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April 7, 2020

The Honorable Assemblywoman Blanca E. Rubio
Member of the Assembly, 48th Assembly District
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0048

Re: AB 2197 (Rubio) as Introduced on February 12, 2020
Position: Oppose, unless amended

Dear Assemblywoman Rubio,

On behalf of the California Association of Certified Family Law Specialists, a non-profit organization with 660 members who are certified as family law specialists by the State Bar of California, Board of Legal Specialization, I write in opposition to Assembly Bill 2197 "AB 2197"), as introduced.

AB 2197 would create the Workgroup on Child Custody and Court Proceedings comprised of various members. The bill would require the Workgroup to study child custody court proceedings in our state, study available science and best practices pertaining to children in traumatic situations, and make recommendations to the Legislature about how courts can incorporate the latest science and legal determinations regarding the safety and well-being of children and other victims of domestic violence into court proceedings. ACFLS believes these are important, laudable goals, but has concerns about the membership makeup of the Workgroup.

ACFLS is concerned that the Workgroup duty to study “available science and best practices” might be misinterpreted resulting in a focus on what might be subjective “science and best practices,” rather than focusing primarily on *peer-reviewed* “science and best practices” that have tested credibility in their respective fields. ACFLS suggests that the language in Family Code section 3842, subdivision (b) include language to this effect. For example, “Study available science, professional literature and evidence- based and evidence-informed best practices....”

ACFLS has significant concerns that no mental health professionals will be members, which leaves out key members of the public that have important insight into the purpose and goals of the Workgroup. This concern could be resolved by the addition of at least one mental health professional as a member.

ACFLS has a general concern that the constituency of the workgroup, as stated, appears to be aimed at providing anecdotal experience and insight, rather than meeting the stated objective of a neutral analysis of the “science and best practices.” This concern could be resolved by ensuring there are more members with expertise in mental health and/or in the practice or administration of child custody law.

ACFLS would reconsider support of AB 2197 if amendments were made addressing ACFLS’ concerns about membership in the Workgroup. ACFLS proposes the following changes to membership list as it currently exists in AB 2197 with respect to Family Code section 3480:

- As to subdivisions (a) and (b), ACFLS suggests that such members also be members of the Judiciary Committee of their respective Houses, since such legislators have significant involvement in the administration of family law in practice and in our courts;
- As to subdivision (c), ACFLS suggests adding that the Chief Justice’s Designee would be a current or retired family law judge;
- As to subdivision (d)(1), ACFLS suggests the number of members be one rather than three, which is conformity with the number of members of other categories;
- As to subdivision (d)(2), ACFLS suggests changing the members as being from the California Lawyer’s Association, Family Law Executive Committee;
- As to subdivision (d)(3); ACFLS suggests changing the member to being an attorney who is a Certified Family Law Specialist with significant custody litigation experience;
- As to subdivision (d)(4) and (5), ACFLS suggests removing these categories of members;

- As to subdivision (d)(6), ACFLS suggests the membership category be changed to be a representative of an interview center connected to dependency court processes;
- As to subdivision (d)(8), ACFLS suggests the membership category be changed to be a representative that is an attorney or mental health professional employed by a domestic violence and/or victim advocacy group or agency;
- As to subdivision (d)(9), ACFLS suggests the membership category be changed to be a licensed mental health professional with expertise and professional experience in trauma- informed decision making in family law cases;
- As to subdivision (d)(10) and (11), ACFLS suggests removing these categories of members; and
- ACFLS suggests adding the following member categories to the list:
 - One representative from a non-profit professional organization of family law attorneys and/or mental health professionals;
 - One university or college-affiliated professor, or other affiliated professional, with significant experience in the field of child custody research;
 - One mental health professional who is a licensed psychologist and/or a holder of a Master's of Social Work and who has significant professional experience in child custody matters; and
 - One attorney who has significant experience as court-appointed counsel for minors in juvenile dependency and/or family law cases. Dependency or FL custody cases.

Respectfully submitted,



AVI LEVY, CFLS
Legislative Director, ACFLS