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IN THE SUPREME COURT OF CALIFORNIA

FELIPE ESPINOZA,
Objector and Petitioner,

v.

SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES,
Respondent,

MARISOL ESPINOZA,
Petitioner and Real Party in Interest.

AFTER A DECISION BY THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT, DIVISION THREE, CASE NO. B322665

PETITION FOR REVIEW

WESTERN CENTER ON LAW AND POVERTY
ROBERT D. NEWMAN (SB#86534)
ANTIONETTE DOZIER (SB#244437)
3701 Wilshire Boulevard, Ste. 208,
Los Angeles, California 90010
(213) 487-7211; Fax: (213) 487-0242

PUBLIC COUNSEL
KATHRYN A. EIDMANN (SB#268053)
TARA CHANTELLE FORD (SB#322049)
MALKA S. ZEEFE (SB#343153)
610 South Ardmore Avenue,
Los Angeles, California 90005
(213) 385-2977; Fax: (213) 385-9090

SKIERMONT DERBY LLP
JOHN J. O'KANE, IV (SB# 268632)
633 West Fifth Street, Suite 5800,
Los Angeles, California 90071
(213) 788-4500; Fax: (213) 788-4545

ELLIS GEORGE CIPOLLONE O'BRIEN ANNAGUEY LLP
NICHOLAS J. BEGAKIS
(SB#253588)
801 S. Figueroa Street, Suite 2000,
Los Angeles, California 90017
(213) 725-9800; Fax: (213) 725-9808

GREENBERG GROSS LLP
SARAH KELLY-KILGORE
(SB#284571)
601 S. Figueroa Street, 30th Floor,
Los Angeles, California 90017
(213) 334-7000; Fax: (213) 334-7001

ROBERT JACOBS LAW
ROBERT N. JACOBS (SB#102745)
550 E. Green Street, Suite 203,
Pasadena, California 91101
(626) 795-1986; Fax: (626) 795-3204

ATTORNEYS FOR PETITIONER
FELIPE ESPINOZA

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PETITION FOR REVIEW

ISSUES PRESENTED

1. When an indigent parent objects to a petition for guardianship that impacts his fundamental parental rights, must the probate court apply the procedural balancing test required by California's Due Process Clause to determine whether the parent is entitled to court-appointed counsel?

2. Does California's Due Process Clause provide for a more expansive right to counsel than the federal Due Process Clause in proceedings where indigent parents are at risk of losing custody of their children?

3. Where a government agency induces or directs the filing of a petition for guardianship in probate court that places indigent parents at risk of losing custody of their children, do the parents have a right to counsel under the Due Process Clause of the California Constitution?

REASONS FOR GRANTING REVIEW

This case presents an unsettled question of basic due process that has immediate and profound consequences for thousands of indigent parents at risk of losing custody of their children through probate guardianships across the State each year. This Court's review is necessary to resolving whether indigent parents have the right to counsel in probate guardianship proceedings and, if so, under what circumstances. Without action by this Court, the fundamental rights of vulnerable parents will continue to be abridged and families torn apart, often permanently, all without basic due process protections.

This Court has long recognized the weighty constitutional liberty interest in the parent-child relationship. "A parent's interest in the companionship, care, custody, and management of his children is a compelling one, ranked among the most basic of civil rights." (*In re Marilyn H.* (1993) 5 Cal.4th 295, 306.) When children are removed from their families, compelling rights are at stake that profoundly affect nearly every aspect of the lives of both parent and child. Therefore, if a governmental child welfare agency seeks to place the child in state custody through the dependency court system, the parent is entitled to procedural protections including the right to an attorney. (Welf. & Inst. Code, § 317, subd. (c).)

Probate guardianships, like dependency proceedings, are acts of the State by which "parents may ultimately lose custody of their children." (*Guardianship of Christian G.* (2011) 195 Cal.App.4th 581, 596.) A successful petition for guardianship

indefinitely suspends a parent's custodial rights, and, after two years, parental rights can be terminated permanently. (Prob. Code, § 1516.5.) But, unlike in dependency court, parents in guardianship proceedings in probate court are not guaranteed an attorney. Because no clear standards guide the analysis courts must undertake when determining whether to appoint counsel, outcomes of requests for court-appointed counsel have been inconsistent and unpredictable. Courts have taken a wide range of different considerations into account or have simply relied on their own, often completely unexplained, subjective judgments. As a result, low income parents have very rarely been appointed counsel in guardianship proceedings and the Los Angeles Superior Court has even expressed the view that there is no authority to appoint counsel for parents in guardianship proceedings. These arbitrary outcomes are unacceptable, especially given the fundamental rights at stake. This Court must step in to clarify and settle the analysis that courts must undertake when determining whether indigent parents at risk of losing their children in guardianship proceedings are entitled to a court-appointed attorney.

Legal representation for parents in guardianship proceedings becomes even more necessary in cases where the State is involved in the guardianship process. If a child welfare agency believes a child is unsafe, it typically opens an investigation and seeks to remove the child from the home through a dependency court proceeding. But in other cases, a child welfare agency will not follow these formal procedures, and will instead inform a

parent that the agency will remove the child from the home unless the parent consents to grant custody of his child to a friend or relative through the guardianship process. Scholars have termed this state action the "hidden foster care system." (Gupta-Kagan, *America's Hidden Foster Care System* (2020) 72 Stan.L.Rev. 841.) Yet, although both scenarios involve State intervention in the family to remove a child from parental custody, parents in guardianship proceedings receive far fewer procedural safeguards than parents in dependency proceedings. Most notably, unlike in dependency court, parents in probate guardianship proceedings are not guaranteed a right to counsel.

Petitioner Felipe Espinoza, a devoted father who is trying to regain custody of his two sons, is one parent whose fundamental rights are at stake in a probate guardianship proceeding. Felipe's[1] experience provides an example of the "hidden foster care system." His sister petitioned for guardianship of his children at the direction of the Los Angeles Department for Children and Family Services, which instructed her to do so to avoid the children being taken into foster care. Felipe is indigent and cannot afford an attorney, and he does not have the education or training to represent himself. He requested that an attorney be appointed to represent him in these guardianship proceedings, but the probate

[1] Because the Espinoza surname is common to Felipe, his children, and real party in interest, Marisol Espinoza, this brief refers to individuals by their first name, as is often the practice in probate or family law appeals; no disrespect is intended. (*Dae v. Traver* (2021) 69 Cal.App.5th 447, 450, fn. 2.)

court denied his request and the Court of Appeal summarily denied his writ petition.

The decision by the probate court, affirmed by the denial of Felipe's writ petition, requires review by this Court for the following reasons:

First, review is necessary to determine whether and when indigent parents in contested probate guardianship cases have a right to court-appointed counsel under California's Due Process Clause. There is a split in authority among the lower courts on this issue. In *Guardianship of H.C.* (2011) 198 Cal.App.4th 1235 (hereinafter, *H.C.*), a court of appeal held that whether due process requires appointment of counsel to parents in contested guardianship proceedings must be considered and analyzed on a case-by-case basis, and used the federal procedural due process balancing test to consider the question as to the facts before it. By contrast, another line of cases, including the instant case, summarily rejects parental requests for counsel without applying any due process test at all or applying each of the required due process factors. This Court has yet to clarify when and whether indigent parents in contested guardianship proceedings have a right to court appointed counsel under the California Constitution. It should do so now.

Second, this Court should also clarify that the California Constitution affords more protection for parents in court proceedings determining whether to separate children from their parents than the United States Constitution. Decades ago, in *Salas v. Cortez* (1979) 24 Cal.3d 22, 26–34, this Court held that

article I, section 7, of the California Constitution entitled indigent men to court-appointed counsel in paternity proceedings prosecuted by the State. This Court should grant review of this case to resolve a direct conflict among courts of appeal regarding whether the federal presumption articulated in *Lassiter v. Department of Social Services* (1981) 452 U.S. 18, 25 (hereinafter, *Lassiter*)—that indigent individuals have a right to counsel only in proceedings where their physical liberty is at risk—is incompatible with California's Due Process Clause. This case provides the Court with an opportunity to confirm that California's Due Process Clause provides a more expansive right to appointment of counsel for indigent individuals whose fundamental liberty interests are at risk than its federal counterpart.

Third, review is necessary to protect parents and families from informal diversion by the State into the hidden foster care system without even the basic procedural protection at issue here: court-appointed counsel. In the matter at bar, the State unquestionably took action to impair Felipe's parental rights. Both dependency proceedings and probate guardianships have the power to suspend parental rights indefinitely and potentially permanently. (See Part II, *infra*.) If the State had removed the children to state custody through the dependency court, Felipe would have been entitled to procedural safeguards to protect his parental rights and substantive standards intended to maintain family integrity and promote reunification. But because the State chose to proceed through probate guardianship, the probate court held that Felipe did not even have a basic right to court-appointed

counsel. (Petitioner's Appen. (PA) at p. 309.) This outcome cannot be squared with the analysis in *Guardianship of Christian G.*, *supra*, 195 Cal.App.4th at pp. 596–601, which makes clear that the State may not strip parents of procedural protections by electing to remove children from their homes through the probate guardianship process instead of proceeding in the dependency system. The Court should grant review to address this conflict and resolve whether the right to counsel applies when a government agency places a parent at risk of losing custody of his or her children by seeking or directing the filing of probate guardianship petition.

This case raises questions that go to the core of the fair administration of justice. Across California, parents like Felipe are subject to courts making determinations regarding one of the most consequential aspects of their lives: whether to indefinitely separate parents from their children. It is hard to conceive a type of case more vital to the integrity of the judicial system, and the public perception of its fairness, than this one. This Court should review this matter and address the scope of the right to counsel in probate guardianship proceedings. In the alternative, Petitioner respectfully requests that the Court grant review and transfer the case to the Court of Appeal for a decision on the merits. (See Cal. Rules of Court, rule 8.500(b)(4) [review may be granted "[f]or the purpose of transferring the matter to the Court of Appeal for such proceedings as the Supreme Court may order"]; *Wash. Mut. Bank, FA v. Super. Ct. (Briseno)* (2001) 24 Cal.4th 906, 913 [transferring

case back to the Court of Appeal with instructions to issue alternative writ].)

STATEMENT OF THE CASE

Petitioner Felipe Espinoza is an indigent parent at risk of being stripped of his fundamental rights without due process in a probate guardianship proceeding. Felipe is the devoted father of two boys under the age of three and has been the children's primary caregiver for the past two years. (PA at p. 127 ¶¶ 1, 11.) For three weeks in March and April 2022, Felipe was wrongfully incarcerated for a burglary charge that was subsequently dismissed as baseless. (*Id.* at p. 127 ¶ 5.) He asked his sister Marisol to temporarily care for his sons while the public defender appointed to represent Felipe defended him against the criminal charge. (*Id.* at p. 48 ¶ 4, pp. 128–129 ¶¶ 13–15.) During Felipe's temporary incarceration, the Los Angeles County Department of Children and Family Services (DCFS) became involved with Felipe's family and contacted Marisol. (*Id.* at p. 129 ¶ 17.) A DCFS social worker instructed Marisol to petition for legal guardianship of Felipe's two children to avoid the children being placed in state custody through the dependency system. (*Id.* at p. 35; *id.* at p. 48 ¶ 4.) At DCFS's behest, Marisol then filed a petition for guardianship, and the probate court awarded her temporary guardianship of Felipe's two children. (*Id.* at p. 48 ¶ 4.) After he learned of the court's order, Felipe, acting *pro per*, objected to the guardianship. (*Id.* at pp. 47–81.) In an effort to gather evidence to protect his parental rights, he requested a copy of DCFS's case

files regarding his children, but he was told that the documents were confidential and could only be obtained by a lawyer. (*Id.* at pp. 132–133 ¶ 36.)

In advance of the full hearing on the guardianship petition, Felipe filed an *ex parte* application asking the Court to appoint an attorney to represent him at government expense. (PA at pp. 91–96.) Through attorneys making a special appearance for the limited purpose of requesting counsel, Felipe provided extensive evidence that he has difficulty reading and writing and lacks the ability to represent himself, that he is indigent and cannot afford to hire an attorney, and that *pro bono* attorneys for indigent parents in contested probate proceedings are not available in the area. (E.g., *id.* at pp. 131–132 ¶¶ 31–33; *id.* at pp. 156–160, 213–215.) Without holding a hearing, the probate court denied Felipe's application in a two-paragraph order. (*PA* at p. 309.) As discussed further below, the court did not consider each of the factors required by California's due process balancing test and did not apply each of those factors to the circumstances of Felipe's case. (*Ibid.*) Instead, the probate court summarily held that the outcome of the request was controlled by the outcome in *H.C.*, *supra*, 198 Cal.App.4th at p. 1235. (PA at p. 309.) Felipe, again through limited-scope counsel, filed a writ petition seeking emergency relief from the probate court's denial of his request for court-appointed counsel. The Court of Appeal summarily denied the writ. (Opn.)

At present, there is an upcoming hearing in probate court on October 4, 2022, at which time Felipe's constitutional right to the

companionship, care, custody, and control of his children may be further suspended—perhaps indefinitely. Limited-scope counsel will be asking the probate court to continue the October 4 hearing until this Court acts upon the petition for review. If the probate court refuses to grant such a continuance, then limited-scope counsel will ask this Court to stay the proceedings in the trial court.

LEGAL ARGUMENT

I. THIS COURT SHOULD ADDRESS WHETHER AND WHEN INDIGENT PARENTS IN CONTESTED PROBATE GUARDIANSHIP CASES HAVE A RIGHT TO APPOINTED COUNSEL UNDER CALIFORNIA'S DUE PROCESS CLAUSE.

This Court has not yet addressed whether and when indigent parents in contested probate guardianship cases have a right to appointed counsel under California's Due Process Clause. (See, e.g., *H.C.*, *supra*, 198 Cal.App.4th at p. 1245 ["We have found no California authority that directly addresses whether and under what circumstances a parent may have a due process right to counsel in a guardianship proceeding brought under the Probate Code, but the principles that guide the due process considerations have been extensively explored in the related context of dependency proceedings."].) In the absence of such guidance, the lower courts have rendered inconsistent rulings, leading to arbitrary outcomes. This has contributed to the present lack of uniformity within parental-rights jurisprudence, both in the context of probate guardianship and across different types of proceedings adjudicating the temporary and permanent cessation of parental rights. This inconsistency makes the legal system uncertain and unreliable, and more likely to lead to injustice. And, in practice, the current patchwork system has meant that very few parents whose fundamental rights risk extinguishment have received appointed counsel. Because this group disproportionately

comprises low-income communities and communities of color, the existing state of the law has not led to equitable justice.

Accordingly, this Court must step in to provide guidance to lower courts to present a uniform and fair approach, promote just and equitable decisions, and protect fundamental parental rights.

A. Review should be granted to resolve whether courts must apply California's procedural due process factors to determine whether an indigent parent objecting to a petition for guardianship has a right to counsel.

As a threshold matter, this Court has not yet addressed the foundational question of whether there are at least some circumstances an indigent parent at risk of losing custody of his child in a probate guardianship proceeding may be constitutionally entitled to an attorney. In this absence of this guidance, there is clear confusion among lower courts regarding both what the standard is for appointment of counsel and what analysis is required to correctly apply that standard.

In *H.C.*, one court of appeal held that this determination is controlled by the federal procedural due process balancing test and further held that the appropriate analysis requires application of the due process factors on a case-by-case basis to the particular facts at hand. (*H.C.*, *supra*, 198 Cal.App.4th at p. 1246.) Other courts, however, have concluded without analysis that due process does not require the appointment of counsel in guardianship proceedings. The probate court in this matter stated that it was

following *H.C.* but did not undertake the case-by-case analysis required by that approach and, specifically, did not analyze the application of each due process factor to the facts presented by the instant case. Given the compelling interests at stake for Felipe and other parents like him, this Court should step in to resolve this conflict.

In *H.C.*, the court held that whether due process requires appointment of counsel to parents in contested guardianship proceedings must be considered and analyzed on a case-by-case basis. (*H.C.*, *supra*, 198 Cal.App.4th at p. 1246.) The court applied the federal procedural due process balancing test—rather than the California test[2]—to determine whether a due process violation had occurred, and concluded that due process would not require appointment of counsel in that particular case. (*Id.* at p. 1249.) Critically, *H.C.* recognized that a due process inquiry at least requires deliberate consideration of each of the requisite due process factors. (*Id.* at pp. 1246–49.)

The *H.C.* court's decision relied explicitly on *Lassiter v. Department of Social Services*, *supra*, 452 U.S. 18, the leading case on an individual's right to counsel in civil proceedings under federal law. (See *H.C.*, *supra*, 198 Cal.App.4th at p. 1246 ["It is now beyond debate that *Lassiter* controls whether a parent must be provided counsel in proceedings implicating the parent's

[2] Specifically, the *H.C.* court employed the three-factor procedural due process balancing test used in *Lassiter v. Department of Social Services*, *supra*, 452 U.S. 18, to analyze the federal Due Process Clause instead of the four-factor test required by California law. (*H.C.*, *supra*, 198 Cal.App.4th at p. 1246.) In this respect, *H.C.* is inconsistent with this Court's precedents. (See Part I.A, *infra*.)

custody or parental rights."].) *Lassiter* evaluated the "three elements" derived from *Mathews v. Eldridge* (1976) 424 U.S. 319, 335, "specifically, the private interests at stake, the government's interest, and the risk that the procedures used will lead to erroneous decisions." (*In re Sade C.* (1996) 13 Cal.4th 952, 987, quoting *Lassiter*, at p. 27.)[3] *Lassiter* "balance[d] these elements against each other, and then set their net weight in the scales against the presumption that there is a right to appointed counsel only where the indigent, if he is unsuccessful, may lose his personal freedom." (*Lassiter*, at p. 27.) While recognizing the "unique kind of deprivation" threatened in a matter involving parental status, *Lassiter* held that "the parent does not have the entitlement in question in every proceeding, but may in a given one, to be determined in the first instance by the court in which the matter is pending subject to appellate review." (*In re Sade C.*, at p. 987.) The *H.C.* court took as its directive the U.S. Supreme Court's holding that "whether a parent possesses a constitutional due process right to appointment of counsel in dependency actions demands resolution on a case-by-case basis." (198 Cal.App.4th at p. 1246, citing *Lassiter*, at pp. 26, 31–32; accord *In re Angelica V.* (1995) 39 Cal.App.4th 1007, 1013; *In re Christina P.* (1985) 175 Cal.App.3d 115, 129.)

Another line of cases, however, does not apply any due process test at all, and appears to conclude that court-appointed counsel simply is not constitutionally required in a probate

[3] Unless otherwise noted, internal quotation marks and citations are omitted throughout this Petition.

guardianship proceedings. (See, e.g., *Guardianship of K.J.* (Aug. 6, 2021, F080728) 2021 WL 3464260 at *17 [nonpub. opn.] ["To the extent [Mother] is claiming she was entitled to a court-appointed attorney, she did not request one and even if she had, declining to appoint one does not, of itself, violate due process." (citing *H.C.*, *supra*, 198 Cal.App.4th at pp. 1245–46)]; *Guardianship of Brian M.* (Nov. 27, 2017, B269487) 2017 WL 5664816 at *6 [nonpub. opn.] ["And the trial court declining to appoint mother counsel in the guardianship proceedings—if it declined to do so—does not, of itself, violate due process." (citing *H.C.*, at pp. 1245–246)]; *Guardianship of Jordyn P.* (Mar. 13, 2015, F068803) 2015 WL 1182196 at *3, fn. 1 [nonpub. opn.] ["Appellant also sought the appointment of an attorney to represent her in those proceedings. However, a parent is not entitled to counsel in probate guardianship proceedings." (citing *H.C.*, at p. 1249)].)[4]

The probate court in this matter appeared to take yet another approach. Specifically, although it considered itself bound by the *outcome* in *H.C.*, the probate court did not follow the approach directed by *H.C.* (PA at p. 309.) It did not apply the

[4] Petitioner cites these unpublished opinions not as controlling or persuasive authority, but to show the need for uniformity of decision in this area. Despite the general prohibition in California Rules of Court, rule 8.1115(a) against citing unpublished opinions, this Court has often noted such opinions for similar purposes. (See, e.g., *Williams v. Chino Valley Indep. Fire Dist.* (2015) 61 Cal.4th 97, 113 [noting that the plaintiff had referenced an unpublished case to show that litigation costs can be substantial]; *Conrad v. Ball Corp.* (1994) 24 Cal.App.4th 439, 444, fn. 2 [the "message from the Supreme Court seems to be that unpublished opinions may be cited if they are not 'relied on'"].)

balancing test, it did not go through the due process factors, and it did not analyze those factors' application to this context. Instead, the probate court issued a two-paragraph order that, other than "recogniz[ing] one factual distinction" not at issue here, deferred to *H.C.* in its relative entirety. (*Ibid.*) Indeed, the probate court concluded that the court's statement that "a constitutional due process right to appointment of counsel demands resolution on a case-by-case basis" actually meant that the *H.C.* court's "analysis, findings, and legal conclusions as to each of the pertinent factors applies generally to California guardianship proceedings, not just the proceedings in that case." (*Ibid.*) In other words, the probate court interpreted *H.C.*'s "case-by-case basis" to mean that cases within the same type—here, California guardianship proceedings—do not warrant individual due process scrutiny.

These inconsistent approaches taken by different courts cannot be reconciled, and this Court should grant review to determine whether courts must consider each of the required factors in the due process balancing test to determine whether a parent whose parental rights are at risk in a contested probate guardianship proceeding is entitled to court-appointed counsel.

B. Review should be granted to settle whether California's Due Process Clause provides for a more expansive right to counsel than the federal Due Process Clause in proceedings where an indigent parent risks losing custody of his or her children.

This Court should also step in to settle whether California's Due Process Clause provides for a more expansive right to counsel than the federal Due Process Clause in proceedings where an indigent parent is at risk of losing custody of his or her children. Specifically, the Court should grant review of this case to resolve a direct conflict among courts of appeal regarding whether the federal presumption articulated in *Lassiter* that indigent individuals have a right to counsel only in proceedings where their physical liberty is at risk is incompatible with California's Due Process Clause. It is well-established that California's Due Process Clause "is much more inclusive" than its federal analogue and "protects a broader range of interests" than the federal constitution. (*People v. Bedrossian* (2018) 20 Cal.App.5th 1070, 1074; see *Ryan v. Cal. Intersch. Federation* (2001) 94 Cal.App.4th 1048, 1069 [discussing, for example, *People v. Ramirez* (1979) 25 Cal.3d 260 and its instruction that the California Constitution protects not just established property or liberty interests but against "arbitrary adjudicative procedures"]; *Gresher v. Anderson* (2005) 127 Cal.App.4th 88, 104 [same].) This case provides an ideal vehicle to address the longstanding question of whether California's more protective Due Process Clause provides a more expansive right to appointment of counsel for indigent individuals whose fundamental liberty interests are at risk than its federal counterpart.

More than 40 years ago, this Court held that indigent men are entitled to the appointment of counsel in paternity proceedings prosecuted by the State under both the Fourteenth Amendment to

the United States Constitution and article I, section 7, of the California Constitution. (*Salas v. Cortez*, *supra*, 24 Cal.3d at pp. 26–34.) The Court reasoned, among other things, that an "adjudication of paternity may profoundly affect a person's life," that it "may disrupt an established family and damage reputations," and that it "exposes a defendant to deprivation of property and, potentially, liberty." (*Id.* at p. 28.)

Three years later, however, the U.S. Supreme Court decided *Lassiter*, where it established a "presumption" that, under the federal Due Process Clause, "an indigent litigant has a right to appointed counsel *only* when, if he loses, he may be deprived of his physical liberty." (*Lassiter*, *supra*, 452 U.S. at pp. 26–27, emphasis added.) *Lassiter* was a 5-4 opinion with dissents by Justices Blackmun, Brennan, Marshall, and Stevens, who advocated for the approach this Court took in *Salas*. (*Id.* at pp. 35–60.) The Court held, however, that indigent litigants who are not facing a deprivation of physical liberty could overcome this presumption by making a sufficient showing regarding the litigants' interests. (*Id.* at pp. 26–27.)

In the subsequent years, California courts have struggled to reconcile *Salas* and *Lassiter*, leading to a direct conflict among the lower courts as to whether the federal presumption announced in *Lassiter* also applies to California's Due Process Clause. One court of appeal has held that "California precedents do not give rise to such a presumption under the California constitution and, indeed, hold just the opposite." (*In re Jay R.* (1983) 150 Cal.App.3d 251, 261–262.)

On the other hand, other courts have held that the *Lassiter* presumption does apply to California's Due Process Clause, at least under some circumstances. (See, e.g., *Iraheta v. Super. Ct. (Garcetti)* (1999) 70 Cal.App.4th 1500, 1506; see also *Walker v. State Bar* (1989) 49 Cal.3d 1107, 1116 [ruling that an attorney does not have a constitutional right to assistance of counsel in State Bar proceedings].) *H.C.* followed this line of cases in the probate guardianship context, stating that the "net weight" of the factors in favor of appointing counsel to indigent parents in contested probate guardianship proceedings should be set "against the presumption that there is a right to appointed counsel only where the proceedings threaten the indigent litigant's personal liberty." (198 Cal.App.4th at p. 1246, citing *Lassiter*, *supra*, 452 U.S. at p. 27.) Because the probate court below held that the outcome in *H.C.* was controlling in the instant case, the court has implicitly joined this line of cases as well. (PA at p. 309.)

Lassiter and its California progeny have further stacked the deck against the indigent by saying that "the presumption against the right to appointed counsel" might be overcome only in those cases where "the parent's interests were at their strongest, the State's interests were at their weakest, and the risks of error were at their peak." (*Lassiter*, *supra*, 452 U.S. at p. 31; *Iraheta, supra,* 70 Cal.App.4th at p. 1505 ["[W]here there is little or no possibility that a defendant will be deprived of his physical liberty, he must demonstrate an extremely important interest which is sufficiently compelling to overcome the presumption that appointment of counsel is not required unless a litigant may be deprived of his

physical liberty."].) In *H.C.*, the court likewise held that "this is not a case where the parent's interests were at their strongest, the State's interests were at their weakest, and the risks of error were at their peak so as to outweigh the presumption that due process guarantees appointed counsel only where loss of liberty is threatened." (*H.C.*, *supra*, 198 Cal.App.4th at p. 1249.)

Indigent parents and other low-income individuals should not be required to meet such steep requirements for the appointment of counsel. Just last year, this Court observed that "terminating parental rights is . . . a uniquely serious step—one widely recognized as ranking 'among the most severe forms of state action.'" (*In re A.R.* (2021) 11 Cal.5th 234, 245, quoting *M.L.B. v. S.L.J.* (1996) 519 U.S. 102, 108.) This Court added that "[t]he first protection is the right to counsel," and, "[d]epending on the circumstances of the case, constitutional due process sometimes demands the appointment of counsel for a parent facing the termination of rights." (*Ibid.*) While the holding in *In re A.R.* regarding individuals' ability to file an untimely appeal from the termination of their parental rights was based on a statutory analysis, the opinion underscores the importance of legal representation to parents threatened with the loss of their parental rights, such as Felipe and other parents who are in danger of losing custody of their children through guardianship proceedings.

This Court has already held that California's Due Process Clause is broader than its federal counterpart in at least one respect that impacts the scope of the right to counsel in probate

guardianship proceedings. When interpreting whether a procedural due process violation has taken place under the U.S. Constitution, courts evaluate "three elements" derived from *Mathews v. Eldridge* (1976) 424 U.S. 319, 335: "the private interests at stake, the government's interest, and the risk that the procedures used will lead to erroneous decisions." (*Lassiter, supra*, 452 U.S. at p. 27.) But California law adds consideration of the dignity interests associated with actual informed notice of the proceedings and the ability to present one's side. (See, e.g., *In re Malinda S.*, *supra*, 51 Cal.3d at p. 383, superseded by statute on other grounds.) California law provides for a flexible balancing of **four** well-established factors where, as here, due process rights are triggered. Those factors are:

> (1) the private interest that will be affected by the official action, (2) the risk of an erroneous deprivation of such interest through the procedures used, . . . (3) the dignitary interest in informing individuals of the nature, grounds and consequences of the action and in enabling them to present their side of the story before a responsible government official, and (4) the governmental interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

(*In re Jackson* (1987) 43 Cal.3d 501, 510–511, citing *People v. Ramirez*, *supra*, 25 Cal.3d at p. 269.) Notably, factor three, the dignity interest, is not a factor in the federal due process balancing test. Indeed, California "presumes that when an individual is subjected to deprivatory governmental action, he always has a due process liberty interest both in fair and unprejudiced decision-

making and in being treated with respect and dignity." (*Ramirez*, at p. 268.) "The required procedural safeguards," therefore, "are those that will, without unduly burdening the government, . . . respect the dignity of the individual subjected to the decision-making process." (*Oberholzer v. Com. on Jud. Perform.* (1999) 20 Cal.4th 371, 390–391.)

Given that California's Due Process Clause is more expansive than its federal counterpart, review is warranted to determine whether California's Due Process Clause permits the federal presumption that indigent individuals have a right to counsel only in proceedings where their physical liberty is at risk.

II. REVIEW SHOULD BE GRANTED TO CLARIFY WHETHER AN INDIGENT PARENT HAS A RIGHT TO COUNSEL WHERE A GOVERNMENT AGENCY INDUCES OR DIRECTS A PETITION FOR GUARDIANSHIP THAT THREATENS HIS PARENTAL RIGHTS.

The Court should also step in to address an unsettled question with profound consequences for California's most vulnerable families: whether an indigent parent is entitled to the basic procedural safeguard of court-appointed counsel when a government agency induces or directs the filing of a petition for probate guardianship that places the parent at risk of losing custody of his or her children. Here, Felipe risks losing custody of his two children because child protective services directed his sister to petition for guardianship in probate court, telling her that

Felipe's children would otherwise be placed in foster care. (PA at pp. 35, 48 ¶ 4.) The State unquestionably took action to impair Felipe's parental rights, but, because it chose to proceed through probate guardianship instead of dependency proceedings, the probate court held that Felipe had no right to court-appointed counsel. (*Id.* at p. 309.) This decision cannot be squared with the analysis in *Guardianship of Christian G.*, *supra*, 195 Cal.App.4th 581, which makes clear that the State may not strip parents of procedural protections by electing to remove children from their homes through the probate guardianship process instead of the dependency system.

Like the instant case, *Christian G.* is a hidden foster care case. There, a child's relatives contacted child protective services to report abuse and neglect allegations, but, instead of opening a dependency court case, the agency told the relatives that "the matter could be handled through a guardianship petition." (*Guardianship of Christian G.*, *supra*, 195 Cal.App.4th at p. 589.) The relatives then successfully petitioned for guardianship of the child in probate court. (*Id.* at p. 594.) The court considered the issue of "whether a child who would normally be dealt with under the juvenile dependency laws can be put into a guardianship with fewer formalities simply because his parent's accuser is a family member who files a guardianship petition in probate court," and concluded he could not. (*Id.* at p. 596.)

The *Christian G.* court began by recognizing the "important rights at stake" for parents facing suspension or termination of their parental rights. (*Guardianship of Christian G.*, *supra*, 195

Cal.App.4th at p. 597.) Like a dependency proceeding, a probate guardianship "suspend[s]" these parental rights "indefinitely, and it often leads to practical or legal termination of the parent-child relationship, or both." (*Id.* at p. 598, quoting *Guardianship of Stephen G.* (1995) 40 Cal.App.4th 1418, 1426–27 ["As a practical matter . . . many guardianship orders will forever deprive the parent of a parental role with respect to the affected child."].) After the child has been in the guardian's custody for two years, parental rights may be terminated permanently based on only a showing that "the child would benefit from being adopted by his or her guardian." (*Id.* at p. 599, quoting, *inter alia*, Welf. & Inst. Code, § 1516.5, subds. (a)(2) & (a)(3).)

As the *Christian G.* court recognized, as compared to probate guardianships, juvenile dependency laws are "rigorously protective of the parent's presumptive rights": they contain both substantive standards and procedural safeguards intended to maintain family integrity and promote reunification, including the right to counsel. (*Guardianship of Christian G.*, *supra*, 195 Cal.App.4th at pp. 597–601.) In contrast, probate guardianship proceedings offer far fewer protections to safeguard parental rights. (*Id.* at pp. 599–600.) For example, only in dependency proceedings are families entitled to an initial investigation and case plan, appointment of counsel, services to facilitate reunification of the families, and regular reviews by the court "which incorporate substantive standards protective of parental rights and family continuity." (*Id.* at pp. 600–602; see *id.* at 599–600 ["Because probate cases historically involved orphans or

children of absent parents, guardianship law developed no counterpart to juvenile law's focus on maintaining or reunifying the child with the parent. And because the cases were often uncontested, the same procedural safeguards—such as appointment of counsel—were not statutorily provided."].)

In light of this relationship between dependency proceedings and probate guardianships, the appellate court in *Christian G.* concluded that the probate court should not have granted the guardianship at issue because the court was statutorily obligated to refer the case to child protective services once the allegations of abuse and neglect were raised. (*Guardianship of Christian G.*, *supra*, 195 Cal.App.4th at p. 605.) As the court later elaborated, neither the father nor his son were represented by counsel in the guardianship proceedings in that case, whereas both of them would have been entitled to appointed counsel had the case been referred for a dependency investigation. (*Id.* at p. 610.) Notably, the *Christian G.* court added that it "cannot ignore the role that an attorney might have played on [the father's] behalf if one had been provided" in the guardianship proceeding. (*Ibid.*)

Christian G. is irreconcilable with the outcome here. As with the parent in *Christian G.*, the State acted affirmatively to disrupt Felipe's parental rights by directing his sister to petition for guardianship of his children. *Christian G.* recognizes that where the State intervenes in the family, threatening parents' fundamental liberty interest in the care, companionship, and control of their children by inducing a probate guardianship, those parents should be entitled to the procedural protections that they

would otherwise receive in the dependency system, including, as relevant here, the right to court-appointed counsel. But the probate court denied Felipe's request for the court-appointed counsel that he would have received in the dependency system, despite the fact that the fundamental rights at stake—the suspension and potentially termination of Felipe's parental rights—are the same.

This Court should step in to clarify whether a probate court must appoint counsel to represent indigent parents when, in cases like Felipe's and the father's in *Christian G.*, child protective services induces a party to seek a petition for guardianship or otherwise pressures a parent to agree to guardianship of their children. As this Court has recognized—including very recently—when the State affirmatively acts to disrupt parental rights, that state action justifies the appointment of counsel. (*In re Christopher L.* (2022) 12 Cal.5th 1063, 1076 [holding that the trial court committed error and denied the father his "'right to participate' in a critical stage of a dependency case" by failing to appoint counsel]; see *In re Jay R.*, *supra*, 150 Cal.App.3d at p. 262 [recognizing that in a stepparent adoption the "state is called upon to exercise its exclusive authority to terminate the legal relationship of parent and child and establish a new relationship, in accordance with an extensive statutory scheme," thus the court may require appointment of counsel to indigent parent to "obviate the risk of erroneous and unfair results"].)

The rule articulated by the decision below permits the State to do an end-run around these well-established due process

protections by diverting families away from the dependency system—where parents are afforded greater substantive and procedural protections—into probate court, where parents are not even guaranteed one of the most basic procedural safeguards: court-appointed counsel.

Moreover, in *H.C.*, the court rejected the parent's right to counsel in probate guardianship proceedings because it believed that, unlike dependency proceedings, the "state is not a party to a probate guardianship, and its resources are not pitted against the parent . . . . Rather, probate guardianship is a private arrangement approved but not supervised by court." (*H.C.*, *supra*, 198 Cal.App.4th at pp. 1248–49, citing *Guardianship of Ann S.* (2009) 45 Cal.4th 1110, 1133.) In contrast to the typical situation referenced by *H.C.*, when a state agency puts its thumb on the scale, probate guardianship proceedings are not private agreements. Where the resources of the State are pitted against parents, counsel for parents in probate guardianships can ensure that the parents understand the evidence against them and the weight of the State's threat that the children will be placed in the dependency system.[5] Only with counsel in probate proceedings will parents have a fair opportunity to challenge the basis for the State's actions. This Court should appoint counsel in probate proceedings where the State is involved to ensure that the State

[5] (See Schwartz and Krebs, *Addressing Hidden Foster Care: The Human Impact and Ideas for Solutions* (Mar. 31, 2020) ABA Children's Rights Litigation Committee <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2020/addressing-hidden-foster-care-the-human-impact-and-ideas-for-solutions/> [as of Sept. 18, 2022].)

does not bypass the safeguards required in the dependency system and that courts do not infringe parental rights with little to no meaningful due process checks. (*Ibid.*)

III. THE ISSUES PRESENTED PROFOUNDLY AFFECT THE FUNDAMENTAL RIGHTS AND ACCESS TO JUSTICE OF THOUSANDS OF VULNERABLE FAMILIES IN CALIFORNIA EACH YEAR.

The absence of guidance regarding the scope of the right to counsel in probate guardianship proceedings will curtail and may even extinguish the fundamental parental rights of thousands of indigent parents each year who lose custody of their children without receiving even the most basic of procedural safeguards.[6] This disproportionately impacts low-income families of color.[7]

Given the importance of the constitutional rights at stake, it would be reasonable for all low-income parents facing loss of parental rights to have a categorical right to counsel, regardless of

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[6] (PA at p. 168 ¶ 10; see Alliance for Children's Rights and Lincoln Advocacy, The Human Impact of Bypassing Foster Care for At-Risk Children: Building a Continuum of Support for Families Diverted (Feb. 2020) p. 7 <https://allianceforchildrensrights.org/wp-content/uploads /PolicyReport_HiddenFosterCare_2-2020.pdf> [as of Sept. 18, 2022].)

[7] (*See* Children's Bureau/ACYF/ACF/HHS, Child Welfare Practice to Address Racial Disproportionality and Disparity, Bulletins for Professionals (Apr. 2021) p. 3 <https://www.childwelfare.gov /pubpdfs/racial_disproportionality.pdf> [as of Sept. 18, 2022] ["Racial disparities occur at nearly every major decision-making point along the child welfare continuum."].)

who initiated the case and in which court. But, at the very minimum, indigent parents in contested probate guardianship proceedings are entitled to consideration of California's due process factors on a case-by-case basis to determine whether they are entitled to court-appointed counsel. And where the State induces or directs the initiation of a probate guardianship petition, parents are entitled to counsel. It is widely acknowledged by judicial leaders that "indigent parties who lack representation regularly lose cases that they would win if they had counsel." (PA at p. 265 [Assem. Bill No. 590 (2009–2010 Reg. Sess.) Oct. 11, 2009, § 1, subd. (g)].)

A. The issues presented concern the fundamental right to family integrity and have a profound impact on the well-being of vulnerable children and families.

At issue here is one of the most basic of fundamental interests recognized by this State: the fundamental liberty interest in custody and care of one's children. (See, e.g., *In re James R.* (2007) 153 Cal.App.4th 413, 428; see *Guardianship of Stephen G.*, *supra*, 40 Cal.App.4th at p. 1426 [recognizing that parents have a "'fundamental liberty interest' in the 'care, custody, and management of their child.'" (citing *Santosky v. Kramer* (1982) 455 U.S. 745, 753)]; *In re Kristin H.* (1996) 46 Cal.App.4th 1642, 1661 ["Courts have long recognized that a natural parent's desire for and right to the companionship, care, custody and management of

his or her children is an interest far more precious than any property right."]; see also PA at p. 193 at ¶ 2 [Decl. of the Hon. Clifford Klein (Ret.), stating: "Loss of parental rights to a child is a greater punitive consequence than many of the cases in the criminal courts, yet there is no corresponding indigent's right to counsel."].) Absent review, Felipe and thousands of parents like him risk the extinguishment of this right without the basic guarantees of due process.

The importance of keeping families together when possible is recognized throughout constitutional case law as well as in the law that governs the dependency courts. The Constitution "strictly limit[s] the authority of the state to remove a child from the care of a parent." (Rest., Children & Law, § 2.40 (Tent. Draft No. 4, 2022).) Because "the state has an obligation, rooted in the Fourteenth Amendment" to protect "the integrity of the parent-child relationship," dependency courts have a responsibility to create responsive plans and provide necessary resources to keep families together. (*Id.* at §§ 2.30, com. a & 2.40, com. a.) Both California and federal law emphasize the importance of family preservation and preventing removal to improve permanency. (See, e.g., Welf. & Inst. Code, § 16000, subd. (a) ["It is the intent of the Legislature to preserve and strengthen family ties whenever possible, removing a child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public."]; 42 U.S.C. §§ 627(a), 629, 671(a)(15).)

Social science research confirms the importance of safeguarding parental rights to child well-being. "Separation from

a parent will have lifelong effects on the child, even when they are placed in a safe, nurturing permanent home." (PA at p. 204 ¶ 12 [Decl. of Dr. Marty Beyer].)[8] Even a temporary disruption to family life can have profound negative consequences on both parents and children. (See *ibid.* ["Children returned to their parent often mourn the loss of their caregiver, and adoptees typically experience enduring pain from the loss of their parents."]; see also *id.* at pp. 203–207 ¶¶ 11, 14, 15, 17, 19, 21].) Foster care systems provide prevention and family preservation services to families "to avoid the harm of family separation." (*Id.* at p. 210 ¶ 29.)

B. The issues presented are fundamentally ones of justice and fairness.

At bottom, the probate court decision here reflects a deprivation of access to justice and an absence of fundamental fairness and should be reviewed in the context of this state's century-old *in forma pauperis* doctrine. (See generally *Martin v. Super. Ct. (Majors)* (1917) 176 Cal. 289; *Jameson v. Desta* (2018) 5 Cal.5th 594.) While *Martin* and several other cases concerned relief from court-imposed fees, the *Jameson* Court pointed out that "the exercise of judicial discretion in furtherance of facilitating

[8] (See also Appell and Boyer, *Parental Rights vs. Best Interests of the Child: A False Dichotomy in the Context of Adoption* (Spring 1995) 2 Duke J. of Gender L. & Policy 63, 78 <https://scholarship.law.duke.edu/djglp/vol2/iss1/5> [as of Sept. 18, 2022].)

equal access to justice is not limited to excusing the payment of fees that the government charges for government-provided services." (5 Cal.5th at p. 605.) The Court made clear that California courts have inherent power to enforce *in forma pauperis* rights even in the absence of express statutory authorization. (*Ibid.*) Rather, "it is obvious that only the plainest declaration of legislative intent should be construed as an effort by the Legislature to constrain the fundamental judicial policy of affording equal access to the judicial process to all persons without regard to their economic need." (*Id.* at p. 614.) And far from attempting to constrain equal access, the Legislature has declared that "our legal system cannot provide 'equal justice under law' unless all persons have access to the courts without regard to their economic means." (Gov. Code, § 68630, subd. (a); see *Jameson*, at p. 623 ["Whatever hardship poverty may cause in the society generally, the judicial process must make itself available to the indigent."].)

It is undeniable that Felipe has been denied equal access to justice. Felipe and other parents like him lack the support, expertise, and resources to adequately represent themselves in contested guardianship proceedings, yet stand to lose one of our most fundamental civil rights. Probate guardianship proceedings are "technically complicated," and studies commissioned by the Legislature have found that cases involving self-represented litigants are characterized by lengthy delays, rejected filings, and generally poor presentation of the facts and law. (PA at pp. 240–260 [Report to the California State Legislature for the Sargent

Shriver Civil Counsel Act Evaluation (Jun. 2020)]; see *In re Emilye A.* (1992) 9 Cal.App.4th 1695, 1709 ["Few lay people are equipped to respond to the legal complexity of such proceedings"].) Indeed, without an attorney Felipe *literally* could not access critical evidence necessary to adequately protect his parental rights: he was denied access to DCFS's investigative report and was told by a DCFS supervisor that "a lawyer would have to make a request to access the report." (PA at pp. 132–133 ¶ 36.) Practically, legal representation is often the only way parents are able to navigate the procedural maze of the child welfare system and emerge reunited with their child. (See generally *id.* at p. 121 ¶ 12 [cataloguing various procedural hurdles challenging for an unrepresented parent]; *id.* at 194 ¶ 6 ["The testimony in their cases tended to suggest that most of these poor parents had limited formal education, and many lacked a command of English. Many parents would have benefitted from lawyers to provide a basic understanding of the nature, grounds, and consequences of a guardianship case."].)

Importantly, appointment of counsel for these parents not only would not burden the court, but would benefit it. As this Court recently recognized, "[t]he right to counsel and participation not only protects the parent's interests but also ensures that the juvenile court has the fullest picture of the relevant facts before disposing of a dependency petition." (*In re Christopher L.*, *supra*, 12 Cal.5th at p. 1076.) The Court continued that "it is implicit in the juvenile dependency statutes that it is always in the best interests of a minor to have a dependency adjudication based upon

all material facts and circumstances." (*Ibid.*, quoting *Ansley v. Super. Ct. (DCFS)* (1986) 185 Cal.App.3d 477, 490–491.) When "only the child has representation, the court inevitably must rely on that attorney's position, abrogating its role as an independent fact finder. It is no longer an adversarial system with independent attorneys representing the different interests of the parties." (PA at p. 196 ¶ 16.)

Counsel for parents benefits not only parents, children, and courts, but also the State, which is meant to "share[] the parent's interest in an accurate and just decision." (*Lassiter*, *supra*, 452 U.S. at p. 27; see *In re Emilye A.*, *supra*, 9 Cal.App.4th at pp. 1709–10 [recognizing governmental interest in an accurate and just decision].) Absent this Court's review of the decision below, accuracy and justice are neither promoted nor ensured, fundamental rights are unfairly extinguished, and vulnerable families continue to be torn apart.

CONCLUSION

Petitioner respectfully requests that the Court grant this Petition for Review and hear the case on the merits, or, in the alternative, grant review and transfer the case to the Court of Appeal for a decision on the merits.

DATED: September 19, 2022

By: */s/ Nicholas Begakis*
NICHOLAS BEGAKIS

Attorneys for Objector and Petitioner
FELIPE ESPINOZA

CERTIFICATE OF WORD COUNT

The text of this petition consists of 8,349 words, as counted by the Microsoft Office 365 Word, version Word 2208, processing program used to generate the petition.

DATED: September 19, 2022

By: */s/ Nicholas Begakis*
NICHOLAS BEGAKIS

Attorneys for Objector and Petitioner
FELIPE ESPINOZA

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

FELIPE ESPINOZA, Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; MARISOL ESPINOZA et al., Real Parties in Interest.	B322665 (Super. Ct. No. 22STPB04960) (Gus T. May, Judge) ORDER

THE COURT:

We have read and considered the petition for a writ of mandate filed on August 24, 2022, and the amicus brief filed in support of the petition on September 1, 2022.

The petition is denied.

EDMON, P. J. LAVIN, J. ADAMS, J. *

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

In the Matter of:

Espinoza, Felipe Alfonso, Jr, et al - Guardianship

Case No.: 22STPB04960

ORDER ON EX PARTE APPLICATION~~/PETITION~~

Department: 2D
Date: 7/21/22
Time: 8:30 am

Ex Parte Application~~/Petition~~
for Appointment of Counsel.

Filed by FELIPE ESPINOZA

The Court finds: The matter is denied without prejudice.

Applicant correctly points out that the Court in Guardianship of HC (2011) 198 Cal.App.4th 160 stated that "a constitutional due process right to appointment of counsel demands resolution on a case-by-case basis." Id. at 1246. However, that Court's analysis, findings, and legal conclusions as to each of the pertinent factors applies generally to California guardianship proceedings, not just the proceedings in that case. This Court recognizes a factual distinction between this case and Guardianship of HC insofar as the 16 year old proposed ward in HC "clearly expressed wishes – in favor of the petition" (id. at 1249) while the proposed wards in this case are only 2 and 3 years old. This Court does not find that distinction significant for these purposes; based upon this Court's reading of Guardianship of HC, even if HC was unable to express her wishes, the HC Court's legal conclusion regarding the state's interest and the risk of erroneous decision would have been the same. In fact, as in Guardianship of HC, this proceeding does not appear to be one where expert medical or psychiatric testimony would be involved, and the Court will grant Applicant considerable leeway in questioning witnesses, giving narrative testimony and arguing his case. Id. at 1249. In sum, while Applicant's specially-appearing counsel have introduced compelling arguments and an impressive array of evidence, this Court is not persuaded that any differences between Guardianship of HC and the facts in this case allow this Court to come to a different conclusion.

That said, in cases such as this where a parent has objected to a guardianship, the Court typically appoints Minor's Counsel to represent the proposed wards. Accordingly, on its own motion, and by way of a separate minute order, the Court is appointing counsel to represent the proposed wards for this guardianship proceeding.

☐ **Notice of this order shall be given by**

to all persons required to be given notice as set forth in the Probate Code.

Date: July 21, 2022

Gus T. May
Superior Court Judge
JUDGE

PROOF OF SERVICE

Felipe Espinoza v. The Superior Court of California for the County of Los Angeles
S_____

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa Street, Suite 2000, Los Angeles, CA 90017.

On September 19, 2022, I served true copies of the following document(s) described as **PETITION FOR REVIEW** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Ellis George Cipollone O'Brien Annaguey LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

BY ELECTRONIC SERVICE: I served the document(s) on the person listed in the Service List by submitting an electronic version of the document(s) to TrueFiling, through the user interface at www.truefiling.com.

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

Executed on September 19, 2022, at Los Angeles, California.

Corinne Ubence

Felipe Espinoza v. The Superior Court of California for the County of Los Angeles
Case No. S_____

MARISOL ESPINOZA, as temporary court-appointed guardian of Felipe Alfonso Espinoza Jr. and Octavio Leonardo Espinoza 193 ½ East 49th Street Los Angeles, California 90011 Tel. (323) 807-8684	Real Party In Interest
EDWARD NAVARRO, Esq., as court-appointed counsel for Felipe Alfonso Espinoza Jr. and Octavio Leonardo Espinoza Navarro Law Firm APC 205 S. Broadway, Suite 200 Los Angeles, California 90012 Tel. (213) 625-2400	Counsel for Minors
The Superior Court of California for the County of Los Angeles Department 004 (Hon. Gus T. May) 111 N. Hill Street Los Angeles, California 90012	
Clerk of the Court Second District, Division Three California Court of Appeal 300 South Spring Street 2nd Floor, North Tower Los Angeles, CA 90013	