

**Supreme Court No. S274943  
IN THE SUPREME COURT OF THE STATE OF CALIFORNIA**

IN THE MATTER OF

N.R.,

Minor.

Los Angeles Department of Children  
and Family Services,

Petitioner and Respondent,

v.

O.R.,

Objector and Appellant.

Court of Appeal No. B312001

Superior Court Nos. 20CCJP06523,  
20CCJP06523A

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**Appellant's Judicial Notice Request,  
Declaration and Proposed Order**

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After the Unpublished Decision by the Second District Court of Appeal,  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

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By appointment of the Supreme Court of California under  
California Appellate Project-Los Angeles Independent Case  
System

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TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE, AND  
THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT  
OF THE STATE OF CALIFORNIA:

**I. Request for Judicial Notice**

Under Rule 8.252 of the California Rules of Court and Evidence Code sections 452, subdivisions (a), (b), and (c), Appellant Father, O.R. (Father) respectfully requests this Court take judicial notice of the following documents:

**Exhibit A:** Selected Portions of the DSM-V-TR including the Introduction, the explanation of “substance-related disorder” and the criteria for a “stimulant use disorder.”

**Exhibit B:** Selected Portions of the DSM-III including the Introduction, and explanation of substance use disorders including the criteria for “substance abuse.”

**Exhibit C:** Sen. Select Com. on Children & Youth, SB 1195 Task Force, Report on Child Abuse Reporting Laws

**Exhibit D:** Minutes from the Task Force Report on Child Abuse Reporting Laws

**Exhibit E:** County Welfare Departments’ Letters in Support of Senate Bill 243 from the 1987-1988 Regular Session

**Exhibit F:** Assembly Bill 1762 from the 1989-90 Regular Session

Father’s Opening Brief addresses questions involving the meaning and implication of the term “substance abuse” in Welfare and Institutions Code section 300, subdivision (b)(1). The issues presented are:

- 1) Concerning the term “substance abuse in Welfare and Institutions Code section 300, subdivision (b)(1) did the Legislature intend juvenile courts to utilize the objective and scientifically based definitions accepted by the medical and mental health professions? Or did the Legislature intend to adopt a separate and more expansive definition of “substance abuse” not recognized by medical or mental health professionals?
- 2) Does recurrent use of an illicit substance qualify as “substance abuse” for the purposes of section

300, subdivision (b)(1) despite no evidence the use has ever negatively impacted the parent's ability to fulfill any major life obligation?

- 3) Despite no indication of such in the statute itself, where a child is under the age of six does a finding of parental substance abuse *alone* provide sufficient evidence to warrant juvenile court jurisdiction?

These documents were not presented to the trial court or appellate court but are relevant to these questions to which this Court granted review to resolve. These documents are all necessary to consider in resolving these questions.

Exhibits A and B are subject to mandatory judicial notice pursuant to Evidence Code section 451, subds. (e) and (f) or in the alternative subject to permissive judicial notice pursuant to Evidence Code section 452, subds. (g) and (h). Exhibits C, D, E, and F are subject to permissive judicial notice pursuant to Evidence Code section 452, subdivisions (a), (b), and (c).

## **Conclusion**

Father, through counsel, respectfully requests this Court grant the request for judicial notice of Exhibits A, B, C, D, E, and F, submitted in a separate filing. Father requests this Court consider these documents in resolving the questions of statutory interpretation in this Appeal.

Executed on December 14, 2022 at Tucson, AZ.

Respectfully submitted by,

*/S/*  
\_\_\_\_\_  
Sean Burleigh, Attorney for  
Appellant

## **Declaration of Sean Angele Burleigh**

**I, Sean A. Burleigh, declare as follows:**

1. I am an attorney duly licensed to practice law in the State of California. I was appointed by this Court to represent appellant in this matter on September 14, 2022. I have personal knowledge of the matters attested to in this declaration.
2. Exhibit A is a true and correct copy of selected portions of the DSM-V-TR. I purchased a copy of the DSM-V-TR and scanned these pages myself.
3. Exhibit B is a true and correct copy of selected portions of the DSM-III. I obtained an electronic version of the DSM-III and excised these pages from it myself.
4. Exhibits C-F are all true and correct copies of the legislative history materials they purport to be. I obtained them by making a request from the California State Archives office in Sacramento. The copy of Assembly Bill 1762 from the 1989-90 session was obtained through a request made to the Witkin State Law Library.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on December 14, 2022 in Tucson, AZ.

/S/

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Sean Burleigh, Attorney for Appellant

## Orders

This Court orders as follows:

Appellant Father's Request for Judicial Notice and Consideration of Exhibits A, B, C, D, E, and F is granted.

IT IS SO ORDERED.

Executed on:

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Presiding Justice

**PROOF OF SERVICE**  
**IN THE SUPREME COURT OF CALIFORNIA**

*In re N.R.*,  
Supreme Court Case No: S274943  
Appellate Court Case No.: B312001

I, Sean Burleigh, declare and state:

That I am not a party to the within action; that I am an attorney admitted to practice law in the State of California appointed by this Court to represent Appellant.

That on December 14, 2022, I served the following:

**Appellant's Judicial Notice Request and Proposed Order**

Upon the persons or organizations listed below electronically. I utilized service through the true filing electronic system.

Michael Neu, neum@ladlinc.org  
Daniel Hoang, Hoangd@ladlinc.org  
Samantha Bhuiyan, bhuiyans@clcla.org  
Office of County Counsel, dmiller@counsel.lacounty.gov  
CAP-LA, capdocs@lacap.com  
Superior Court, JuvJoAppeals@lacourt.org  
Appellate Court, through truefiling

Upon the persons or organizations listed below, by placing this document in the mail addressed to:

Appellant - O.R., address on file

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this declaration was executed on December 14, 2022 at Tucson, Arizona.

/S/  
\_\_\_\_\_  
Sean Burleigh

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **IN RE N.R.**  
Case Number: **S274943**  
Lower Court Case Number: **B312001**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **saburleigh@gmail.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	S274943 AOB
REQUEST FOR JUDICIAL NOTICE	S274943JudicialNoticeRequest
ADDITIONAL DOCUMENTS	S274943JudicialNoticeExhibits

Service Recipients:

Person Served	Email Address	Type	Date / Time
Michael Neu Los Angeles Dependency Lawyers	neum@ladlinc.org	e-Serve	12/14/2022 11:27:20 AM
Samantha Bhuiyan Children's Law Center	bhuiyans@clcla.org	e-Serve	12/14/2022 11:27:20 AM
David Miller Office of the County Counsel 251772	dmiller@counsel.lacounty.gov	e-Serve	12/14/2022 11:27:20 AM
Sarah Vesecky Office of County Counsel Appeals Division 205481	svesecky@counsel.lacounty.gov	e-Serve	12/14/2022 11:27:20 AM
Sean Burleigh Court Added 305449	saburleigh@gmail.com	e-Serve	12/14/2022 11:27:20 AM
Daniel Hoang	Hoangd@ladlinc.org	e-Serve	12/14/2022 11:27:20 AM
CAP-LA	capdocs@lacap.com	e-Serve	12/14/2022 11:27:20 AM
Superior Court	JuvJoAppeals@lacourt.org	e-Serve	12/14/2022 11:27:20 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

12/14/2022

Date

/s/Sean Burleigh

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Signature

Burleigh, Sean (305449)

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Last Name, First Name (PNum)

Law Office of Sean Burleigh

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Law Firm