutions Code section 300, subdivision (b)(1). As counsel for parents and children statewide, Amici have an interest in ensuring that jurisdictional decisions based on parental substance abuse are determined by fair and just criteria that protect families from unnecessary and inappropriate intrusions on their liberty interests.

BRIEF OF AMICI CURIAE WILL ASSIST THE COURT

California Dependency Trial Counsel and California Appellate Defense Counsel respectfully submit this brief to assist the Court in the following ways. First, this brief addresses how dependency jurisdiction inflicts lasting harm on parents and children and intrudes on protected family liberty interests. Second, this brief explains how contrary to the Legislature's intent, the law has allowed jurisdiction to be determined by subjective value judgments of social workers and judges, which has subjected families to needless, harmful jurisdictional intrusions on family integrity and deprived them of adequate protection of their liberty interests.

Amici respectfully submit that in light of the harms associated with dependency jurisdiction and the family liberty interests at stake, jurisdiction based on substance abuse must be determined by an objective, uniform and science based standard and not on varying, subjective value judgments of social workers, attorneys and juvenile court judges. Affirming a rigorous standard for jurisdictional decisions will resolve the law's ambiguity in line with the Legislature's intent to limit the harms associated with unnecessary jurisdictional intrusions and ensure greater accuracy and fairness in these decisions that harmfully intrude on protected family interests.

Amici certify that in accordance with California Rules of Court, Rule 8.520(f)(4), no party or counsel for any party has authored this proposed amicus brief, in whole or in part, or funded its preparation.

CONCLUSION

For the foregoing reasons, California Dependency Trial Counsel and California Appellate Defense Counsel respectfully ask that the Court grant its application for leave to appear as amici curiae and allow the attached brief to be filed.

Dated: April 5, 2023

By: _____
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INTRODUCTION

Parents and children share "a well-elaborated constitutional right to live together without governmental interference." (*Wallis v. Spencer* (9th Cir. 2000) 202 F.3d 1126, 1136 [citations omitted]. However, Welfare and Institutions Code[1] section 300, subdivision (b)(1)(d) authorizes courts to intrude on this protected interest by asserting dependency jurisdiction where a "child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness," as a result of "[t]he inability of the parent … to provide regular care for the child due to the parent's … substance abuse."

At issue is the interpretation of "substance abuse," which despite having an objective and clinical definition in the Diagnostic and Statistical Manual of Mental Disorders (DSM) when the Legislature adopted the term, has persistently eluded a uniform understanding and application in trial and appellate courts. Although "[t]he law is clear that … mere substance use is not sufficient for jurisdiction, … the law is not in agreement on when substance use reaches the point of substance abuse." (*In re J.A.* (2020) 47 Cal.App.5th 1036, 1046 [internal citation omitted].) As a result, the law enables social workers and judges to determine substance abuse not on

[1] All further code references will be to the Welfare and Institutions Code unless otherwise indicated.

objective criteria, but on varying, subjective value judgments. Of further concern for families, appellate courts have fashioned a non-statutory rule that shortcuts jurisdictional findings by deeming substance use by parents with children of "tender years" prima facie evidence for jurisdiction. (*In re Drake M.* (2021) 211 Cal.App.4th 754, 767.)

While acknowledging that the DSM criteria could provide the "most consistent results" for families, the Los Angeles County Department of Children and Family Services (Department)[2] avers that "achieving the most consistent results is not the standard, and using a broader definition of 'substance abuse' has not led to absurd results during the 35 years since the 1987 amendments to section 300." Amici, who represent children and parents in dependency trial and appellate courts statewide, emphatically disagree. Broad subjectivity in jurisdictional determinations has resulted in countless families being subjected to unnecessary jurisdictional intrusions, and "[d]ata for families affected by parental substance use indicates that Black, Indigenous, and persons of color are disproportionately represented in the child welfare system."[3] Amici are aligned with Father in respectfully

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[2] Consistent with Father's briefing, Amici will refer to Respondent Los Angeles County Department of Children and Family Services as "Department."

[3] Understanding Substance Use Disorder: What Child Welfare Staff Need to Know, National Center on Substance Abuse and Child Welfare, p.2,

urging this Court to affirm a uniform and objective definition of "substance abuse" and to overrule the "tender years" doctrine to ensure fair, accurate and unbiased jurisdictional determinations and avoid unnecessary and inappropriate intrusions on family liberty interests.

ARGUMENT

I. DEPENDENCY JURISDICTION BASED ON SUBSTANCE ABUSE MUST BE DETERMINED BY UNIFORM, OBJECTIVE, SCIENCE-BASED CRITERIA TO ENSURE FAMILIES ARE NOT NEEDLESSLY SUBJECTED TO HARMFUL INTRUSIONS ON THEIR PROTECTED LIBERTY INTERESTS.

A. Dependency Jurisdiction Intrudes on Family Integrity and Harms Families When Determined by Unreliable, Subjective Criteria.

Dependency jurisdiction is a significant intrusion on the integrity of the family. The Legislature has recognized it to be a "critical and imposing step" that involves the court "assum[ing] the role of substitute parent – a critical intervention into the normal role of the family." (JN[4] 40, 45.)

In 1987, the Legislature amended the grounds for jurisdiction bearing in mind that "inappropriate intervention can be harmful to children

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<https://ncsacw.acf.hhs.gov/files/tips-staff-need-to-know-508.pdf> [as of April 5, 2023] (Understanding Substance Use Disorder).)

[4] "JN" refers to Appellant's Request for Judicial Notice and will be followed by page number.

and parents." (JN 46.) The Legislature understood that "[i]nvestigations and court hearings are traumatic for parents and children, particularly in cases where children are removed from their homes during the investigation process" and recognized that "[c]hildren can suffer real emotional damage." (JN 46-47.) While acknowledging that intervention into a family is justified "[w]hen children are threatened with serious harm," the Legislature nonetheless recognized the difficulty of the task. "Sensitively done it can be very beneficial; done poorly or inadequately, it may worsen, rather than improve a parent's function." (JN 48.)

Amici, who appear with children and parents in dependency proceedings statewide, agree and can attest to the aforementioned harms, particularly where jurisdiction is based on vague, subjective determinations of substance abuse. Such intrusions can destabilize families and result in them being worse off than before court intervention. (See *Santosky v. Kramer* (1982) 455 U.S. 745, 765, fn. 15 ["coercive intervention frequently results in placing a child in a more detrimental situation than he would be in without intervention"].) Families have described how "system involvement exacerbated poverty and economic hardship, leading to loss of employment, housing, and benefits."[5]

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[5] "If I Wasn't Poor, I Wouldn't Be Unfit" The Family Separation Crisis in the US Child Welfare System (2022) ACLU and Human Rights Watch,p. 9

Moreover, jurisdiction based on substance abuse commonly results in children being removed from their homes[6], which is traumatizing to both children and parents and may cause irreparable damage to the family unit. (*In re I.C.* (2018) 4 Cal.5th 869, 890–891 [acknowledging the "cost of error" of "needlessly separat[ing] families from one another" is a substantial cost to parents and children alike"]; see also, Amicus Curiae Brief by American Civil Liberties Union and National Center for Youth Law, pp. 49-55 [summarizing research on harm of removal]; Amicus Curiae Brief by Persons with Lived Experience, pp. 6-15.)[7]

These harms are not exclusive to jurisdictional and dispositional proceedings. Varying interpretations of substance abuse can prejudice

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<https://www.hrw.org/sites/default/files/media_2022/11/us_crd1122web_3.pdf> (hereafter "If I Wasn't Poor, I Wouldn't Be Unfit")

[6] "[M]ore than one-third of all [children removed], were placed in foster homes due to parental drug use in 2019." ("If I Wasn't Poor, I Wouldn't Be Unfit," supra, at p. 8.) Further, some cases have eased agencies' burden for removing a child by deeming jurisdictional findings prima facie evidence for removal. (See *In re A.F.* (2016) 3 Cal.App.5th 283, 292 [citing prima facie rule where jurisdiction based on substance abuse]; see also, *In re D.B.* (2018) 26 Cal.App.5th 320, 332; *In re J.S.* (2014) 228 Cal.App.4th 1483; contra, *In re E.E.* (2020) 49 Cal.App.5th 195, 219 [rule only applicable where jurisdiction based on severe physical abuse under section 300, subdivision (e)].)

[7] See also Trivedi, Shanta, *The Harm of Removal* (2019) <https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=2087&context=all_fac> [as of April 4, 2023] ["research shows separating a child from her parent(s) has detrimental, long-term emotional and psychological consequences that may be worse than leaving the child at home"].

families throughout a dependency case. Before the filing of a petition, courts may issue protective custody warrants based on probable cause that "[t]he child is a person described by Section 300," which forcibly removes children from their homes pending investigation. (§ 340, subd. (b)(1).) At detention hearings, these removals may be affirmed and extended based in part on a prima facie showing that the "child comes within Section 300." (§ 319, subd. (c).) That these separations may end up being temporary is hardly reassuring to families. The harm from even temporary separations is severe.[8]

Following the jurisdictional finding, if a child is ordered removed from the home, parents generally are ordered to participate in case plan services "designed to eliminate those conditions that led to the court's finding that the child is a person described by Section 300." *In re Nolan W.* (2009) 45 Cal.4th 1217, 1229; § 362, subd. (c).) At subsequent status review hearings, a parent's failure to make substantive progress in those

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[8] "Attachment science shows that the emotional and psychological ramifications of child removal from primary caregivers occur even if the removals are relatively brief. Short-term removals can interfere with a child's sense of safety, and multiple critical capacities, including learning, curiosity, social engagement, and emotional regulation." (Department of Health and Human Services, Office of Human Development Services Administration for Children and Families, Children's Bureau: IM-20-02, Family Time and Visitation for Children and Youth in Out-of-Home Care, p. 6 (Feb. 5, 2020) https://www.acf.hhs.gov/cb/resource/im2002 [as of March 30, 2023] (Children's Bureau).)

jurisdiction-based services constitutes prima facie evidence on which courts may deny reunification of the family and, depending on the duration of the case, seek a permanent separation of the family. (§§ 366.21, subds. (e)(1) and (f)(1)(B); 366.22, subd. (a)(1); 361.5, subd. (a)(1).)

For families in reunification, clarity on what substance abuse means is critical to family preservation. How substance abuse is defined will inform the identification of services "specifically tailored to fit the circumstances of each family" (*Patricia W. v. Superior Court* (2016) 244 Cal.App. 4th 397, 420), and the court's assessment on whether parents have made substantive progress in them. However, varying and unpredictable interpretations of substance abuse make it difficult for parents to meet the subjective expectations of social workers and juvenile court judges. (See JN 45 ["description of harm to the child must be clearly articulated so that all involved parties understand the problems and what must change if the family is to function on its own again"].) Further, the lack of a uniform understanding of substance abuse results in inconsistent decisions that may erroneously terminate reunification efforts or result in delays that needlessly prolong the harm caused by the separation of the family.[9]

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[9] See Children's Bureau, supra, at pp. 1-2 ["Removal and subsequent continued separation makes the sustenance of primary relationships and prospects of reunification more problematic"].)

Given the severity of the harms described above, trial and appellate courts, and all parties to dependency proceedings share an interest in ensuring just and accurate determinations on substance abuse.

B. Parents and Children Have a Constitutional Right to Family Integrity That Warrants Protection Against Jurisdictional Intrusions Based on Erroneous, Subjective Value Judgments.

1. The Protected Liberty Interests of Both Parents and Children Are at Stake in Jurisdiction Determinations.

"Parents and children have a well-elaborated constitutional right to live together without governmental interference." (*Wallis v. Spencer* (9th Cir. 2000) 202 F.3d 1126, 1136 [citations omitted]. Thus, when agencies seek jurisdictional intervention into families based on parental substance abuse, the law should ensure families a reliable, objective standard that is deferential to their liberty interests at stake and best protects them from needless and harmful government intrusions.

"Our society does recognize an 'essential' and 'basic' presumptive right to retain the care, custody, management, and companionship of one's own child, free of intervention by the government." (*In re Kieshia E.* (1993) 6 Cal. 4th 68, 76; *Stanley v. Illinois* (1972) 405 U.S. 645, 651, 92 S.Ct. 1208, 1212, 31 L.Ed.2d 551; *Lassiter v. Department of Social Services* (1981) 452 U.S. 18, 27, 101 S.Ct. 2153, 2159, 68 L.Ed.2d 640; *In re Marriage Cases* (2008) 43 Cal.4th 757, 728.) This liberty interest

protected by the Due Process Clause of the Fourteenth Amendment (*Troxel v. Granville* (2000) 530 U.S. 57, 66) and "ranked among the most basic of civil rights" (*In re Marilyn H.* (1993) 5 Cal.4th 295, 306), demands deference and protection and should not be subject to intrusions based on varying, personal value judgments of individual social workers and judges.

Affirming a uniform, objective and scientifically based definition of "substance abuse" should not be viewed as elevating an agency's burden at the expense of vulnerable children, or prioritizing the rights of parents over their children's rights. Parents and children alike share an interest in the integrity of their family, free from unnecessary judicial intrusions, and it should not be presumed that jurisdictional intervention is inherently in a child's best interests.

Children on whose behalf dependency jurisdiction is petitioned share reciprocal "companionship and nurturing interests" with their natural parents and "in maintaining a tight familial bond." (*Smith v. City of Fontana* (9th Cir. 1987) 818 F.2d 1411, 1419, [holding "that a child's interest in her relationship with a parent is sufficiently weighty by itself to constitute a cognizable liberty interest"], overruled on another ground by *Hodgers-Durgin v. de la Vina* (9th Cir. 1999) 199 F.3d 1037, 1040; see also *In re Dakota H.* (2005) 132 Cal.App.4th 212, 222–223 [children "too, have a compelling independent interest in belonging to their natural family"].)

This companionship interest "logically extends to protect children from unwarranted state interference with their relationships with their parents." (*Ibid.*) That relationship "is so basic to the human equation as to be considered a fundamental right, and … should be recognized and protected by all of society … Interference with that right should only be justified by some compelling necessity…." (*In re Smith* (1980) 112 Cal.App.3d 956, 968-969; see also *Stanley v. Illinois*, *supra*, 405 U.S. at p. 651; *Van Atta v. Scott* (1980) 27 Cal.3d.424, 436.) So important is the relationship that "[t]he integrity of the family unit has found protection in the Due Process Clause of the Fourteenth Amendment (*Meyer v. Nebraska* [(1923) 262 U.S. 390], 399, 43 S.Ct. at 626), the Equal Protection Clause of the Fourteenth Amendment (*Skinner v. Oklahoma* [(1942) 316 U.S. 535], 541, 62 S.Ct., at 1113), and the Ninth Amendment (*Griswold v. Connecticut* (1965) 381 U.S. 479, 496, 85 S.Ct. 1678, 14 L.Ed.2d 510 (Goldberg, J., concurring)." (*Stanley v. Illinois*, *supra*, 405 U.S. at p. 651.)

It should be self-evident that a parent and child share not just a recognized "interest in each other's care and companionship" (*In re Jasmon O.* (1994) 8 Cal.4th 398, 419) but in avoiding erroneous decisions that infringe on that relationship. (See *In re A.R.* (2021) 11 Cal.5th 234, 249; *Santosky v. Kramer*, *supra*, 455 U.S. at p. 765.) Accordingly, court decisions on whether parental substance abuse necessitates intervening into

a family as its "substitute parent," should be determined by a standard that ensures accuracy and fairness, and is deferential to and commensurate with the family's liberty interests at stake. (Cf. *In re Henry V.* (2004) 119 Cal.App.4th 522, 525 ["high standard of proof" by which to remove child from the home "is an essential aspect of the presumptive, constitutional right of parents to care for their children"].) That standard should be uniform and based on objective criteria, not on vague, subjective and varying value judgments of individual social workers and judges.

2. The Law as It Presently Stands Fails to Adequately Protect Family Liberty Interests by Allowing Subjective Value Judgments on Substance Abuse and Risk to Determine Jurisdiction.

Given the family liberty interests at stake in jurisdictional determinations, families must be ensured fair and accurate procedures that comport with due process. "In contested juvenile court proceedings, the due process clause of the Fourteenth Amendment requires that 'not only must there be actual fairness in the hearing but there must be the appearance of justice.'" (*In re Emily D.* (2015) 234 Cal.App.4th 438, 445.) "The essential characteristic of due process in the statutory dependency scheme is fairness in the procedure employed by the state to adjudicate a parent's rights." (*In re James Q.* (2000) 81 Cal.App.4th 255 265, internal citation omitted; see also, *In re James F.* (2008) 42 Cal.4th 901, 918 ["the essence of integrity is the use of fair procedures to achieve a just result"].)

However, the law governing jurisdictional decisions involving substance abuse denies families a fair procedure for determining when substance use becomes substance abuse and is too subjective to adequately protect family liberty interests. While the law is "clear that … mere substance use is not sufficient for jurisdiction, … the law is not in agreement on when substance use reaches the point of substance abuse." (*In re J.A.*, *supra*, 47 Cal.App.5th at p. 1046 [internal citation omitted].) Because "[t]he Legislature included no definition of the term 'substance abuse' when it rewrote section 300 in 1987," (*In re Drake M.*, *supra*, 211 Cal.App.4th at p. 765.), social workers and judges resort to their own value judgments in determining whether and when "substance abuse" warrants jurisdiction. The lack of a uniform standard to ensure objectivity and accuracy in these determinations unfairly subjects families to needless and harmful jurisdictional intrusions.

Additionally, appellate courts have fashioned a rule that eases an agency's burden of proof by deeming substance use by parents with children of "tender years" prima facie evidence "of the inability of a parent … to provide regular care resulting in a substantial risk of physical harm." (*Drake M., supra,* 211 Cal.App.4th at p. 767.) Not only does such a rule lack any statutory basis, it unfairly "excises out of [section 300] the elements of causation and harm." (See *In re Rebecca C.* (2014) 228

Cal.App.4th 720, 728, rejecting presumption of risk from parental substance use.) Essentially, the tender years rule presumes physical harm to a child from a parent's substance use, and places on the parent the burden to prove the negative, i.e., the absence of harm. (*Ibid.*) This is not what the statute provides. Amici agree with and join in the arguments by Father and amicus counsel that the tender years rule should have no place in the law.

Contrary to what should be "clear" in the law, so long as there is no uniform and objective standard for determining substance abuse, even "mere use" can be sufficient for jurisdiction in juvenile and appellate courts. This is not what the Legislature intended.

In 1987, the Legislature clarified section 300 so that jurisdiction would be based not on mere "substance use" but on "substance abuse," which was the clinical term used by the DSM at the time. (JN 81, 83.) Consistently, section 300.2, which describes "a necessary condition for the safety, protection and physical and emotional well-being of the child," notably refers to "the provision of a home environment free from the *negative effects of substance abuse*," not substance use itself. (§ 300.2, emphasis added.)

The law's guidance on when substance abuse may be reported as neglect is consistent with the Legislature's intent. Penal Code section 11165.13 provides that a positive toxicology screen revealing a parent's

substance use at the time of the child's delivery "is not in and of itself a sufficient basis for reporting child abuse or neglect." It further instructs that "a report shall be made only if other facts "indicate risk to a child" related "solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse." (Ibid.) Thus, unless there are other indications of risk, mere substance use even by parents with infants does not support reporting neglect, and by logical extension, jurisdiction.

Amici agree with the Legislature that "[v]ague statutes make inappropriate intervention likely." (JN 46-47.) Because of ambiguity in the meaning of substance abuse, the subjective value judgements allowed to define it, and the tender years doctrine, the law presents many of the same factors the Supreme Court determined "combine to magnify the risk of erroneous factfinding." (*Santosky v. Kramer*, *supra*, 455 U.S. at p. 762.) These include: "imprecise substantive standards that leave determinations unusually open to the subjective values of the judge;" "the court possess[ing] unusual discretion to underweigh probative facts that might favor the parent;" and the "often poor, uneducated, or members of minority groups" who are "vulnerable to judgments based on cultural or class bias." (*Id.* at pp. 762-763, citing, *Smith v. Organization of Foster Families* (1977) 431 U.S. 816, 835, fn. 36.)

The most sensible solution to these concerns is a uniform, objective definition of substance abuse that will more adequately safeguard the family liberty interests at stake as well as "impress the factfinder with the importance of the decision and thereby reduce the chances" of erroneous jurisdictional intrusions. (*Santosky v. Kramer*, *supra*, 455 U.S. at p. 762, *Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 252.)

C. The Lack of a Uniform Standard for Determining When Substance Use Becomes Substance Abuse Coupled with The Deference the Law Accords to Social Workers Increases The Risk That Families Will Be Subjected To Erroneous Jurisdictional Decisions Determined by Inaccurate Subjective Value Judgments.

1. The Law's Deference to Social Worker's Reporting and Recommendations Do Not Ensure Reliability.

Social workers are accorded extraordinary deference in dependency proceedings, such that even before the jurisdiction hearing begins, their credibility and expertise are presumed. So revered are social workers that their reports, including the hearsay within them, may be considered "competent evidence" that "may form the basis of the jurisdictional determination itself" so long as the social worker is simply available for cross-examination. (*In re Malinda S.* (1990) 51 Cal.3d 368, 378, partially

superseded by statute; § 355, subd. (b)[10].) Social workers are viewed as "disinterested parties" whose reports bear "elements of objectivity and expertise" and "a degree of reliability and trustworthiness." (*In re Malinda S.*, *supra*, 51 Cal.3d at p. 377.) In their statutory role to provide "essential information" to the court, they are said to "act as an impartial arm of the court in assisting the court to carry out the Juvenile Court Law." (*In re Ashley M.* (2003) 114 Cal.App.4th 1, 8.) Courts thus give "due consideration to the social worker's determination and … may properly rely upon the agency's expertise for guidance." (*In re M.C.* (2011) 199 Cal.App.4th 784, 814.)

Given the law's reverence for social workers, courts naturally assign significant probative weight to their value judgments on parental substance abuse in jurisdictional decisions. However, the deference the law accords to social workers does not guarantee accuracy, qualified expertise or even honesty.

Social workers, like anyone, are not infallible. Their opinions and recommendations are susceptible to being overly subjective and

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[10] Section 355, subdivision (b) states: "A social study prepared by the petitioning agency, and hearsay evidence contained in it, is admissible and constitutes competent evidence upon which a finding of jurisdiction pursuant to Section 300 may be based…" Subdivision (b)(2) adds that "[t]he preparer of the social study shall be made available for cross-examination upon a timely request by a party."

unqualified. (See, e.g., *In re Destiny S.* (2021) 210 Cal.App.4th 999, 1004 [opinion of substance abuse did not support jurisdiction where mother exposed child to marijuana smoke, and 10 years prior inadequately supervised child while using methamphetamine]; *In re Rebecca C.*, *supra*, 228 Cal.App.4th 720 [opinion of substance abuse affirmed but did not support finding of risk of harm for jurisdiction]; *In re L.C.* (2019) 38 Cal.App.5th 646, 648-649, 653 [opinion of substance abuse did not support jurisdiction where legal guardian used methamphetamine at most seven times over 10 month period and no showing he gave up social, occupational or recreational activities]; *Jennifer A. v. Superior Court* (2004) 117 Cal.App.4th 1322, 1346 [opinion did not support finding of detriment to child where there was no clinical diagnosis of parental substance abuse]; *In re J.A.* (2020) 47 Cal.App.5th 1036, 1049 [opinion that substance abuse caused child to suffer detrimental medical condition did not support jurisdiction; rejecting mootness argument "because the issue is one that is likely to recur in the future"].)

Social workers' reporting and recommendations can also be dishonest. (see, e.g., *Casey N. v. County of Orange* (2022) 86 Cal.App.5th 1158 [jury found social workers deliberately or with reckless disregard fabricated or misrepresented evidence or omitted known exculpatory evidence; appellate court found that county had policy of engaging in such

behavior]; *Hardwick v. County of Orange* (9th Cir. 2017) 844 F.3d 1112, 1114 [jury found social workers lied, falsified evidence and suppressed exculpatory evidence resulting in mother losing custody of her child]; (*M.G. v. Superior Court of Orange County* (2020) 46 Cal.App.5th 646, 663 [expressing "displeasure at … [social worker's] reports and testimony minimizing and ignoring the parents' progress towards reunification" and dismay by trial court's willingness to accept them]; *In re B.D.* (2019) 35 Cal.App.5th 803 [expressing "concerns about the insidious effect of inaccurate and incomplete disclosure by child welfare agencies"]; *In re Jasmon O.* (1994) 8 Cal.4th 398, 436 (Baxter, J. dissenting) [noting "outright misconduct by the Department" causing skepticism of any of their assertions, and referencing studies showing social workers having inherent hostility to biological parents].)

While Amici by no means suggests that every social worker conducts themselves as in the foregoing cases, the examples of overly subjective and erroneous reporting therein are not anomalous. To the contrary, they are endemic. Countless families Amici have represented both in the juvenile court and on appeal have encountered unfairly critical and subjective value judgments by social workers who were accorded unmerited deference.

Defending against such recommendations is daunting for families given courts' deference toward their "impartial arms of the court." As social workers' reports are said to bear "elements of objectivity and expertise" and "a degree of reliability and trustworthiness" (*In re Malinda S., supra*, 51 Cal.3d at p. 377), they can unquestionably influence trial and appellate courts' perceptions of the family in favor of social workers' recommendations.[11] This power imbalance, which gives social workers wide latitude in controlling the family narrative, allows for subjectivity to prevail over qualified expertise at the expense of accurate decision-making. (*Santosky v. Kramer, supra*, 455 U.S. at p. 762, noting the "State's ability to assemble its case," which "dwarfs the parents' ability to mount a defense" among factors contributing to erroneous factfinding].)

While social workers may be recognized as "experts" in the field of social work, their opinions on substance use disorder and toxicology are rarely held to evidentiary standards. Despite being subject matters that are "sufficiently beyond common experience," social workers are commonly

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[11] One study noted how social workers attempt to convince courts "that their accounting of the facts was true and that state intervention was warranted" "by emphasizing affirming witness statements and dismissing contradictory statements. (Parental Substance Use: How child welfare workers make the case for court intervention (October 2018) Children and Youth Services Review, Vol. 93, p. 69, 74 <https://www.sciencedirect.com/science/article/abs/pii/S0190740918300689> [as of April 4, 2023].)

given free rein to provide opinions without demonstrating "special knowledge, skill, experience, training, or education." (Evid. Code, § 720, subd. (a); § 801, subd. (a).) To ensure reliability, social workers' opinions must be judged by the standards applicable to all opinion evidence. They may be of evidentiary value if "reasonably specific and objective" but not if they are based only on "mere subjective impressions, albeit professional subjective impressions." (*Blanca P. v. Superior Court* (1996) 45 Cal.App.4th 1738, 1750.) "For 'the law does not accord to the expert's opinion the same degree of credence or integrity as it does the data underlying the opinion." (*People v. Gardeley* (1996) 14 Cal.4th 605, internal citations omitted, disapproved on another ground, ["[l]ike a house built on sand, the expert's opinion is no better than the facts on which it is based"].)

2. Appellate Review Does Not Adequately Protect Families From Erroneous Social Worker Opinions on Substance Abuse and Associated Risk.

The fact that some cases involving erroneous social worker recommendations have been reversed by appellate courts provides little solace to families. Appellate courts have yet to uniformly determine when substance use becomes substance abuse. Further, pending appeal,[12] families

[12] An appeal is not an assured remedy. As this Court recently recognized, appeals are "prone to mootness problems" (*In re D.P.* (2023) 14 Cal.5th

must still bear the consequences of erroneous recommendations by social workers, which include not only jurisdictional intrusions but harmful family separations. The published cases cited herein are just a sampling of the actual number of families aggrieved by adverse rulings based on erroneous value judgments that were accepted and acted upon by trial courts. Amici can attest that countless of these families have had subjective jurisdictional findings upheld on appeal under the deferential substantial evidence standard of review. (*In re J.N.* (2021) 62 Cal.App.5th 767, 774; *In re S.B.* (2008) 164 Cal.App.4th 289, 297 [standard involves "reviewing the evidence most favorably to the prevailing party and indulging all legitimate and reasonable inferences to uphold the court's ruling"].) With no objective criteria defining substance abuse, it is difficult if not impossible to successfully challenge on appeal a subjective decision based on subjective criteria supported by subjective value judgments. And given the deference the law accords to social workers, courts may express credibility findings in their favor which are unlikely to be disturbed on appeal. (*In re R.T.* (2017) 3 Cal.5th 622, 633 [under substantial evidence standard, "issues of fact and credibility are the province of the trial court"].)

266, 284–285; ["Parents may appeal an order that is later changed, or jurisdiction over the child may terminate before an appeal is finally resolved"]; *In re Michelle M.* (1992) 8 Cal.App.4th 326, 330.)

3. The Legislature's Intent to Limit Broad Discretion in Determinations of Substance Abuse Has Not Been Followed in Current Law, and Has Resulted in Families Being Subjected to The Very Harms The Legislature Sought to Prevent.

Sensibly, the Legislature sought to reign in broad discretion and subjectivity in jurisdictional decisions. In amending the jurisdictional grounds in section 300, it sought to provide "more clear-cut guidance to social workers and judges regarding the types of situations which the Legislature considers abusive or neglectful … in order to ensure more uniform application of the law throughout the state and to ensure that court intervention does not occur in situations the Legislature would deem inappropriate." (JN 46.)

Mindful of how "concepts of abuse and neglect involve value judgments about what constitutes proper parenting," or how there are "varying perspectives on the degree of supervision needed by children of different ages" as well as "what constitutes an unsafe home," the Legislature sought to ensure that such assessments are not "left to the many individual workers" but "should be made within the context of clear legislative guidelines." (JN 47.) "Given the enormous variation in background, training and experience of child welfare workers and police," the Legislature presciently recognized that "vague standards lead to highly

variable practices in different counties and even within counties." (JN 47.); and worse, "make inappropriate intervention likely." (JN 46-47.)

As explained above, these concerns are not academic, nor are they historic. Significantly, "broad and malleable definitions" of substance abuse allow for subjective determinations that are "susceptible to conscious and unconscious bias based on race, class, or other factors,"[13] which contribute to racial and ethnic disproportionality in the dependency system.[14] As counsel for parents and children in dependency proceedings statewide, Amici have seen firsthand how deference accorded to social workers' value judgments on what constitutes "substance abuse" subjects families to unnecessary, unjust and harmful jurisdictional decisions that vary by county and courtroom. Important decisions on whether courts should intrude on family liberty interests should not vary by which social worker, courtroom or appellate division or district a family happens to be assigned.

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[13] "If I Wasn't Poor, I Wouldn't Be Unfit," supra, at p. 4.

[14] "Families of color are disproportionately represented in the child welfare system compared to the general population.", (Disproportionalities and Disparities in Child Welfare, p. 2, <https://ncsacw.acf.hhs.gov/files/cw-tutorial-supplement-equity.pdf> [as of April 4, 2023]; see also, Understanding Substance Use Disorder, supra, p. 2 ["Data for families affected by parental substance use indicates that Black, Indigenous, and persons of color are disproportionately represented in the child welfare system"].)

D. Affirming A Uniform, Objective Standard for Determining Substance Abuse to Safeguard Family Liberty Interests Will Not Compromise Children's Safety.

Affirming an objective and uniform definition of "substance abuse" will not leave children without protection where parental substance use is a concern. Already, the law provides that social workers who determine a child is at risk in the home "may, in lieu of filing a petition ..., and with consent of the child's parent or guardian, undertake a program of supervision of the child ... to ameliorate the situation ... by providing or arranging to contract for all appropriate child welfare services." (§ 301, subd. (a).) If the family refuses to cooperate, the social worker may petition the court for jurisdiction. (Ibid.)

Voluntary services[15] are a substantive safety measure within the dependency scheme. The "intent paragraph" in section 300.2 "emphasizes" not only "preservation of the family whenever possible" but also "provision

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[15] Voluntary services should not be confused with "hidden foster care," in which "child protection agencies induce parents to transfer physical custody of their children to kinship caregivers by threatening to place the children in foster care and bring them to family court." Amici believe this is a coercive practice that "infringe[s] on parents' and children's fundamental right to family integrity with few meaningful due process checks." (Gupta-Kagan, Josh, *America's Hidden Foster Care System* (April 2020) Stanford Law Review, Vol. 72, p. 841 <https://review.law.stanford.edu/wp-content/uploads/sites/3/2020/04/Gupta-Kagan-72-Stan.-L.-Rev.-841.pdf> [as of April 4, 2023].)

for the 'full array of social and health services to the child and family," which the Legislature has clarified "include[e] voluntary services." (JN 50.) Further, the Legislative task force noted that "broad court jurisdiction should not be thought of as a panacea for an adequate, comprehensive system of services for the varying needs of children and families." (JN 47.) Accordingly, the Legislature clearly did not intend for dependency jurisdiction to be the exclusive means for protecting children at risk.

Nor did the Legislature intend for jurisdiction to be the primary or preferred means of protecting children. When the task force amended section 300, it referred to its jurisdictional grounds as those "which permit child protection agencies to bring a child to the attention of the juvenile court *because the abuse or neglect cannot be remedied on a voluntary basis with the child's family*." (JN 40, emphasis added.)

Thus, affirming a uniform and objective standard for determining when substance abuse warrants jurisdiction will not result in children being unprotected. Social workers may still assist families with a "full array" of "all appropriate child welfare services" designed to "reduce risk and increase safety for the child." (JN 45)

E. The Present Case Demonstrates How the Lack of a Uniform, Objective Definition of Substance Abuse Broadly Enables Jurisdictional Decisions to Be Based on Unreliable Criteria And Reveals Broader Problems in the Dependency System.

The present case demonstrates the numerous problems families encounter when substance abuse is determined to be jurisdictional by subjective value judgments of social workers, judges and appellate courts and underscores the urgent need for a uniform and objective standard.

Father was not the subject of the investigation that brought the family to the attention of authorities. (Op[16]. 1.) On November 19, 2021, the day N.R. was placed in his custody, Father denied drug use and submitted to a drug test. Twelve days later his test result revealed an "extremely high and rare" level of cocaine, indicating use sometime within the previous four days. (Op. 1-2; CT[17] 78.) However, there was no evidence indicating Father used cocaine on the day he tested and took custody of N.R.

The positive test result prompted Father to admit his cocaine and alcohol use from November 12th to the 15th during a four-day celebration of his birthday before knowing he would later be asked to care for N.R. (Op. 2.) Father was upset at being "caught" and said, "This cocaine thing is

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[16] "Op" refers to the unpublished appellate opinion herein, *In re N.R.* (Apr. 29, 2022, B312001) [nonpub.opn.])

[17] "CT" refers to the Clerk's Transcript as cited in Father's Brief on the Merits.

not me." (Op. 2.) He explained he does not use cocaine on the weekends when he has N.R. pursuant to a custody arrangement with Mother. (Op. 2.) Although he admitted using cocaine for roughly four or five years, had been using once or twice every two weeks and used to use with friends at big parties (Op. 2.), there was no evidence he ever consumed, possessed or was under the influence of cocaine with N.R. in his care. Father agreed to random drug tests but declined to participate in the Child Family Team Program and the services offered therewith. (Op. 2-3.) Missing from the appellate opinion was any mention that Father said "he understood and took full responsibility for his actions" (BOM[18] 12; CT 13.)

By the jurisdiction hearing, Father had submitted three negative tests, and missed one that was not made up. He missed two tests on days he told the social worker he could not make up due to work. None of his drug tests were positive. Department found Father's cocaine use "extremely concerning" and reported that the combined use of cocaine and alcohol creates a substance "which increases the addictiveness of each individual substance and the risk of violent behavior, paranoia, anxiety, depression, seizures, intense drug cravings, and sudden death." (Op. 2.) Yet, Department presented no evidence Father ever displayed any of these

[18] "BOM" refers to Father's Brief on the Merits

symptoms, albeit "sudden death" was an easy condition to rule out. No expert testified that Father's use indicated he would likely develop these alarming symptoms or articulated exactly how Father's use would pose a risk of harm to N.R.

Despite no evidence that Father's use ever caused him to neglect N.R., or that Father was prone to using in a manner where he could, Department alleged Father's "substance abuse" "endanger[ed] the child's physical health and safety and place[ed] the child at risk of serious physical harm, damage, [and] danger." (BOM 13; CT 4.) Ultimately, the trial court determined "Father has a *history* of substance abuse and is a *recent* abuser of cocaine, rendering him incapable of providing regular care to N.R., who is of such a young age as to require constant care and supervision." (Op. 3, emphasis added.)

The appellate court affirmed the jurisdictional finding, reasoning that Father's "regular" cocaine use and "longstanding" habit combined with his single "intensive use[19]" demonstrated he abused, and not just used, cocaine.

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[19] As noted by Amici Professors of Law with Expertise in Child Welfare, Public Health, and Drug Policy, "although a positive drug test cannot 'measure patterns of use over time,' as each body's distribution of drugs and their metabolites depends on a variety of factors," "the Department, trial court and appellate court all attached great significance to the "levels" in Father's single positive drug test without any citation to any scientific authority supporting their conclusions." (Amicus Brief of Professors of Law, p. 25-26.)

(Op. 4.) Referenced were Father's admissions to bi-weekly cocaine use and use the weekend prior to taking custody of N.R. that resulted in a high level positive test, and his failure to initially disclose his use when asked if he could take custody of N.R. (Op. 5.)

The appellate court also noted that Father's friends "were funding his cocaine habit while he was less than fully employed." (Op. 5.) However, the record also seemed to indicate he simply did not pay for the cocaine he used with friends. (Op. 5, fn. 2.) But the fact that Father used with friends because he could not afford cocaine with his part-time income should not have been a determinative factor. Desperately depending on others to feed an addiction may indicate substance abuse; using with friends in social settings should not. There was no evidence of the former, only speculation. (*Garibay v. Hemmat* (2008) 161 Cal.App.4th 735, 743 ["opinion based on assumptions of fact without evidentiary support has no evidentiary value"].)

The appellate court determined Father's substance abuse created a substantial risk of harm to N.R. (Op. 5.) It reasoned that as N.R. was "very young," "a finding of substance abuse is prima facie evidence of the inability of a parent or guardian to provide regular care resulting in substantial risk of harm." (Op. 5.) The appellate court also referenced Father's reaction to the discovery of his use, his claim that cocaine use was

"not me" while admitting use for four years, and his admission to using once or twice every other week. On these grounds, the court concluded N.R. was at risk based on Father's inability to recognize the "problematic nature of his drug abuse" and early declination of additional services.

Exactly what was the "problematic nature" of Father's drug use as related to N.R.'s safety is unclear. As previously noted, there was no evidence cocaine use ever placed N.R. at risk or caused Father to neglect N.R. Notably, Father was not in denial about the nature of his use. He admitted when he began using cocaine, how upset he was when he was "caught," how often and in what social settings he used, and described his four-day birthday celebration that resulted in his "high level" test result, all of which was readily accepted by the agency, trial court and appellate court and used against him to justify jurisdiction and removal of N.R. from his custody. Yet when it came to his explanations that he never used cocaine with N.R. in his care and never would, or that "he understood and took full responsibility for his actions" (BOM 12; CT 13), he was selectively disbelieved and characterized as having the "inability to recognize the problematic nature of his drug abuse."

On the evidence presented, substance abuse was not demonstrated from the facts that Father denied being an "active user" or to being "addicted," or said that the "cocaine thing is not me," or was upset at being

caught or declined to participate in voluntary services while he voluntarily submitted to random drug testing and explained in detail the history and frequency of his cocaine use. When duly considered in context, these statements were not indicative of substance abuse or risk. As varying published opinions have shown, there is no uniformity as to what constitutes substance abuse. And so long as substance abuse eludes a uniform definition, neither Father nor any parent, should have to face the prospect of a jurisdictional intrusion or losing their children based on inability to clairvoyantly know what a social worker, trial judge or appellate panel understands to be a "problematic nature" of substance use and articulate it to their satisfaction.

Father's fear that led to his initial failure to tell the social worker about his cocaine use was also not indicative of substance abuse. (Op., p. 1.) While dishonest, it was objectively understandable. Any parent would hesitant to disclose weekend and intermittent cocaine use when facing the terrifying prospect of losing their child. Given his predicament, more sensitivity to Father was in order, particularly from a system that regularly carries out traumatizing family separations.

> While a social worker or juvenile court may feel more comfortable and confident about a parent who is friendly and gets along with them, that is not what the law requires. Social workers and bench officers are professionals who are

> specially trained to deal with difficult or demanding personalities. Indeed, it is difficult to imagine a more extreme emotional situation than the prospect of losing your children.
>
> (*In re Ma.V.* (2021) 64 Cal.App.5th 11, 25.)

These statements by Father and his declination of services say more about his cooperation and compliance than of his substance abuse and its associated risk of harm.

To the families Amici represent, this point speaks to a broader problem of the dependency system at large. Father's failure to initially disclose his cocaine use is representative of the fear communities have that the dependency system's first instinct is to sever rather than preserve families.[20] But for the dependency system to expect transparency and cooperation from parents during initial investigations, it must ensure fairness and accuracy and a commitment to family preservation in the proceedings that follow in order to earn communities' trust. And when, as here, a jurisdictional decision to intrude on family liberty interests and separate the family is made not on science-based criteria, but on subjective value judgments and concerns about a parent's openness and cooperation, the dependency system confirms what communities have come to know

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[20] New Research: How Fear of CPS Harms Families, Rise Magazine (Jan. 22, 2020) <https://www.risemagazine.org/2020/01/how-fear-of-cps-harms-families/> [as of April 4, 2023].

about the child welfare system; that it is not about child welfare, but of family policing and regulation.

The present case is an opportunity to bring section 300 in line with the Legislature's intent to limit broad, subjective jurisdictional decision-making; and by doing so, perhaps, begin the work toward earning the trust of the communities the dependency system is meant to serve.

CONCLUSION

For all of the foregoing reasons, Amici respectfully requests that this Court overrule the judicially created "tender years" presumption, and affirm a uniform, objective and science-based standard for determining substance abuse that ensures fair and accurate jurisdictional determinations, and is deferential to and commensurate with the family liberty interests at stake.

Dated: April 5, 2023

Respectfully submitted,

MARTIN SCHWARZ
Public Defender
SETH BANK
Assistant Public Defender

BRIAN OKAMOTO
Deputy Public Defender

APPENDIX A: Description of Amici Curiae

California Dependency Trial Counsel and California Appellate Defense Counsel

Orange County Public Defender's Office established in 1944, is the second largest institutional defender's office in the state and operates in the fifth largest court system in the country. The Orange County Public Defender's Juvenile Dependency Unit represents parents in dependency proceedings under an agreement with the Orange County Superior Court.

California Appellate Defense Counsel, Inc. (CADC) is a statewide organization comprised of approximately 400 appellate attorneys who regularly represent indigent appellants in adult criminal, juvenile criminal, juvenile dependency, private termination of parental rights and civil commitment matters in the California Courts of Appeal and Supreme Court. CADC's members handle a significant majority of the state's appointed non-capital criminal, dependency, termination, and civil commitment appeals in every Appellate District in the state.

Dependency Advocacy Center ("DAC") is an Internal Revenue Code section 501(c)(3) nonprofit organization that provides legal services to indigent parents and children involved with Santa Clara County's juvenile dependency system. Advocacy at DAC involves a three-pronged approach: (1) providing a skilled interdisciplinary team to offer holistic client support, (2) encouraging system improvement through innovative programming and child welfare best practices, and (3) employing early intervention strategies to help prevent the need for initial or prolonged system involvement.

East Bay Family Defenders ("EBFD") is an Internal Revenue Code section 501(c)(3) nonprofit public benefit corporation providing holistic, interdisciplinary legal representation and advocacy to families at risk of or experiencing family separation through foster care. From 2018 through 2021, EBFD served as court-appointed counsel for all parents and conflict children in Alameda County's juvenile dependency court. EBFD's mission is to keep families together and prevent the unnecessary and prolonged stay of children in foster care. Through our legal advocacy, we are regularly witness to the ways in which the courts and child welfare agencies presume that substance use per se makes parents unable to care for their children and

acts to tear families apart when there is little or no evidence that children are actually at risk.

Juvenile Court Attorneys of San Bernardino, LLP, and its prior legal entities has been providing indigent legal defense services for over 35 years. We represent clients in San Bernardino County juvenile dependency and delinquency matters. Our firm strives to ensure that parents in dependency proceedings receive high quality legal representation and that their constitutional rights are safeguarded throughout their legal proceedings.

Inland Juvenile Panel Attorneys represents parents and conflict children in San Bernardino County. Inland Juvenile Panel Attorneys and its predecessor organizations have contracted with San Bernardino County for over 30 years for the representation of parents in juvenile dependency court.

The Private Defender Program (PDP) was established in 1968 by the San Mateo County Bar Association, a non-profit corporation governed by a 15-member Board of Directors, in order to fulfill the Bar Association's promise to provide zealous representation to all those who could not otherwise afford it. The Private Defender Program is appointed by the San Mateo County Superior Court to represent all persons financially eligible for the appointment of counsel at public expense, including but not limited to: persons accused of all felonies and misdemeanors, juveniles in delinquency cases, juveniles and parents in dependency cases, and cases brought pursuant to the provisions of the Lanterman-Petris-Short Act (LPS).

San Francisco Counsel for Families & Children (SFCFC) is comprised of independent, court-appointed attorneys representing children and parents in San Francisco's juvenile dependency court. These attorneys have come together to speak with one voice on matters that impact their clients, their legal community, and child welfare law and policy.

Juvenile Defenders, LLP, and its prior legal entities, has been providing legal representation to the families of Orange County, California for over forty years. We represent parents in juvenile dependency matters and minors in delinquency cases, pursuant to an agreement with the Orange County Superior Court. We strive to provide quality legal services to our families while navigating the complex juvenile court system.

CERTIFICATE OF WORD COUNT

I, Brian Okamoto, hereby certify that pursuant to California Rule of Court, rule 8.360(b)(1), the enclosed brief was produced using 13-point Roman type font and has approximately 9,997 words, including footnotes, based on the word count of Microsoft Word, the computer program used to prepare this brief.

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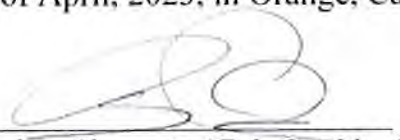

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Senior Deputy Public Defender
ORANGE COUNTY PUBLIC DEFENDER
Counsel for Amici Curiae

CERTIFICATE OF SERVICE
IN THE SUPREME COURT OF CALIFORNIA

In re N.R., S274943

I Julian Bustos hereby declare: I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 341 City Drive South, Suite 307, Orange, CA 92868. On April 5, 2023, I served a true and correct PDF version of the APPLICATION OF CALIFORNIA DEPENDENCY TRIAL COUNSEL AND CALIFORNIA APPELLATE DEFENSE COUNSEL FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF APPELLANT, O.R., and BRIEF OF AMICUS CURIAE IN SUPPORT OF APPELLANT O.R.,via TrueFiling (or email as indicated), to each of the following using the email address indicated:

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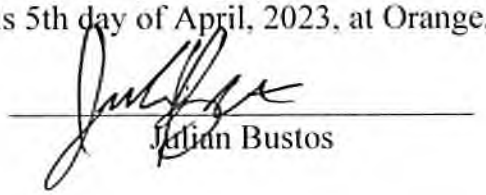
I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of April, 2023, at Orange, California.



Julian Bustos

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
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Supreme Court of California

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Supreme Court of California

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Lower Court Case Number: **B312001**

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Law Firm