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MAGAZINE



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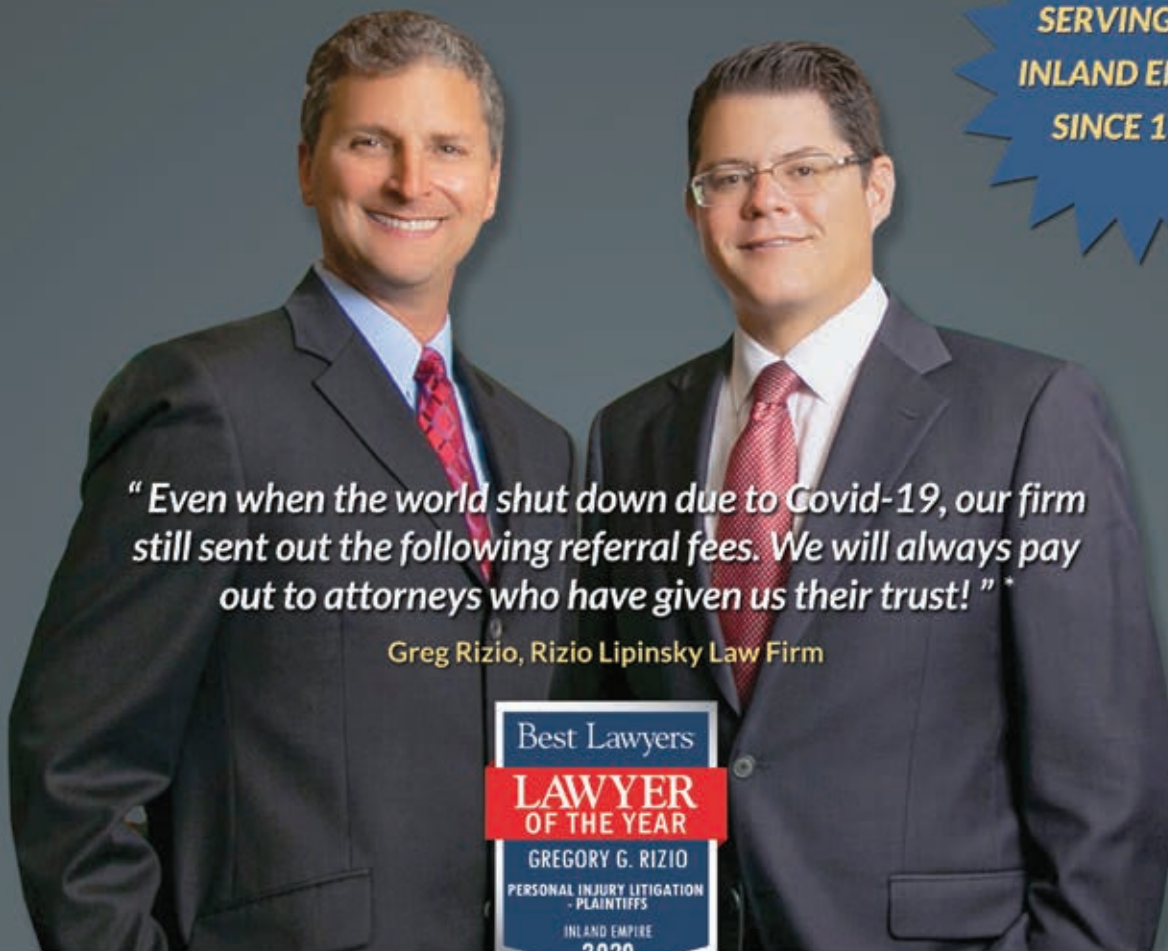


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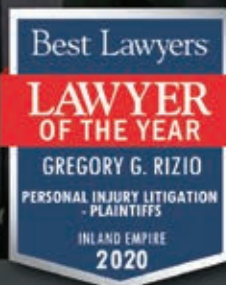
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RIVERSIDE LAWYER

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Pictured on cover - Volunteers for the RCBA Reading Day at Harrison Elementary School (story begins on page 20).

Back row (l-r) - Matthew Strickroth, Tom Allert, Amy Guldner, Martha Knutson, Kenny Ramirez

Middle (l-r) - Lori Myers, Agustin Tovar, Jacqueline Carey-Wilson, Angela Viramontes, Mike Brusselback, Jeff Van Wagenen, Veronica Garcia

Front (l-r) - Shumika Sookdeo, Cathy Holmes, Daniela Tovar-Jalalian, Brandy Tristao, Paula McIntyre, Theresa Savage, Sharon Ramirez, Kelly Moran, Mary Avalos

The photo is compliments of Jacqueline Carey-Wilson.

MISSION STATEMENT

Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

RCBA Mission Statement

The mission of the Riverside County Bar Association is:
To serve our members, our communities, and our legal system.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Riverside Legal Aid, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, and the RCBA - Riverside Superior Court New Attorney Academy.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of *Riverside Lawyer* published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication, and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$30.00 and single copies are \$3.50.

Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in the Riverside Lawyer.

The material printed in the Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

CALENDAR

April

3 Civil Litigation Roundtable with Hon. Craig Riemer

Noon – Zoom
MCLE

10 Civil Litigation Section Meeting

Noon – Zoom
Speaker: Kari Cierley,
Financial Adviser – Edward Jones
Topic: “Entrepreneurial Equation”
MCLE

12 Criminal Law Section Meeting

Speaker: TBA

13 Appellate Law Section Meeting

Noon – Zoom
Speaker: Judge Kira Klatchko
Topic: “Writing Writs”
MCLE

14 General Membership Meeting

Noon
Gabbert Gallery RCBA Building
Speakers: Megan Demshki, Scott Ditfurth,
Michael Marlatt
Topic: “Virtual World Litigation: A Panel
Discussion on Three Years of Change in
Litigation Practice, Including Depositions,
Mediations and Court Appearances”

18 Family Law Section

Noon
Gabbert Gallery, RCBA Building
Speaker – TBA

19 Estate Planning, Probate & Elder Law Section

Noon – Zoom
Speaker: Jennifer Bennett, Care Consultant
with TheKey (Home Care Assistance)
Title: “Signs, Signals, and Stages of Aging”
MCLE

20 Project Graduate Fundraiser

Social Begins at 5:00 p.m.
“Born Yesterday” at Riverside
Community Players
4026 Fourteenth Street, Riverside

EVENTS SUBJECT TO CHANGE.

*For the latest calendar information
please visit the RCBA's website at
riversidecountybar.com.*





President's Message

by *Lori Myers*

This month I wanted to share a few exciting events I was honored to attend as the RCBA president. One of the fun parts of being president is you get invited to be a part of many other great activities in the county.

I was invited to attend the Desert Bar Association (DBA) and the Warren Slaughter-Richard Roemer Inn of Court's Lawyer & Judge Hall of Fame Awards on March 2, 2023. It was a fabulous event, an excellent turn-out of local lawyers and judges and members of the legal community who all came together to celebrate and honor their colleagues. The food was amazing and the opportunity to celebrate with colleagues was enjoyable. The honorees were:

- Outstanding Young Lawyers Award** – Steven Sorenson & Summer Shaw
- Distinguished Lawyer Award** – John Patrick Dolan
- Outstanding Jurist Award** – The Honorable Richard Erwood

I will admit, it was extra special to watch attorney John Patrick Dolan receive his award. He is such a beloved attorney in the community who has given so much of himself to his family, while fighting for



clients' rights for the last 40 years and by helping the future generations of the legal community. He is the founder of the California Desert Trial Academy College of Law where they educate, train and develop extraordinary legal advocates.

Additionally, this event had a candid conversation with the Honorable Justice Joshua P. Groban, California Supreme Court, the Honorable Kira Klatchko of the Riverside County Superior Court, and DBA president Lori B. Sanford. It was great to see a California Supreme Court Justice at a local Riverside County event.

I attended the Read Across America event held at schools across America also known as Reading Day is an initiative that encourages children and adults to celebrate reading and literacy. It was launched by the National Education Association (NEA) and is held annually on March 2, which also happens to be the birthday of the beloved children's author Dr. Seuss. It is a great way to inspire children to read more, and to emphasize the importance of literacy in our communities. The RCBA went to Harrison Elementary School and each volunteer went to a classroom and read a book to the class.

Lastly, I was honored to be included as one of five mock trial scorers with Steve Harmon, Riverside County Public Defender, the Honorable Judith Clark, the Presiding Judge for Riverside County, Supervising District Attorney John Henry, and Riverside County CEO Jeffrey Van Wagenen for the final Mock Trial competition held at the Riverside County Historic Courthouse. Congratulations to Murrieta Valley High School for their win against Martin Luther King High School. The students for both teams gave it their all and were very inspiring for their hard work and dedication to the case and their role in it.

I hope reading this article reminds you that there are a variety of ways that you can get involved in the many community events that are going on each month. The events are open to our legal community members to connect and support and celebrate each other.

Lori Myers is a local private criminal defense attorney and founder of the Warrior Attorney Academy©.



RCBA Dispute Resolution Service, Inc. (DRS) has an opening on its Board of Directors.



If interested in participating in our Bar Association sibling non-profit management, please send a resume with a cover letter to drs2@riversidecountybar.com.

www.rcbadrs.org

BARRISTERS PRESIDENT'S MESSAGE

by Lauren Vogt



Keeping Up the Momentum:

The Barristers board is hard at work finalizing the details of our upcoming Annual Judicial Reception. But we haven't put all of our eggs in one basket. In addition to the heavy planning and coordination for the reception, the Barristers continue to

provide fun social events for our members.

St. Patrick's Day Happy Hour:

Barristers held another successful happy hour event on Saint Patrick's Day thanks to the generous sponsorship from Rockpoint Legal Funding. While the venue was very busy in consideration of the Saint Patrick's Day holiday, Barristers never shy away from a crowd. The night was filled with the usual good company, food, and drinks, with the added bonus of live music! All in all, great times were had by those who joined the fun.

Knotts Berry Farm Adventure and Future Happy Hour:

We are planning a Knott's Berry Farm-Boysenberry Festival trip on Saturday, April 1. Much like our beloved Disney days, participants will be required to purchase their own admission tickets. However, the experience is sure to be a great time full of lots of delicious goodies!

Soon after the Knott's Berry Farm fun, we will host another great happy hour, which is currently scheduled for April 14, 2023, at 5:15 p.m.

Judicial Reception:

The big project we have been working on this year is our Annual Judicial Reception, which will be held on May 17, 2023, from 5:30 to 7:30 p.m. at the Riverside City Hall Grier Pavilion! As mentioned in my last article, this year we will be honoring our 2020 and 2023 Award recipients in the same ceremony and those amazing individuals are:

2020 Award Recipients:

- Judge of the Year – Honorable John Vineyard
- Attorney of the Year – Gregory G. Rizio
- Clerk of the Year – Lisa Acosta

2023 Award Recipients:

- Judge of the Year – Honorable Emma Smith



Celebrating Saint Patrick's Day at Lake Alice.

- Attorney of the Year – Megan Demshki
- Clerk of the Year – Lisa Hamlet

All are invited. Those who are interested in attending will be able to register for the event through Eventbrite by simply scanning the QR code on the invitation. As usual, delicious hors d'oeuvres and cocktails will be provided and as a special treat, this year, we also will have a photo booth to commemorate the fun and festivities of the evening. So, **MARK YOUR CALENDARS** to attend this special event!

Closing Remarks:

If you have any questions about the events mentioned above or the Barristers in general, I encourage you to reach out to me at 951-781-6500, or shoot me an email, lvogt@riziolawfirm.com. I would love to chat with you!

Follow us!

For upcoming events and updates:

Website: RiversideBarristers.org

Facebook: [Facebook.com/RCBABarristers/](https://www.facebook.com/RCBABarristers/)

Instagram: [@RCBABarristers](https://www.instagram.com/RCBABarristers)

Lauren M. Vogt is an associate with Rizio Lipinsky Law Firm.





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PRACTICING RESPONSIBLY AND ETHICALLY

DUTIES OWED TO CHILDREN OF ESTATE PLANNING CLIENTS

by David Cantrell and Cole Heggi

Lawyers often approach with the notion that they do not owe a duty of care to someone unless they have an engagement agreement with that person. While this would be a favorable rule for lawyers, it often isn't the case. One such instance where this arises is with children¹ of estate planning clients. In general, if the attorney drafts a trust or will in a way that excludes an intended beneficiary—often a child of the client testator—the attorney may be liable to the excluded child for professional negligence.

One of the essential elements to a cause of action for professional negligence against an attorney is the existence of a duty, owed by the defendant attorney to the plaintiff, “to use such skill, prudence, and diligence as members of his or her profession commonly possess and exercise[.]”²

“An attorney generally will not be held liable to a third person not in privity of contract with him since he owes no duty to anyone other than his client. The question of whether an attorney may, under certain circumstances, owe a duty to some third party is essentially one of law and, as such, involves ‘a judicial weighing of the policy considerations for and against the imposition of liability under the circumstances.’”³

Determining whether an attorney will be held liable to a third person not in privity “is a matter of policy and involves the balancing of various factors, among which are the extent to which the transaction was intended to affect the plaintiff, the foreseeability of harm to him, the degree of certainty that the plaintiff suffered injury, the closeness of the connection between the [attorney’s] conduct and the injury, and the policy of preventing future harm.”⁴ Where the defendant is an attorney, courts “must consider an additional factor...namely, whether the recognition of liability...would impose an undue burden on the profession.”⁵

Applying these factors, the Lucas court stated: “...one of the main purposes which the transaction between defendant and the testator intended to accomplish was to provide for the transfer of property to plaintiffs; the damage to plaintiffs in the event of invalidity of the bequest was clearly foreseeable; it became certain, upon the death of the testator without change of the will, that plaintiffs would have received the intended benefits but for the asserted negligence of defendant; and if persons such as plaintiffs are not permitted to recover for the loss resulting from negligence of the draftsman, no one would be able to do so and the policy of preventing future harm would be impaired.”⁶ Accordingly, the Court held that “intended beneficiaries of a will who lose their testamentary

rights because of failure of the attorney who drew the will to properly fulfill his obligations under his contract with the testator may recover as third-party beneficiaries.”⁷ This holding has been extended to apply to the drafting of trusts as well.⁸

This duty does not extend to every intended beneficiary in every circumstance, however. Courts have limited the drafting lawyer’s duty to nonclients only where the testator client’s intent to benefit the nonclient is “clear,” “certain,” and “undisputed.”⁹ In addition to limiting when a drafting attorney has a duty to nonclient intended beneficiaries, courts have also limited the extent of that duty. As the Second District Court of Appeal, Division Two, recently put it, “a lawyer has no duty to a nonclient plaintiff beyond implementing the client’s clear directive to ‘Do X.’”¹⁰ The attorney has no duty to “remind the client to follow through with implementing the client’s directive once the lawyer has prepared the requested documents,” to “urge the client to consider ... alternative plans to forestall will contests by persons who would lose out once the client’s intent was effectuated,” to “effectuate an expression of intent from the client that falls short of a directive,” or to “evaluate whether the client has the mental capacity to make a directive that disinherits the nonclient plaintiff.”¹¹

If your practice includes estate planning, you may want to consider whether and to what extent such work may give rise to liability to nonclient intended beneficiaries.

David Cantrell is a partner with the firm Lester, Cantrell & Kraus, LLP. His practice focuses on legal malpractice and professional responsibility issues. David is certified by the California State Bar’s Board of Legal Specialization as a specialist in legal malpractice law.

Cole Heggi is senior counsel at Lester, Cantrell & Kraus, LLP, where he also represents and advises clients on legal malpractice and professional responsibility issues.



⁷ *Id.*, at 591.

⁸ See *Bucquet v. Livingston* (1976) 57 Cal.App.3d 914.

⁹ *Heyer v. Flaig* (1969) 70 Cal.2d 223, 229. For further discussion of when the testator’s intent will be deemed “clear,” “certain,” and “undisputed,” see generally *Gordon v. Ervin Cohen & Jessup LLP* (Cal. Ct. App., Feb. 23, 2023, No. B313903) 2023 WL 2178790.

¹⁰ *Gordon v. Ervin Cohen & Jessup LLP* (Cal. Ct. App., Feb. 23, 2023, No. B313903) 2023 WL 2178790, at *7.

¹¹ *Gordon*, supra, 2023 WL 2178790, at *7 [citing *Radovich v. Locke-Paddon* (1995) 35 Cal.App.4th 946, 954; *Boronian v. Clark* (2004) 123 Cal.App.4th 1012, 1019-1020; *Hall v. Kalfayan* (2010) 190 Cal.App.4th 927, 929; *Moore v. Anderson Zeigler Disharoon Gallagher & Gray* (2003) 109 Cal.App.4th 1287, 1290].

1 Typically, we would say “beneficiaries,” but given the theme of this month’s magazine, we’ll focus on “children” today.

2 *Coscia v. McKenna & Cuneo* (2001) 25 Cal.4th 1194, 1199.

3 *Goodman v. Kennedy* (1976) 18 Cal.3d 335, 342.

4 *Lucas v. Hamm* (1961) 56 Cal.2d 583, 588.

5 *Id.*, at 589.

6 *Id.*, at 589.

LOCAL NEWS FOR AND ABOUT THE INLAND EMPIRE

Local news is the most relevant news. Follow Our Courts is the only source for coverage focused entirely on Inland Empire Courts.

What are people reading in The Inland Empire? These are the hottest stories on Follow Our Courts so far in 2023:

- [Judge under fire: What really happened in that bail reduction hearing](#)
- [Court rules in Riley's Farm First Amendment case](#)
- [SB Court sees better budget, fewer court reporters, more judges](#)
- [New judges take office in Riverside, San Bernadino counties, state](#)
- [Councilwoman charged, again, for disturbing own council meeting](#)
- [Riverside DA, Superior Court, argue 1,500 case dismissals](#)
- [Letter to the Editor – Correcting misinformation spread by those wanted to recall local judge](#)
- [Prosecutor, school lawyer appointed to judgeships](#)
- [Appellate ruling roundup](#)
- [Full-page ad in LA Times defends Judge Huston](#)

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FOLLOWOUR COURTS

THE UNIQUE ROLE OF CASA VOLUNTEERS IN THE JUVENILE DEPENDENCY SYSTEM

by Jessica Muñoz

Amber has been in foster care since she was a toddler and has struggled with severe behavioral challenges as a result of past abuse. Because of her complex needs, Amber has lived in multiple foster homes and group homes.*

Patricia is a community member who volunteers in the juvenile dependency court as a Court Appointed Special Advocate (CASA) volunteer. After completing a comprehensive training program, Patricia was appointed by the juvenile court to advocate for Amber.

Like many teens who have been disappointed by the adults in their lives, Amber was initially reluctant to trust Patricia and often refused to see her or take her calls. However, with time and Patricia's unfailing consistency, their relationship grew. Patricia was patient and encouraging. Gradually, Amber's school performance improved, and she began to set goals. Patricia kept Amber's assigned social worker and attorney updated on her progress. At her most recent court hearing, Amber told Patricia's supervisor that she decided to "change her life" during one of her visits with Patricia. Amber realized that Patricia would never give up on her. Amber said that Patricia's persistence taught her that she was not worthless. Amber's behavior has improved significantly. During the hearing, the judge determined it was now safe to place Amber with her adult sister, something Amber had been wanting to be possible for a long time. Amber is thrilled to be living in a safe, stable placement with family.

Court Appointed Special Advocate (CASA) volunteers, like Patricia, are "lay volunteers" who are appointed by the juvenile dependency court to "help define the best interests of children" ... under the jurisdiction of the juvenile court." (Cal. Rules of Court Section 5.655(a)(1).)

CASA volunteers spend time with the child to whom they are assigned. As they build rapport with the child, CASAs are able to provide information, observations, and recommendations to juvenile court judges through formal written reports and to the child's attorney and social worker informally between court hearings. While there are many dedicated and caring professionals working within the juvenile dependency system, they are often trying to meet the needs of many families at once. Because CASAs are volunteers, they typically serve only one child or one sibling group at a time. This provides the child with the benefit of a caring, consistent adult who is focused on their needs, and wishes for the future exclusively.

CASA volunteers commit to remaining on their cases for at least 18 months, although many CASA volunteers choose to serve longer. CASAs report that they typically volunteer 10-15 hours per month. The time they devote to their cases includes visiting the child, reading documents, speaking to professionals working on the case, and writing court reports.

In Riverside County, Voices for Children (VFC) is the designated CASA program serving the juvenile court. VFC is a 501(c)(3) nonprofit organization. VFC's role is to recruit, screen, and train community members in Riverside County who volunteer to serve as CASAs. VFC provides CASAs with extensive pre-service

and in-service training. Importantly, VFC provides ongoing support and supervision for CASA volunteers throughout the entire duration of their service. Each CASA volunteer is paired with a member of VFC's professional staff who is available to provide guidance and assistance. VFC's staff members have backgrounds in law, child welfare, social work, psychology, education, and other related fields. There is even an emergency number CASAs can call to receive assistance on their cases 24 hours a day, seven days a week. VFC is also the CASA program serving San Diego County.

While CASA volunteers served nearly 500 children in Riverside County last year, there are typically 100 or more children waiting for a CASA volunteer at any given time. There are lots of ways that the legal community can support Voices for Children and make CASA volunteers available for more children.

- **Consider Volunteering:** While it is not required for volunteers to have formal legal training or experience, some legal professionals find that serving as a CASA volunteer can be a rewarding way to give back to the community and to learn more about an area of law with which they may not be very familiar.
- **Spread the Word:** VFC is always looking for potential CASA volunteers. Law firms, professional associations, and service organizations can request an informational presentation for their staff or members, share information about VFC in their newsletters or social media, or include VFC in their directory of volunteer opportunities.
- **Fundraising and Sponsorship Opportunities:** As a nonprofit organization, VFC raises every dollar needed to train and support CASA volunteers for children in the juvenile dependency system. VFC offers unique sponsorship opportunities to law firms and legal organizations through our Amicus Circle.
- **Cy Pres Awards:** VFC appreciates the opportunity to be considered for cy pres awards. VFC qualifies for residual awards in class action cases pursuant to California Code of Civil Procedure section 384(b) and can provide quickly the needed affidavit for the court regarding the program and services offered. CASAs often advocate for children consistent with the objectives of many class action suits, including education, employment, housing and financial stability, and medical and mental health services.

To learn more about Voices for Children's CASA program, explore how the community can help, or be inspired by more stories of how CASA volunteers have made an impact in the lives of children and families navigating the juvenile dependency system, visit VFC's website, www.speakupnow.org.

**Names have been changed to ensure confidentiality*

Jessica Muñoz, Esq., MFS, is the President & CEO of Voices for Children. She may be reached at (951) 357-9100 or jessicam@ speakupnow.org.





JAMS Welcomes Hon. Glenda Sanders (Ret.)



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—Prominent Trial Attorney

During 20 years on the Orange County Superior Court bench, Judge Glenda Sanders served as presiding judge of the court and supervising judge of the Civil Panel, and spent six years on the Complex Civil Litigation Panel. She presided over thousands of complex cases and has been described by the Court of Appeal as “an experienced and respected jurist with extensive experience in class action matters.” Judge Sanders is available in person or remotely as a mediator, arbitrator, special master/referee and neutral evaluator in **administrative law, business/commercial, class action/mass torts, construction defect, employment, health care, intellectual property** and **personal injury** disputes.

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HOW MY AUTISTIC SON MAKES ME A BETTER FAMILY LAW ATTORNEY

by *Jeremy Roark*

My name is Jeremy Roark. I am a certified family law specialist at the family law firm Holstrom, Block & Parke, APLC. I have been an attorney for nearly 15 years. More important than my role as an attorney, are my roles outside the courtroom as a husband and father. I pride myself on being an engaged and active father to my boys. My oldest son is eight years old and is on the autism spectrum. Albeit high functioning, this diagnosis has brought on a series of unforeseen challenges and the necessity to adapt quickly, due to having a neurodiverse child.

Often people will interchange the terms “autistic,” “on the spectrum,” and “neurodiverse.” They are essentially the same thing. Autism refers to a range of conditions characterized by difficulty or delays of speech, social skills, transitions, sensory and non-verbal communication. According to the Centers for Disease Control, autism affects an estimated 1 in 44 children in the United States today.

April is World Autism Awareness Month. I struggled, and sometimes still do, with the idea that my son is going to be labeled or be known as “the autistic child.” I do not want him to be labeled or put in a box. Yet, autism is something that permeates every fiber of my son’s being. I take pride in bringing awareness and have let go of the notion that anyone is putting him in a box. There is no cure for autism. There is no outer shell that can be cracked to reveal a different child. I love my son beyond measure, and have come to appreciate his diagnosis because not only has it forced me to adapt in ways I did not know I needed to, but I truly believe that his ability to see the world differently makes this world a better place.

I often find myself trying to understand my son’s behavior as the neurotypical response of being defiant compared to the neurodiverse response of having sensory and emotional regulatory issues. The most difficult part for me is trying to distinguish between the times when my child is giving me a hard time or having a hard time himself.

The expectation of the parenting style I envisioned before having children has been radically altered to accommodate the needs of my son and my family. In addition to adapting my parenting style, I have had to modify my personal lifestyle. We have fewer social gatherings and more behavioral therapy, occupational therapy, and speech therapy, while trying to maintain the “normal” activities of baseball, soccer, karate, and school.

There is a phrase amongst parents of autistic children that “if you meet one child on the spectrum, you have met one child on the spectrum.” Meaning, there are no two autistic children who are the same. Due to the uniqueness of each autistic child, I first believed that my personal journey of parenting would have little to no impact on my professional life as a family law attorney because there were no children exactly like mine.

As I continued to advocate for my clients, specifically with regards to custody and visitation, I came to the realization that my experience as a parent of an autistic child was not as unique and limiting. While there are many families with children on the spectrum, I came to the conclusion that almost all children



Jeremy and Jace

have something special exclusively to them, and it is in their best interest to be understood by the courts.

In practice, my clients often struggle with their co-parent who does not believe, support, or prioritize the therapies, restrictions, and methods of communication with someone with special needs. My task is to articulate to the court how those opposing or neglectful behaviors can be more damaging to a child with special needs.

When parents love their kids fiercely, they learn to understand their children on such a deep and exceptional level. As each child navigates their maturing process, they often require some assistance. The assistance can be developmental, social, dietary, academic, physical, etc.

I am often tasked with taking each nuance of a child and explaining it to the court in a way that they can tailor the orders to accommodate these needs. The courts have broad discretion to make orders in the best interests of the children. In my experience courts understand that special needs children are unique and the orders they make for them are often as unique as the children. We as attorneys must prioritize educating ourselves so that we can do a better job in understanding the specific needs of children with special needs in order to obtain the best tailored orders for the children.

As with my own son, the better I understand his needs, his schedule and natural obstacles, the better I can produce avenues for success and prevent roadblocks. This mindset, gained from my son, has allowed me to prioritize understanding each child of my client in a similar manner.

No school, book, or class has educated me more than my eight year old. My hope is that with what I have shared about autism and my son will provide you with a different perspective, build tolerance, and give hope that moving forward this world will be a better place because of him.

Jeremy N. Roark is a Certified Family Law Specialist with Holstrom, Block & Parke, APLC and the current co-chair of the Riverside County Bar Association's Family Law Section.



STARTING THEM YOUNG: MATTHEW GAGE MIDDLE SCHOOL IS ALSO IN ON THE MOCK TRIAL ACTION

by Melissa R. Cushman

The County of Riverside has become known for its stellar high school mock trial teams. However, even younger kids are joining in, with one middle school in Riverside having started its own Mock Trial team, the only area middle school to do so. On February 3, 2023, seventh and eighth graders on this year's Matthew Gage Middle School Mock Trial Team participated in performing a miniature criminal court case at the downtown Riverside Historic Courthouse in front of Judge Chad Firetag, scored by some local attorneys.

Because there are no other local middle school mock trial programs for them to complete against, the team instead divided itself into seven teams, with three or four students per team, who would compete against each other. Half the teams were assigned the prosecution side, and the other half defense. The teams were all given the same facts of the case, which involved two best friends who roomed together to try out for the Table Tennis Olympics being held in Riverside, but whose friendship was tested by one of the roommate's pet reptile. When the pet owner was assaulted and robbed by an unseen assailant, the other roommate was accused and arrested.

Each team assigned half of their members to be attorneys, and the other half to be witnesses, with some overlap for teams with only three members. They each gave themselves a catchy name, met altogether on Tuesdays after school to practice, and analyzed the case. Then the "attorneys," usually with the help of their teammates, drafted opening arguments, closing arguments, direct examination questions, and cross examination questions. The "witnesses" learned their witness statements, practiced answering their group's direct examination questions, and prepared answers to potential cross examination questions. Overall, the set up and process are similar to those for high school mock trial teams, but streamlined and simplified by, for example, the expectation to learn and make objections.

On February 3, the students came downtown to Riverside's Historic Courthouse and were given a tour to learn a little about the landmark and its history and architecture. They then went to Judge Firetag's courtroom and competed, prosecutor's team against defense team, with one team having to go twice due to the uneven numbers of teams, and all of the teams watching each other. Parents and others came to watch and support the kids. At the end Judge Firetag announced that he had found the accused not guilty in all of the cases, and then identified the winning team.

Interviews of some of the participants reiterated that the students learned a lot about what being a lawyer entails and were surprised that it took so much preparation. They also noted that, like most team projects, it was easier and more fun when teammates helped, and frustrating and harder when they didn't. Seventh-grader Adrineh Spring-Pearson, of the team "Prosecution Pandas," says she liked thinking on her feet and helping with arguments, and, although she played a witness this time, that the experience affirmed her interest in maybe becoming a lawyer someday. Arline Ream, of prosecution team "The Nerds," said she had signed up because she had heard from students from previous years that it was lots of fun, and enjoyed playing an attorney and admitted that she had a love-hate relationship with the preparation part. However, she said she had a lot of fun once she participated in the mock trial event, and also really liked seeing her friends' groups perform, but her favorite part may have been that she was permitted to miss school.

Kudos to Matthew Gage Middle School for supporting programs like these; for Judge Firetag, the school staff, local attorneys, and community members who gave their time and made it all possible; and for the students who worked so hard.

Melissa Cushman is a deputy county counsel with the County of Riverside.



TRANSFER HEARINGS: A DEFINITIVE STEP FORWARD FOR JUVENILE JUSTICE

by Devin McComber

The certification of a juvenile offender to adult court has been accurately characterized as “the worst punishment the juvenile court is empowered to inflict.”¹ The fundamental purpose of California juvenile law has always been rehabilitation of minors with a dual obligation to both protect public safety and act in the best interest of the minor.² However, for decades California law has allowed juveniles to be prosecuted in adult court with almost no judicial oversight via direct filings or with a presumed profound burden against the child staying in juvenile court via fitness hearings. This created two pipelines of children moving to adult courts, adult jails, and adult prisons where there was little or no opportunity for rehabilitation.

The laws relating to the movement of juvenile offenders to adult court came with a failure to acknowledge how kids are different, including the science regarding juvenile minds, bodies, behaviors, and adolescent development. Research shows that adolescence is the last period of significant flexibility in the brain. Consequently, even young people who end up in court for serious crimes will age out of that behavior by late adolescence, and most will age out naturally without significant court intervention³

While the direct filing and fitness hearing laws did not take into consideration the research and science of juvenile development, they also did not take into consideration that because of age and lack of development, juveniles are inherently less culpable than adults and therefore should not be treated like adults. Thankfully, juvenile justice partners slowly conceded errors in how criminal justice laws treated juveniles.

In 2002, Justice Benham from Georgia wrote in an opinion:

“While I concur in the majority, I cannot help but believe that as we treat more and more children as adults and impose harsher and harsher punishments, the day will soon come when we look back on these cases as representing a regrettable era in our criminal justice system. As we were developing our juvenile justice system, we sought to treat children differently from adults because we recognize they had not developed the problem-solving skills of adults. We now lump certain children in the same category as adults and mete out harsh punishment to them ignoring the difference between childhood and adult hood.”⁴

1 *Ramon v. Superior Court* (1985) 37 Cal 3d. 802, 810, 210 Cal Reporter 204, 693 P. 2d. 789.

2 California Welfare and Instructions Code section 202.

3 *Laurence Steinberg Age of Opportunity: Lessons from the New Science of Adolescence* (Boston Houghton Mifflin Harcourt, 2014 and Laurance Steinberg, Elizabeth Cauffman, and Kathryn C. Monahan, *Psychosocial, Maturity and Distance from Crime in a Sample of Serious Juvenile Offenders, Development and Psychopathology* 22, no. 2 (May 2010): 453-75.

4 *Miller v. State* (2002) 571 S.E. 2d 788, 798-799

In the years following Justice Benham’s call for concern, the United State Supreme Court memorialized in caselaw in finding:

“First, as parents know and as the scientific and sociologic studies... confirm, ‘[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than adults and are more understandable among the young, [and that] [t]hese qualities often result in impetuous and ill-considered actions and decisions.’ and ‘[C]hildren are constitutionally different from adults for sentencing purposes. Their ‘lack of maturity’ and ‘underdeveloped sense of responsibility’ lead to recklessness, impulsivity, and heedless risk-taking. They ‘are more vulnerable ... to negative influences and outside pressures,’ including from their family and peers; they have limited ‘contro[l] over their own environment’ and lack the ability to extricate themselves from horrific, crime-producing settings. And because a child’s character is not as ‘well formed’ as an adult’s, his traits are ‘less fixed’ and his actions are less likely to be ‘evidence of irretrievabl[e] deprav[ity].’ [T]hat [these] distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes.”⁵

Instead of requiring children be detained and treated in the juvenile court system where education, therapy, and life skills are a requirement, the laws instead weighed in favor of transferring juveniles to the punitive adult court system. A transfer of a juvenile to adult court ensured a youth would ultimately be in a system housing long-term criminals in overcrowded jails and prisons with minimal programming.

The California direct file and fitness hearing laws not only lopsidedly doled out the harshest punishment to juveniles by sending them to adult court, but in the end served the same severe outcomes on the public by simultaneously denying juveniles access to needed rehabilitation.

Even with caselaw, science, and universal truths related to the need for juveniles to be treated differently than adults, the draconian laws regarding direct filing and fitness hearings did not drastically change in California until November 8, 2016, when Proposition 57 established a judicial transfer hearing as the exclusive manner for a minor to be prosecuted in adult court. Two years later, with the passage of Senate Bill 1391, California raised the age of eligibility for transfer hearings to juveniles 16 and over at the time of the alleged offense. In 2022, Assembly Bill 2361 passed, further limiting the scope of youth eligible for transfer to adult court by raising the standard of proof at transfer hearings to require clear and convincing

(Bernham, J. concurring.)

5 (*Roper v. Simmons* (2005) 543 U.S. 551) and *Miller v. Alabama* (567 U.S. 460 (2012))

evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court. As a result of these changes, juvenile law related to new transfer hearings, and those cases not final on appeal, became more balanced.

The new laws have significantly reduced the number of juveniles in adult court and are a profound step forward for juvenile justice, but more steps are needed. The juveniles currently being sent to adult court have higher chances of being rehabilitated and becoming successful members of our community if their cases remain in juvenile court, which in turn, serves public safety.

With time, hopefully lawmakers and voters will continue moving juvenile justice forward with additional laws recognizing that kids are different and possess tremendous potential for growth and change, thereby protecting juveniles and society from the harsh, punitive realities of the adult criminal system.

Devin McComber is a deputy public defender with the Law Offices of the Public Defender, County of Riverside, Juvenile Office. The opinion in this article belongs only to the writer.



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NEW CHILD WELFARE LEGISLATION IN 2023

by Larisa Reithmeier-McKenna and Prabhath Shettigar

A variety of new legislation affecting dependency practice took effect on January 1, 2023. The following is a summary of the substance and implications of these new laws.

Child Abuse and Neglect Reporting Act (CANRA)

Assembly Bill (AB) 2085 redefines “general neglect” for purposes of CANRA to specifically exclude a person’s economic disadvantage, and now requires a child to be at substantial risk of suffering serious physical harm or illness. (Pen. Code §§ 11165.2, 11166, 11167.) This is expected to substantially reduce the number of referrals, as the majority of referrals come under the category of “general neglect.” The most common outcome of these reports is an unsubstantiated determination due to poverty rather than neglectful parenting. This Bill directs mandated reporters to connect families with community-based services, instead of reporting families to child welfare agencies. Mandated reporters still have discretion to call child welfare if, based on reasonable suspicion and training, they determine resources outside of child welfare are insufficient to address the child’s needs.

Mandated Reporters, Statute of Limitations

Previously, a mandated reporter may be prosecuted for a misdemeanor for failing to report a known or reasonably suspected incident of child abuse or neglect. AB 2274 extends the statute of limitations from one year after discovery of the offense to no later than four years after the commission of the offense, except for known or reasonably suspected sexual assault which already has a five-year statute of limitations. (Pen. Code §§ 801.6, 801.8.) This Bill does not increase the penalty for failing to report a crime. It is sponsored by the San Diego County District Attorney’s Office because school districts often fail to notify law enforcement and child welfare services of an offense.

Investigations

AB 2595 requires the Department of Social Services to revise all regulations and instructions to ensure that investigations involving a parent’s use of cannabis is treated in the same manner as a parent’s or guardian’s use or possession of alcohol and legally prescribed medication. (Welf. & Inst. Code § 328.2.)

Cannabis possession or use alone is no longer a basis for state intervention into family life because it is a legal substance. As in the case of alcohol and prescription medi-

cation, parents and guardians are allowed to safely and legally use cannabis without fear of having their children removed. Nothing in this Bill alters the existing law that permits a juvenile court filing when a parent’s cannabis use causes the child serious physical harm or illness or risk of serious physical harm or illness.

Jurisdiction

Senate Bill (SB) 1085 identifies specific ways a child may have suffered or be at risk of suffering serious physical harm or illness. The code now specifically excludes the following as the sole basis for jurisdiction: homeless, failure of a parent to seek court orders for child custody, and indigence or financial difficulty, including inability to obtain clothing, home repair or childcare. (Welf. & Inst. Code §§ 300, 300.2.)

This Bill builds on the exception contained in Welfare and Institutions Code section 300, subdivision (b)(1), passed in 2021, which provides that a child cannot be made a dependent of the juvenile court “solely due to the lack of an emergency shelter for the family.” A nexus is required connecting the financial difficulty and willful or negligent action on the parent’s part with the physical harm/illness to the child or the substantial risk that the child will suffer physical harm or illness.

Guardianship

AB 2309 allows the court to appoint a guardian in addition to or in lieu of establishing a dependency, only where a parent executes a written waiver as to services. This Bill requires the court to appoint a person identified by the parent as guardian, so long as the child and/or child’s counsel does not object and the court does not find that the person’s appointment would be contrary to the best interests of the child. (Welf. & Inst. Code §§ 328, 360.)

This Bill promotes family decision-making within dependency proceedings by expanding the ability to obtain a guardianship under Welfare and Institutions Code section 360. Previous law allowed a court to disregard the parent’s choice entirely. This Bill requires a court to appoint that individual as guardian, unless it finds, based on a preponderance of evidence, that there is a clear and present threat to the minor’s safety.

This Bill also establishes new reporting requirements regarding children subject to voluntary placement agreements (VPA). Under Welfare and Institutions Code section 16507.4, subdivision (b), VPAs are out-of-home written

placement agreements of a minor of 180 days in duration without adjudication by a juvenile court, by the mutual decision of all parties. VPAs protect the caregiver because custody is transferred to the caregiver, allowing them to make legal decisions on behalf of the child, and protects the parent, because it requires the child welfare agency to take formal action if the child cannot be returned within 180 or 360 days with an extension.

Educational Rights Holder

AB 740 requires the school district to notify the foster child's educational rights holder, attorney, county social worker, and tribal social worker (if applicable) of other disciplinary proceedings (e.g.: suspensions, expulsions) in the same fashion as parents. (Educ. Code §§. 47605, 47605.6, 48432.5, 48853.5, 48911, 48911.1, 48915.5, 48918.1.)

The intent is to ensure that the foster child's protective team is given advance notice of the proceedings and can intercede on the child's behalf. This Bill adds the educational rights holder and tribal social worker to the required notification list, and authorizes them to have the same rights of a parent or a guardian of a child at these proceedings, to appear, to receive a final decision in writing and to seek review. Students in foster care are suspended at least three times more often than their peers. This Bill will ensure more foster youth stay in school and have an experienced advocate working on their behalf.

Youth Bill of Rights

AB 1735 provides that youth have the right to be provided a copy of the Foster Youth Bill of Rights, court reports, case plans, and TILP in their primary language. (Welf. & Inst. Code §§ 16001.9, 16501.1.)

This Bill adds a new right to the Foster Care Bill of Rights. The California Welfare and Institutions Code previously did not require documents to be translated for all foster children in their primary language. This Bill protects the 0.84% of foster care children who have a primary language other than English or Spanish.

AB 2417 makes the Youth Bill of Rights applicable to youth confined in any juvenile justice facility. (Welf. & Inst. Code §§ 224.70-224.74, 2200, 2200.2, 2200.5.)

Under previous law, there was a "Youth Bill of Rights" for youth incarcerated at the Division of Juvenile Justice (DJJ), but there is nothing similar for youth incarcerated at the local level.

The state legislature passed SB 823 in 2020 mandating the closure of DJJ. Starting in 2023, all youth who are incarcerated will be held in county facilities. Consequently, once DJJ closes, the Youth Bill of Rights will no longer exist. This Bill ensures that youth continue to be treated with dignity and respect.

Bypass of Reunification Services for Incarcerated Parents

AB 2159 prohibits the court from denying reunification services to a parent or guardian who is incarcerated, institutionalized, or detained by the United States Department of Homeland Security, prior to a conviction. (Welfare and Institutions Code section 361.5 subdivision (e)(1).)

Previous law allowed parents who had not been convicted of a crime and cannot afford bail, to be denied reunification services, creating an unequal application of the law with parents who can afford bail and those who cannot. Given that the California Supreme Court has held that conditioning bail solely on whether the arrestee can afford it is unconstitutional (*In re Humphrey* (2021) 11 Cal.5th 135, 143), conditioning the availability of reunification services on affordability may present similar constitutional problems.

Reasonable Services

AB 2866 clarifies that the court's determination regarding reasonable services must be made by clear and convincing evidence. (Welf. & Inst. Code §§ 366.21, 366.22.)

This Bill requires a court, at the review hearing held six months after the dispositional hearing, and at the 12, 18, and 24-month permanency hearings (depending on the age of the child) to determine by clear and convincing evidence whether reasonable services that were designed to aid the parent in overcoming the problems that led to the initial removal and the continued custody of the child have been provided or offered to the parent.

The preponderance of the evidence standard requires the trier of fact to believe that the existence of a fact is more probable than its nonexistence. The clear and convincing evidence standard requires that the evidence be so clear as to leave no substantial doubt or sufficiently strong to command the unhesitating assent of every reasonable mind. The intent of the Bill is to keep more parents and children together.

Children's Psychiatric Residential Treatment Facilities (PRTF)

AB 2317 creates the PRTF defined as nonhospital licensed residential facilities that provide psychiatric services to individuals under 21 years old in an inpatient setting.

AB 2317 requires the State Department of Health Care Services to license and establish regulations for PRTF, which the bill would define as a licensed residential facility operated by a public agency or private nonprofit organization that provides psychiatric services, as prescribed under the Medicaid regulations, to individuals under 21

years of age, in an inpatient setting. The bill would require the department to establish regulations for the facilities that include, among other things, the implementation of a plan that is designed to achieve the patient's discharge from inpatient status and step-down services at the earliest possible time.

A patient must be voluntarily admitted to a PRTF, though in the case of dependent minors who have not been removed from their parents, voluntary consent is given by the custodial parent. If a foster child or a non-minor dependent youth is to be admitted into a PRTF, the voluntary admission refers to the child or youth's voluntary decision to be admitted into the PRTF. Patients may be locked in, and they may also be restrained or secluded for a limited period of time. The length of stays are based on medical necessity with no cap on the length of the stay.

The court shall review the application for voluntary admission for children under its jurisdiction and approve prior to admission, unless the child is on an involuntary hold.

The social worker must file an ex parte application for an order authorizing voluntary admission to a PRTF within 48 hours of being informed of the request by a foster child or parent that retains physical custody of a child under Welfare and Institutions Code section 300 jurisdiction, or the first judicial day after being informed where the courts are closed more than 48 hours. The request must include information showing how the PRTF is likely to cure or ameliorate the child's mental disorder, why the PRTF is the least restrictive setting for care, a description of any mental health services previously provided to the child, and a statement of how the child was given the opportunity to privately confer with their counsel.

The court shall schedule an evidentiary hearing the next judicial day after receipt of the application, consider evidence to include a child welfare agency report, and make specific findings by clear and convincing evidence.

Where the court determines that a parent or guardian may have contributed to the deterioration, the court shall direct the child welfare agency to investigate possible removal from the parent or guardian's custody upon the child's discharge from the PRTF. (Amends Health & Safety Code §1250.10, Welf. & Inst. Code § 6552; adds Welf. & Inst. Code § 361.23.)

The court's order granting admission is effective until the first of the following occurs: (1) the parent, or the child if the child consented to admission under Section 6552, withdraws consent to be present at the PRTF; (2) the court finds that the child no longer suffers from a mental disorder that may reasonably be expected to be ameliorated by treatment at the facility or that the PRTF is no longer the least restrictive alternative for treatment; or (3) the court makes a superseding order.

The Bill requires the court to hold a hearing 60 days after the child's admission to a PRTF, and every 30 days thereafter, to review the child's placement in the facility based on the medical necessity of that placement. The court may hold the hearing in tandem with another statutorily required hearing if the timing coincides.

At the PRTF review hearings, the court is required to consider all of the following:

- a) Whether the parent or child continues to consent to the placement.
- b) Whether the child continues to suffer from a mental disorder that may reasonably be expected to be cured or ameliorated by treatment at the PRTF.
- c) Whether there continues to be no other available less restrictive setting which might better serve the child's medical needs and best interest.
- d) Whether the PRTF continues to meet its legal obligations to provide services to the child.
- e) The county child welfare agency's plan for the child and the agency's actions to implement that plan.

Juvenile Records

SB 1071 permits attorneys participating in administrative hearings involving the minor (e.g.: AFDC-FC, Kin-GAP, RFA) to review and receive copies of the portions of the juvenile case file the agency used in making the decision being appealed. The agency is required to include relevant portions of the juvenile case file, including the position statement, which can only be provided to a hearing officer and parties.

AB 2711 clarifies that the California Department of Social Services (CDSS) can view a juvenile court record without a court order in the very rare circumstance when they are representing a child in an action filed to vacate an order of adoption. Some counties had not allowed CDSS to review and make copies of the child's juvenile case file and adoption case file. (adds Welf. & Inst. Code § 827 subd. (a)(1)(S) and (T); amends Welf. & Inst. Code §§ 366.26, 10952, 10952.5, and Fam. Code § 9100.)

SB 1054 clarifies that confidential records regarding recipients of public social services includes child welfare and adult protective agency services. Employees of adult protective services and child welfare agencies are allowed to disclose information with each other for purposes of multidisciplinary teamwork in preventing abuse or neglect of children or elderly or dependent adults. (Welf. & Inst. Code §§ 10850, 18951, 18961.7.)

Previous statutes did not explicitly permit child welfare and adult protective services multidisciplinary teams to share information related to an investigation for instances where members of the household are being served, or in need of services, across both programs. This

Bill ensures that the agencies can provide a coordinated response.

AB 2845 Adoption/Post-Adoption Contact Agreement

A post-adoption contact agreement is a voluntary agreement between the birth parents and the adoptive parents explaining the future contact that may occur between birth relatives and the child.

This Bill allows post-adoption contact agreements to be entered by a broader category of birth relatives, nonrelative extended family members, and non-federally recognized Indian tribes, and allows all parties to have the right to visitation and contact, not just information, even if they lacked a preexisting relationship with the child.

To ensure that the court is aware of the agreement, the Bill requires, in every adoption, that each petitioner inform the court in writing whether there is a post-adoption contact agreement, and if entered before the adoption, requires that the terms of the agreement be included. (Amends Fam. Code §§ 7825, 7851, and 8616.5; Welf. & Inst. Code § 362.7.)

SB 1090 Family Urgent Response System

This Bill expands the definition of “current or former foster child or youth” who are entitled to use the Family Urgent Response System (FURS) (adopted in 2019) to include children or youth who are subject to a petition declaring them a dependent child of the juvenile court, who are under a voluntary program of supervision or voluntary placement agreement, and who have exited foster care for any reason; including reunification, guardianship, adoption, or emancipation.

The FURS program is designed to build on the Continuum of Care Reform (CCR) and system of care developments in the foster care system to increase foster children, foster youth, and caregiver access to mental health services and provide counseling and conflict resolution in moments of crisis.

Previous law established the FURS program, a combined state and local effort to provide current and former foster children, foster youth, and caregivers with immediate assistance in moments of crisis with the goal of avoiding the involvement of law enforcement and getting foster children and youth the trauma-related care they need.

The FURS hotline was authorized to operate in 2020. At the state level, the California Department of Social Services (CDSS) operates the FURS statewide hotline, which is available 24 hours a day, seven days a week. The state hotline workers will assess the situation and connect the caller—a current or former foster child or a caregiver—with the appropriate county-level mobile response system. At the county level, counties maintain these mobile response systems, which must be ready to respond within one to three

hours for urgent situations and 24 hours in non-urgent situations. They provide in-person conflict resolution, de-escalation techniques, and/or referrals of services as needed to assist the foster child, foster youth, and/or caregiver. (Amends Welf. & Inst. Code §16526, et seq.)

SB 834 The Family Finding Act

This Bill requires counties to implement the use of Family Finding to increase relative placements. According to All County Letter 18-42, Family Finding and Engagement includes identifying, locating, and notifying the relatives of a child in foster care and to foster familial connections. The Letter encourages counties to use the child as a primary information source and have assigned and dedicated staff to conduct the Family Finding activities.

The Bill amends Welfare and Institutions Code section 309, to provide that the social worker shall use due diligence in investigating the names and locations of relatives and the due diligence required shall include “family finding” which “means conducting an investigation, including, but not limited to, through a computer-based search engine, to identify relatives and kin” and “if it is known or there is reason to know that the child is an Indian child, as defined by section 224.1, ‘family finding’ also includes contacting the Indian child’s tribe to identify relatives and kin.”

Social workers are required to use due diligence in their efforts to identify, locate, and notify relatives up to the fifth degree of kinship and to include paternal relatives, with the exception of relatives for whom a history of domestic violence has been determined.

In the coming year, practitioners will focus on implementing this cross-section of new laws to help maintain family structure and ensure children and youth in foster care find safety, stability, and success. Together, the state, counties, advocates, youth currently and formerly in foster care, and other stakeholders must work to establish effective court processes and programs to benefit the best interest of the children engaged in the dependency system.

Larisa Reithmeier-McKenna is a Child Welfare Law specialist and a supervising deputy at the County Counsel's Office in Riverside. She has been with the Riverside County Counsel's Office for over 15 years, and has worked in dependency litigation for over 10 years. She currently supervises attorneys in the Research, Training, and Appeals Unit, and advises the Immigration Liaisons Unit, which supports immigrant dependents and families. Larisa is a graduate of the University of California, Hastings College of the Law.

Prabhath Shettigar is a deputy at the County Counsel's Office in Riverside. He has been with the Riverside County Counsel's Office for over 17 years, practicing exclusively in Child Welfare Law. He works in the Research, Training, and Appeals Unit and primarily handles child welfare appeals on behalf of the County of Riverside. Prabhath is a graduate of the University of Miami School of Law.



CHILD HUMAN TRAFFICKING: PROTECTING OUR MOST VULNERABLE

by Kaitlyn Lasater

Introduction

When we hear the words child human trafficking, some may picture an elaborate sex trafficking ring occurring in another country or dramatized in an action movie. Odds are we don't picture the hotel off a busy street in Riverside that you drive past on your way to work. Nor do we picture the faces of children in our own child's classroom, even that teenager whom we've deemed a "bad influence." We likely don't picture the child at a fast-food restaurant seated with seemingly normal adults, or the one selling candy in our grocery store parking lot. Child human trafficking is the exploitation of children, sexual or otherwise, and it's occurring all around us. We have all looked into the eyes of victims of this incredibly damaging, predatory crime. There are ways to help these children, whether as a parent monitoring our child's online usage, a noticing citizen calling a tipline, a law enforcement officer investigating a crime, a judge making lawful rulings during court proceedings, or an attorney referring victims (including those charged with crimes) to the many programs waiting to help victims escape "the life" or otherwise free themselves from modern slavery.

Who is a Victim?

Human trafficking laws recognize the susceptibility of children as victims. Criminal liability for human trafficking of an adult requires some deprivation of liberty e.g., force, fear, or coercion.¹ However, human sex trafficking of a child only requires an attempt to cause a child to engage in a commercial sex act.² Consent by a minor victim is not a defense to this crime.³

Children are naïve, dependent, curious, and impressionable. Couple those endearing traits with circumstances in some children's lives such as sexual abuse, a dysfunctional family, lack of support or safety, poverty, homelessness, drug use, emotional obstacles, or mental illness. Children constantly seek sources of love, security, and support. Unfortunately, perpetrators capitalize on this human need and have a keen ability to spot those most vulnerable.

It makes sense why under the law, force, fear, and duress are not elements required for human trafficking of a child. Trafficking can be easily accomplished without force, fear, or duress when the right child is spotted by the wrong person.

Victims of human trafficking are selected from places such as social media, group homes, schools, malls, or the streets. Traffickers fill the void many of these victims are missing; this is grooming. Whether it's a place to sleep,

food, gifts, feigned freedom, respect, or affection that feels like love, the trafficker provides it to earn trust, love, and loyalty. UNICEF reported that one to three children are solicited for sex within 48 hours of running away or becoming homeless in the U.S.⁴ Sometimes traffickers exert power over the child's parent, who is also a victim of human trafficking, and exploits the child. Traffickers use psychological manipulation after earning this love and dependence and it can be coupled with threats, violence, or encouraging a drug addiction. Victims often become isolated from their friends and family. Ultimately, they become powerless. With the rise of social media, some traffickers never even meet their victims in person. They manage to control the child online and convince them to engage in sex acts or produce child pornography for their own commercial benefit. Child human trafficking comes in so many different colors, shapes, and sizes.

Human trafficking is especially prevalent in Southern California. The FBI has determined that three of the nation's thirteen high-intensity child prostitution areas are located in California: the San Francisco, Los Angeles, and San Diego metropolitan areas.⁵ In 2019 alone, there were a total of 22,326 individual survivors (sex and labor trafficking) identified and assisted in the United States.⁶

The U.S. Department of Justice (DOJ) reported between 2008-2010, 83% of sex trafficking victims found within the U.S. were U.S. citizens, and 40% of those cases involved the sexual exploitation of children.⁷

The effects of childhood sexual abuse or sex trafficking carry through into some victims' adult lives. Between 66-90% of women in the sex industry were sexually abused as children.⁸ It's never too late to intervene, to provide victims a way out. It's up to us as parents, citizens, law enforcement, attorneys, and judges to not be blind to a victim standing in front of us. Even if a person is suspected of a crime, they may be a victim. You will see the cause if you look deep enough.

4 UNICEF, <https://www.unicefusa.org/sites/default/files/One-Page.pdf>.

5 Improving California's Multi-System Response to Commercially Sexually Exploited Children: Resources for Counties; Child Welfare Council CSEC Action Team; 2017.

6 Polaris; <https://humantraffickinghotline.org/sites/default/files/2022-12/Polaris-2019-US-National-Human-Trafficking-Hotline-Data-Report.pdf>.

7 Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, April 28, 2011, <http://www.ojp.usdoj.gov/newsroom/pressreleases/2011/BJS11093.htm>

8 Anklesaria A, Gentile JP. Psychotherapy with women who have worked in the "sex industry". *Innov Clin Neurosci*. 2012 Oct;9(10):27-33. PMID: 23198274; PMCID: PMC3508959.

1 See California Penal Code, section 236.1, subd. (b).

2 See Cal. Pen. Code, § 236.1, subd. (c).

3 See Cal. Pen. Code, § 236.1, subd. (e)

Protecting Child Witnesses in Court

It's written into the California Penal and Evidence Code that judges have an obligation in court proceedings to provide child witnesses with the ability to tell their story safely and painlessly as possible.

Testifying is stressful, even for seasoned law enforcement or expert witnesses. During criminal investigations, child victims are often interviewed by trained forensic examiners, one-on-one in a comfortable room, and asked non-leading and age-appropriate questions. This environment maximizes the child's ability to safely tell their story. The courtroom should mirror this environment as much as possible. Child witnesses endure stress during the pendency of a case when hearings are rescheduled or delayed, they are intimidated by the layout of a courtroom, they are asked developmentally inappropriate questions during questioning, or when they lack support from legal professionals or family members. A positive court experience, where truth-telling is supported, can bring empowerment, closure, and hope.

Certain procedural and evidentiary rulings or accommodations can also protect child witnesses from undue stress, optimize truth-telling, and allow jurors to fully understand these cases:

- Allow up to two support persons or an animal during testimony.⁹
- Adapt oath to promise to tell the truth with children under the age of 10 years old.¹⁰
- Use closed-circuit television for the testimony of a sexual abuse victim, 13 years old or younger.¹¹
- Appoint counsel for a child victim to prevent psychological harm to the child.¹²
- Close the courtroom to spectators.¹³
- Allow breaks during questioning.¹⁴
- Limit testimony to normal school hours.¹⁵
- Remove judicial robe.¹⁶
- Relocate parties and court personnel within the courtroom for a more comfortable environment.¹⁷
- Exercise reasonable control over the questioning of a witness to protect them from harassment or embarrassment, which includes children being asked age-appropriate questions.¹⁸
- Allow leading questions of a child under the age of 10.¹⁹

9 See Cal. Penal Code, §§ 679.4, 868.5, subd. (a), 868.4

10 See Cal. Evid. Code, § 710.

11 See Cal. Pen. Code, § 1347, subd. (b).

12 See *People v. Pitts* (1990) 223 CA3d 606, 869.

13 See *People v. Baldwin* (2006) 142 CA4th 1416; See Pen. Code, § 686.2.

14 See Cal. Pen. Code, § 868.8, subd. (a)

15 See Cal. Pen. Code, § 868.8, subd. (d).

16 See Cal. Pen. Code, § 868.8, subd. (b).

17 See Cal. Pen. Code, § 868.8 subd. (c).

18 See Cal. Evid. Code, § 765.

19 See Cal. Evid. Code, § 767, subd. (b).

- Allow relief from questioning.²⁰
- Prioritize courtroom assignment where the witness is a victim of a sexual assault or child abuse.²¹
- Grant a continuance for up to 10 days when a prosecutor is engaged in another hearing.²²
- Postpone a preliminary hearing for one day to accommodate the needs of a child 10 years old or younger.²³
- Following procedure regarding the admissibility of the victim's sexual conduct to attack credibility.²⁴
- Excluding evidence of the victim's prior sexual past to prove the victim consented to the acts.²⁵
- Excluding evidence of confidential communications between the victim and a sexual assault or human trafficking counselor.²⁶
- Testimony from an expert on Child Abuse Accommodation Syndrome.²⁷
- Testimony from an expert on pimping and pandering.²⁸
- Exclude evidence that the victim was not charged with prostitution or that she participated in acts of prostitution to attack credibility.²⁹

Resources for All

These resources are helpful for anyone from a concerned citizen, victim, law enforcement officer, district attorney, public defender, or a judge:

- Riverside County Anti-Human Trafficking Taskforce (RCAHT) Tipline: (855)758-3733
- National Human Trafficking Hotline: 1-888-373-7888, text "BeFree", chat at humantraffickinghotline.org.
- National Center for Missing and Exploited Children (NCMEC): 1-800-843-5678; <https://report.cybertip.org/>

Victim Programs and Emergency Shelters:

- REACH: (866) 373-8300, reachus.org
- Riverside Area Rape Crisis Center: (951)686-7273, infor@rarcc.org
- Barbara Sinatra Children's Center: (760)340-2336
- Teen Dating Abuse Hotline: 1-866-331-9474, chat at loveisrespect.org, or text "love is" to 22522
- Rebirth Homes: (951)394-8142
- Run-2 Rescue: (888)224-6061 ext. 3

Kaitlyn Lasater is a deputy district attorney in Riverside and currently prosecutes sexual assault, child abuse and human trafficking crimes.



20 See Cal. Pen. Code, § 868.8.

21 See Pen. Code, § 1048, subd. (b).

22 See Pen. Code, § 1050, subd. (g).

23 See Cal. Pen. Code, § 861.5.

24 See Cal. Evid. Code, § 782.

25 See Cal. Evid. Code, § 1103.

26 See Cal. Evid. Code, §§ 1035.8, 1038.

27 See *People v. Harlan* (1990) 222 Cal. App. 3d 439.

28 See *People v. Brandon* (2006) 145 Cal. App. 4th 1002.

29 Cal Evid. Code § 1161.

RCBA MEMBERS PARTICIPATED IN READING TO STUDENTS AT HARRISON ELEMENTARY SCHOOL ON NATIONAL READING DAY AND DR. SEUSS' BIRTHDAY

by Jacqueline Carey-Wilson



Tom Allert

On March 2, members of the RCBA participated in reading to students from transitional kindergarten to sixth grade at Harrison Elementary School in Riverside. We initially gathered in the school's library, where we were warmly greeted by Principal Clarissa Brown and members of the Parent Teacher Association, who provided goody bags to each reader, along with coffee and sweets.

Following introductions and instructions, Principal Brown was given a donation of \$1000 for the school's library from the Riverside County Bar Foundation, Inc., and members of the RCBA, along with some donated books from members. Then we were each assigned two classrooms where we



Jacqueline Carey-Wilson

could either read our favorite children's book or a book chosen by the students and then talk a little about the legal profession.

My favorite moment was when I walked into the first classroom and the students were so excited to see me that they ran up to greet me, and then sat directly in front of me, inching closer and closer when I was reading, so they could see the pictures in the books. I was so grateful for the opportunity to read to the students. They were joyful, bright, and inquisitive. The students, faculty, and staff at Harrison Elementary were excited for the visit and appreciated all who volunteered their time to read and/or who donated books/funds for the school's library. The following are comments from the other volunteer readers:

Agustin Tovar

The most impactful moment for me was when I noticed a young fourth grade little girl that I perceived was somewhat detached. Being a super shy student when I was in college, I have to this day a fond memory of a professor that was persistent in bringing me out of my shell. I did the counter intuitive or less common practice of not solely calling on the kids that looked the most intelligent or most willing to participate.

I deliberately addressed the little girl and immediately her classmate sitting next to her informed me that she did not speak English. I spoke to the little girl in Spanish and gave her a reassuring smile and a brief synopsis of the book. Her smile made my day and reminded me of why I had decided to participate and have done so in the past and will continue to do so.

It is so important to give back to the community. There were several highly intelligent students: students that knew chess; students that asked probing questions; and students that were extroverted and articulate. While it is important to keep these kids in mind, I feel that it is also vital to seek to help those that perhaps do not come from home environments that are conducive to learning.



Jacqueline Carey-Wilson giving Principal Clarissa Brown the \$1000.00 donation for the school's library from the Riverside County Bar Foundation and members of the RCBA.



Theresa Savage



Jeff Van Wagenen



Cathy Holmes

I would like to express my gratitude for being allowed to participate in this highly valuable and meaningful activity. I congratulate the person that made the decision to involve this organization in interacting with young students.

Michael Brusselback

What a great way to start the day with our colleagues for RCBA's Reading Day at Harrison Elementary School. It was a wonderful experience to be out in our school community to promote the importance of reading and education. It was delightful to interact with the bright-eyed and engaging students. Whether from the 4th grade students to the TK students, their questions and thoughts were insightful, entertaining, and fun. I hope to see this event put on again each year by RCBA and I encourage all of our bar members to come out and read with the bright minds of our local elementary schools.

Amy Guldner

I am so glad I was able to participate in Reading Day! It was such a treat to interact with the kids and help them see our profession for the noble and service-oriented one that it is. It takes so little effort on our part to drive to the school and read a few books, and it can have a huge impact. The school staff was so appreciative and even provided us with a fabulous breakfast spread and goody bags too.



Paula McIntyre



Kenny Ramirez

I will absolutely participate again and I highly recommend that all RCBA attorneys consider giving of their time to this event. We don't often get opportunities to impact youngsters like this, and we should seize each and every one of them.

Matt Strickroth

Thank you very much for the opportunity to participate in Reading Day at Harrison Elementary School. I found it very rewarding to spend some time with the students doing something that lawyers do every day, and mostly take for granted, which is so important for the education and development of the next generation—READING. I read the kindergartners a story about a boy with a pet penguin; and the sixth graders heard some poems from Shel Silverstein's *Where the Sidewalk Ends*. I also talked to both classes a little about being a lawyer and what lawyers

Thank you to the Following Volunteer Readers

- Tom Allert
- Mary Avalos
- Michael Brusselback
- Jacqueline Carey-Wilson
- Veronica Garcia
- Amy Guldner
- Cathy Holmes
- Neelam Kahlon-Pfister
- Martha Knutson
- Paula McIntyre
- Kelly Moran
- Lori Myers
- Kenny Ramirez
- Sharon Ramirez
- Theresa Savage
- Shumika Sookdeo

- Matt Strickroth
- Agustin Tovar
- Daniela Tovar-Jalalian
- Brandy Tristao
- Angela Viramontes
- Jeff Van Wagenen

Thank you to the Following who Donated Funds/Books

- Law Office of Stacy Albela
- Jacqueline Carey-Wilson
- Veronica Garcia
- Kelly Moran
- Kenny Ramirez
- Sharon Ramirez
- Raychele Sterling
- Matt Strickroth
- Jeff Van Wagenen

do for others. Somewhat surprisingly, the kids seemed genuinely interested in what I had to say and read for them! Likewise, the faculty were very organized and supportive of our group which made the experience very easy and enjoyable. I will definitely be back next year!

Angela Viramontes

I had a great time reading to the students. I read “Marco Comes Late” by Dr. Seuss. The second graders I read to really enjoyed the story and laughed out loud. They asked many questions about my career such as do you work a lot, do you like your job, is your job hard? With the fifth graders that I was supposed to read to, I never read because I spent the entire time answering questions about my career. I was so impressed by their curiosity, outspokenness, and insightfulness. I look forward to participating in this event again next year!

Sharon Ramirez

It was truly special to witness the joy of the first grade students as we read “The Secret Science Project that Almost Ate the School.” Their energy and eagerness was evidenced by the fact that they wanted to continue reading even after we had finished our second book. Not only did the students have a love for reading, but



Sharon Ramirez

they did not hesitate to share their dreams of becoming doctors, teachers, food critics, and more. The future is bright! I look forward to next year’s Reading Day! Thank you to RCBA for organizing a wonderful event. It’s a honor to be able to motivate and encourage the next generation of world changers.

Jacqueline Carey-Wilson is a deputy county counsel with San Bernardino County, chair of the Reading Day Committee, and past president of the Riverside County Bar Association and the Inland Empire Chapter of the Federal Bar Association.



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JUDICIAL PROFILE: A DREAM ACHIEVED— AN INTERVIEW WITH NEWLY APPOINTED RIVERSIDE COUNTY JUDGE MAGDALENA COHEN

by Juanita E. Mantz

Newly appointed Judge Magdalena Cohen knew early in life that being appointed to the bench was a dream of hers. Growing up, Judge Cohen's family, especially her aunts, instilled a sense of advocacy and social justice in her. Then at eighteen, while visiting a cousin in Washington D.C., she toured the United States Supreme Court and had "chills" while standing in the chamber, imagining herself being a judicial officer one day.

That day has come. Judge Cohen was sworn in as a judicial officer earlier this year after more than fifteen years of public service as a deputy public defender and trial lawyer. Her path is both unique and inspirational and proof that dreams, even deferred, do come true if you believe.

Judge Cohen was born in the Torrance area of Los Angeles County and raised with her three brothers by her physical therapist mother and her father who worked in entertainment at Paramount Pictures, specializing in editing and post-production.

After high school, she attended college at Lewis and Clark in Portland, Oregon where she played power forward on their girls' basketball team. After college, Judge Cohen initially considered going into education and was headed for the Teach for America program when she received a call from Southwestern Law School for entry into their accelerated two year SCALE program. She took the offer, which was made mere weeks before the semester started, and jumped right in. While there, she developed a love of constitutional law, and knew public service was her calling.

Judge Cohen came to the Riverside County Law Offices of the Public Defender ("LOPD") in March of 2007, right after law school. She worked tirelessly at the LOPD for over a decade and a half and ended her long public defense tenure as a calendar lead in Department 41, supervising a team of lawyers in the vertical assignment criminal court. All of this was after time as a trial lawyer in felony trials, and stints in misdemeanors, drug court, domestic violence court, and even as a lead at Banning courthouse.

When asked, Judge Cohen emphasized that her biggest inspiration was her late father who came from blue collar roots and yet, despite his humble upbringing, was a dreamer, one who wanted to make movies. As a young man in California, her father hit the pavement, going from studio to studio looking for work. Her father found his dream and excelled, eventually choosing to work in post-production, so he could be family focused. Her father worked with studio giant Steven Spielberg for many years and passed away only a few years ago.

Judge Cohen's father taught her that having a dream and making it happen, may not be easy, but if you stick to it, you end



Hon. Magdalena Cohen

up where you want to be. "My dad also taught me that you can do whatever you want to do as long as you put forth the effort," Judge Cohen said with a reflective sigh for her beloved father.

By the time she was appointed to the bench this year, Judge Cohen had achieved another big goal of hers, being a parent. In 2015, Judge Cohen decided to put her judicial aspirations on hold for a while to adopt two daughters who are siblings. For the next few years, Judge Cohen sought balance and focused on nurturing her children and helping them thrive. Adopting her daughters, she noted, "changed everything for me" and "caused me to restructure every part of my life." According to Judge Cohen, "My daughters are my greatest gift, most importantly, being

their parent is the most difficult thing I have ever accomplished. Our journey was not always a perfect Instagram picture, but we figured it out together."

Judge Cohen's oldest daughter is currently a student at University of California, Los Angeles and her younger daughter is in middle school. Interestingly, Judge Cohen noted that she believes that it is her parenting experience that will most help her on the bench. She said, "When you have children, you learn how you can change the world and people directly, one on one, the realness of being in it, alters the lens."

Judge Cohen added that the skills she learned as a parent, further translate to her own judicial temperament. These skills she learned have helped her "understand when behaviors are chosen and how, often times they are not, and the role childhood trauma plays on the brain," which impacts all structures from the elementary school system to the prison system.

Judge Cohen is a firm believer in restorative justice and incorporating victims into the equation as well and aims to bring "victims more closure."

In her spare time, Judge Cohen is a voracious reader of all genres, including both fiction and nonfiction, and appreciates the characters' emotional development in Young Adult books. One of her current favorite books is the memoir *Her Honor* by Judge LaDoris Hazzard Cordell. In addition to reading, she also enjoys playing cards, board games, and taking walks.

Judge Cohen is currently assigned to a criminal department at the Larson Justice Center in Indio.

Juanita E. Mantz is a writer and Riverside County deputy public defender who works in mental health law. She has written and published two novels, Tales of an Inland Empire Girl (Los Nietos Press, 2022) and Portrait of a Deputy Public Defender, or How I Became a Punk Rock Lawyer (Bamboo Dart Press, 2021), which she is adapting for the screen and stage.





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OPPOSING COUNSEL: JASON A. SEWARD

By L. Alexandra Fong



Jason A. Seward

Each child deserves a safe and stable environment that helps them thrive.¹

Jason A. Seward was raised in California. After graduating from high school, he headed to Sewanee, Tennessee to attend University of the South, a world class

liberal arts college. He graduated with a Bachelor of Science degree in biology. Upon graduation, he returned to California and began teaching eighth grade science at a public school in Redondo Beach. Ultimately, he realized that he was not meant to be a teacher and law school beckoned.

He applied to, and was accepted at, University of La Verne College of Law. He attended law school at night while working

full-time. While a student there, he had the opportunity to assist with re-writing the Juvenile Bench Guide for a judicial officer in Los Angeles County.

While in law school, Jason clerked for Crandall Wade & Lowe, an insurance defense law firm in Ontario, California.² After graduating from law school and passing the California Bar Exam, he began his legal career as an associate at Crandall Wade & Lowe. After several months of practicing insurance defense, he was hired as a contract attorney for the Juvenile Defense Panel (JDP), an association of independent contractors who are private attorneys who provide legal representation to parents and children. He discovered his forte in child welfare law, representing parents and children³ while working at JDP and enjoying his appearances in court on a daily basis.

After four years with JDP, he was hired as a deputy county counsel with Riverside County and assigned to the Indio office, handling child welfare proceedings on behalf of the Department of Public Social Services, Children's Services Division (DPSS-CSD).⁴ He has worked in all four offices (County Farm, Riverside, Indio, and Murrieta). Except for a brief stint handling matters for the Sheriff's Department and Registrar of Voters, his entire career at Riverside County Counsel's Office has been devoted to the protection of children in child welfare proceedings.

Throughout the years, Jason has advanced within the office of County Counsel from deputy county counsel at his time of hiring in September 2008, to his current position as chief deputy county counsel. As chief deputy, he leads a dedicated team of eighteen trial attorneys in the three regions – County Farm, Indio and Murrieta – where there are juvenile dependency courts.

He enjoys working in this compelling area of law. He teaches various programs to new social services practitioners at their months-long induction training. He finds inspiration in the hard work of the trial attorneys, DPSS-CSD social service practitioners, and DPSS-CSD supervisors.

In his spare time, Jason enjoys cruising to foreign destinations, camping, fishing and spending time at the beach.

L. Alexandra Fong is a deputy county counsel for the Riverside County Counsel's Office in its Child Welfare Division. She is a past president of the Riverside County Bar Association and Leo A. Deegan Inn of Court, is the co-chair of the Juvenile Law Section of RCBA, and a member of the Publications Committee and Continuing Legal Education Committee.



¹ This quote from the Riverside County Department of Public Social Services' website could be the rallying cry of every attorney practicing child welfare law. See: <https://rivcodpss.org/foster-care-adoption/become-a-resource-family>

² The firm was renamed Wade & Lowe and began its dissolution process in September 2022, after providing coverage and outside counsel services to insurance carriers for 46 years.

³ Juvenile Defense Panel attorneys are appointed by the court to represent parents and minors in child welfare cases before the Juvenile Dependency courts located in Riverside and Murrieta. Attorneys contracted with a desert law firm represent minors and their parents in Indio.

⁴ At the time Jason was hired, there was one courtroom in Murrieta handling child welfare hearings and, since he had previously represented parents and minors, he was assigned to Indio to avoid any conflicts of interest.

BORN YESTERDAY — A PROJECT GRADUATE FUNDRAISER

by L. Alexandra Fong

Project Graduate, a joint program of Riverside County Department of Public Social Services, Riverside Superior Court, and Riverside County Bar Association, began in 2011 when Riverside Superior Court Presiding Judge Sherrill Ellsworth announced the court's desire to help foster youths throughout Riverside County to graduate from high school and become productive community members.¹ Honorable Matthew Perantoni, then a commissioner handling juvenile dependency matters in the Riverside branch of the Juvenile Courts, would ultimately hold the educational calendars in his courtroom.²

Project Graduate is a voluntary program. The foster students agree to participate in the program, but can choose to withdraw from the program at any time. A typical participant spends two years in the program, but depending on their progress may spend up to three years in the program.

Project Graduate provides incentives to its participating students on a monthly basis and, after completion of the program and graduation from high school, these successful students receive a check and laptop computer. For the 2022-2023 program year, Project Graduate has 17 students participating in the program, which is an increase in the number of students we had participating as of December 2022.

On Thursday, April 20, 2023, Project Graduate will hold its yearly fundraiser, so that it can raise funds to provide these monthly incentives and gifts to its students. The fundraiser is comprised of a social and theatrical performance of Garson Kanin's "Born Yesterday," which will

be held at Riverside Community Players Theatre, located conveniently in downtown Riverside at 4026 Fourteenth Street. Hors d'oeuvres and beverages will be served at the social, which will also include a silent auction of a variety of items including, an In-N-Out Summer Pack, admission to U.S.S. Midway Museum, admission to Six Flags Magic Mountain, admission to the Santa Ana Zoo, admission to Aquarium of the Pacific, tickets to an Angels baseball game, artwork and more.

We are seeking items to auction off at our fundraiser. We are also seeking sponsorships at the following levels: Producer (\$1000), Director (\$500), Production Manager (\$250) and Stage Manager (\$100). In order to receive recognition in our program for the event, silent auction items and sponsorships must be received at RCBA offices by Thursday, April 13.

Social tickets are available for \$40 per person, theatrical tickets are available for \$20 per person, and combination tickets (social + theatre performance) are available for \$50 per person. In order to keep an accurate count of the number of guests, payment for the tickets is due by Tuesday, April 18.

For further details about Project Graduate and/or our fundraiser, please contact L. Alexandra Fong, at (951) 961-8715 or by email at RCBF.ProjectGraduate@gmail.com.

We appreciate any and all support you may offer us and cannot wait to see you on April 20!

L. Alexandra Fong is a deputy county counsel for the Riverside County Counsel's Office in its Child Welfare Division. She is a past president of the Riverside County Bar Association and Leo A. Deegan Inn of Court, is the co-chair of the Juvenile Law Section of RCBA, and a member of the Publications Committee and Continuing Legal Education Committee.



- 1 See article by then-attorney Mona Nemat in the November 2011 issue of *Riverside Lawyer*.
- 2 Hon. Jacqueline Jackson and Hon. Cheryl Murphy also oversaw the educational calendars during their assignments to Juvenile Court. The educational calendar is now being handled by Hon. Mona Nemat.

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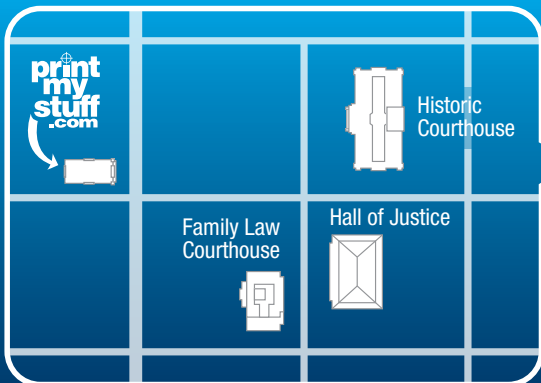
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Conference Rooms Available

Conference rooms, small offices and the Gabbert Gallery meeting room at the RCBA building are available for rent on a half-day or full-day basis. Please call for pricing information, and reserve rooms in advance, by contacting Charlene or Lisa at the RCBA office, (951) 682-1015 or rcba@riversidecountybar.com.

Job Openings at Court of Appeal

The Court of Appeal, Fourth District Division Two, in Riverside is seeking three attorneys, two for the writs department and one for a central staff. The job listings will remain open until filled: Appellate Court Attorney Level D - Senior (Writs Department - 2 positions, Job ID 5818); Senior Appellate Court Attorney (Central Staff - 1 position, Job ID 5817). To obtain more information about these positions and apply, go to www.courts.ca.gov/careers.

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MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective April 30, 2023.

Theresa Brennan – California Workplace Counsel LLP, Alta Loma

Dairely Corona – Law Student, San Bernardino

Sarah E. Gerst – Richards Watson & Gershon, Los Angeles

Julia Ramos – The Matian Law Firm, Hemet

Steven D. Sabel – Astuno Sabel APC, Palm Desert

Courtney B. Taylor – Law Student, Rialto

Denise Torres – Torres Legal Consulting Inc., Riverside

Jessica E. Velasquez – Law Student, Perris

Ronni Marie Vogelsang – Office of the District Attorney, Riverside



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