

S271265

**IN THE
SUPREME COURT OF CALIFORNIA**

GUARDIANSHIP OF S.H.R.

S.H.R.,
Petitioner and Appellant,

v.

JESUS RIVAS ET AL.,
Real Parties in Interest.

AFTER A DECISION BY THE COURT OF APPEAL
SECOND APPELLATE DISTRICT, DIVISION ONE
CASE NO. B308440

REQUEST FOR JUDICIAL NOTICE

CALIFORNIA APPELLATE LAW GROUP LLP
Rex S. Heinke* (No. 66163) | rex.heinke@calapplaw.com
Jessica Weisel (No. 174809) | jessica.weisel@calapplaw.com
811 Wilshire Blvd., 17th Floor, Los Angeles, CA 90017
(213) 878-0404 • Fax: (415) 726-2527

ATTORNEYS FOR AMICUS CURIAE
PUBLIC COUNSEL

REQUEST FOR JUDICIAL NOTICE

I. Introduction

Pursuant to California Rules of Court, rules 8.252 and 8.520(g) and Evidence Code sections 452 and 459, amicus curiae Public Counsel requests that this court take judicial notice of the following court records:

- (1) Legislative Counsel's Digest, SB 873 (2014)
- (2) Senate Floor Analysis of SB 873 (Aug. 29, 2014)
- (3) Assembly Floor Analysis of SB 873 (Aug. 28, 2014)
- (4) Senate Floor Analysis of AB 900 (Aug. 30, 2015)
- (5) Assembly Floor Analysis of AB 900 (Sept. 2, 2015)
- (6) Senate Judiciary Committee Analysis of AB 900 (July 13, 2015)
- (7) Assembly Committee on Judiciary Analysis of AB 900 (Apr. 25, 2015)
- (8) Relevant pages from the Federal Register volume 87, dated March 8, 2022, concerning regulations governing Special Immigrant Juvenile Petitions.
- (9) Declaration of California Legislators Marc Levine, Kevin de León, Toni Atkins, and Ricardo Lara in Support of Petition for Writ of Mandate, filed with the Court of Appeal on May 19, 2017 as Exhibit 24 to a Petition for Writ of Mandate in *Marlon V.v. Super. Ct.* (Cal. App. Case No. B282612, LASC Case No.17STPB00877).
- (10) Declaration of Beth Tsoulos, filed with the United States District Court for the Northern District of California on August 14, 2018 as Document 7-8 in *J.L. v. Cissna*, Case No. 5:18-cv-04914.

II. Procedural Requirements

The matters to be judicially noticed were not presented to the trial court and, consequently, judicial notice was not taken by that court. (Cal. Rules of Court, rule 8.252(a)(2)(B).)

The matters to be judicially noticed do *not* relate to proceedings occurring after the order that is the subject of this appeal. (Cal. Rules of Court, rule 8.252(a)(2)(D).)

A proposed order is attached to this request. (Cal. Rules of Court, rule 8.252(a)(1).)

III. Statutory Grounds for Judicial Notice

The legislative history documents for Senate Bill 873 (2014), filed concurrently as Exhibits 1 through 3, and for Assembly Bill 900 (2015), filed concurrently as Exhibits 4 through 7, are subject to judicial notice under Evidence Code section 452, subdivision (c), as official acts of the legislative departments of the State of California. (*People v. Connor* (2004) 115 Cal.App.4th 669, 681, fn. 3.) Judicial notice is properly taken of legislative committee and floor analyses. (*Hutnick v. U.S. Fidelity & Guaranty Co.* (1988) 47 Cal.3d 456, 465, fn. 7; see also *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.* (2005) 133 Cal.App.4th 26, 32.) Exhibits 1 through 7 are authenticated by the attached declaration of Jessica M. Weisel.

The relevant pages from the Federal Register attached as Exhibit 8 are subject to judicial notice Evidence Code section 452, subdivision (b) as “[r]egulations and legislative enactments issued by or under the authority of the United States or any public entity in the United States,” and subdivision (c) as

“[o]fficial acts of the legislative, executive, and judicial departments of the United States” Exhibit 8 is authenticated by the attached declaration of Jessica M. Weisel.

The declaration attached as Exhibit 9 from the authors of Assembly Bill 900 (“AB 900”)—the bill underlying Section 1510.1(a) of the California Probate Code—provides insight into the California Legislature’s intent in enacting AB 900, which provides for guardianships for youth under 21 and over 18. This declaration originally supported Public Counsel’s petition to this Court to issue a writ of mandate directing the probate court to grant a post-18 guardianship under Section 1510.1 of the Probate Code. It was not presented to the Superior Court. Judicial notice is proper under California Evidence Code section 452(d), which provides that judicial notice may be taken of “[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.” (Evid. Code, §§ 452, subd. (d), 459, subd. (a) [“The reviewing court may take judicial notice of any matter specified in Section 452.”].)

The declaration attached as Exhibit 10 originally supported a motion for a preliminary injunction that the Northern District of California granted in *J.L. v. Cissna* (N.D. Cal. 2018) 341 F.Supp.3d 1048. The court’s order enjoined United States Citizenship and Immigration Services (“USCIS”) from adopting a policy requiring that a state court have authority to place a petitioner in parental custody before making SIJ findings regarding parental reunification. (*Id.* at pp. 1070-1071.) This declaration provides the insight of a social worker with over

twenty-six years of experience into the importance of the protections and benefits provided by Section 1510.1(a) guardianships to post-18, under-21 immigrant youth. Judicial notice is proper under California Evidence Code section 452(d), which provides that judicial notice may be taken of “[r]ecords of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.” (Evid. Code, §§ 452, subd. (d), 459, subd. (a) [“The reviewing court may take judicial notice of any matter specified in Section 452.”].)

IV. The Matters to Be Judicially Noticed Are Relevant to This Petition

Counsel to amicus curiae Public Counsel believes that these materials are relevant to the issues presented and will aid this Court in the disposition of this appeal.

Respectfully Submitted,

March 21, 2022

California Appellate Law Group LLP

Rex S. Heinke

Jessica M. Weisel

By /s/ Rex S. Heinke

Rex S. Heinke

Attorneys for Amicus Curiae Public Counsel

DECLARATION OF JESSICA M. WEISEL

I, Jessica M. Weisel, declare as follows:

1. I am an of counsel with the California Appellate Law Group LLP, an active member in good standing of the State Bar of California, and counsel for amicus curiae Public Counsel in this matter.

2. Exhibits 1-3 to this Request for Judicial Notice are true and correct copies of Legislative Counsel's Digest, SB 873 (2014), Senate Floor Analysis of SB 873 (Aug. 29, 2014), and Assembly Floor Analysis of SB 873 (Aug. 28, 2014), which I downloaded from the state website – https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201320140SB873 – on March 18, 2022.

3. Exhibits 4-7 to this Request for Judicial Notice are true and correct copies of Senate Floor Analysis of AB 900 (Aug. 30, 2015), Assembly Floor Analysis of AB 900 (Sept. 2, 2015), Senate Judiciary Committee Analysis of AB 900 (July 13, 2015), and Assembly Committee on Judiciary Analysis of AB 900 (Apr. 25, 2015), which I downloaded from the state website – https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB900 – on March 18, 2022.

4. Exhibit 8 to this Request for Judicial Notice is a true and correct copy of relevant pages excerpted from the Federal Register volume 87, dated March 8, 2022, which I downloaded from the federal government website – <https://www.govinfo.gov/content/pkg/FR-2022-03-08/pdf/2022-04698.pdf> – on March 18, 2022.

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

March 21, 2022

/s/ Jessica M. Weisel
Jessica M. Weisel

PROPOSED ORDER

Amicus Curiae Public Counsel's Request for Judicial Notice
is GRANTED. The court takes judicial notice of the material
attached to the request.

Dated: _____

Chief Justice

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **S.H.R., GUARDIANSHIP OF**
Case Number: **S271265**
Lower Court Case Number: **B308440**

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: **rex.heinke@calapplaw.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	Public Counsel Amicus Brief
REQUEST FOR JUDICIAL NOTICE	Request for Judicial Notice
ADDITIONAL DOCUMENTS	Exhibits to Request for Judicial Notice

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Rex Heinke California Appellate Law Group 66163	rex.heinke@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Munmeeth Soni Disability Rights California 254854	meeth.soni@disabilityrightsca.org	e-Serve	3/21/2022 2:01:05 PM
Paula Herndon Greines Martin Stein & Richland LLP	pherndon@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
J. Rosen Munger, Tolles & Olsonm LLP 310789	max.rosen@mto.com	e-Serve	3/21/2022 2:01:05 PM
Matt Kintz California Appellate Law Group LLP	matt.kintz@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Jeffrey Raskin Greines, Martin, Stein & Richland LLP 223608	jraskin@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
Christopher Hu Horvitz & Levy LLP 176008	chu@horvitzlevy.com	e-Serve	3/21/2022 2:01:05 PM
Stefan Love Greines, Martin, Stein & Richland LLP 329312	slove@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
Jessica Weisel CALIFORNIA APPELLATE LAW GROUP LLP 174809	jessica.weisel@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Chris Yates Latham & Watkins LLP	chris.yates@lw.com	e-Serve	3/21/2022 2:01:05 PM

161273			
Sonia Hernandez Horvitz & Levy LLP	shernandez@horvitzlevy.com	e-Serve	3/21/2022 2:01:05 PM
Elizabeth Deeley Latham & Watkins LLP 230798	elizabeth.deeley@lw.com	e-Serve	3/21/2022 2:01:05 PM
David Ettinger Horvitz & Levy LLP 93800	dettinger@horvitzlevy.com	e-Serve	3/21/2022 2:01:05 PM
Marion Donovan-Kaloust Immigrant Defenders Law Center	mickey@immdef.org	e-Serve	3/21/2022 2:01:05 PM
Kathryn Parker California Appellate Law Group LLP	kathryn.parker@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Chris Hsu Greines Martin Stein & Richland LLP	chsu@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
Stephany Arzaga Legal Services for Children 314925	stephany@lsc-sf.org	e-Serve	3/21/2022 2:01:05 PM
Nina Rabin UCLA School of Law, Immigrant Family Legal Clinic 229403	rabin@law.ucla.edu	e-Serve	3/21/2022 2:01:05 PM
Sean Selegue Arnold & Porter LLP 155249	sean.selegue@aporter.com	e-Serve	3/21/2022 2:01:05 PM

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

3/21/2022

Date

/s/Matt Kintz

Signature

Heinke, Rex (66163)

Last Name, First Name (PNum)

California Appellate Law Group LLP

Law Firm