

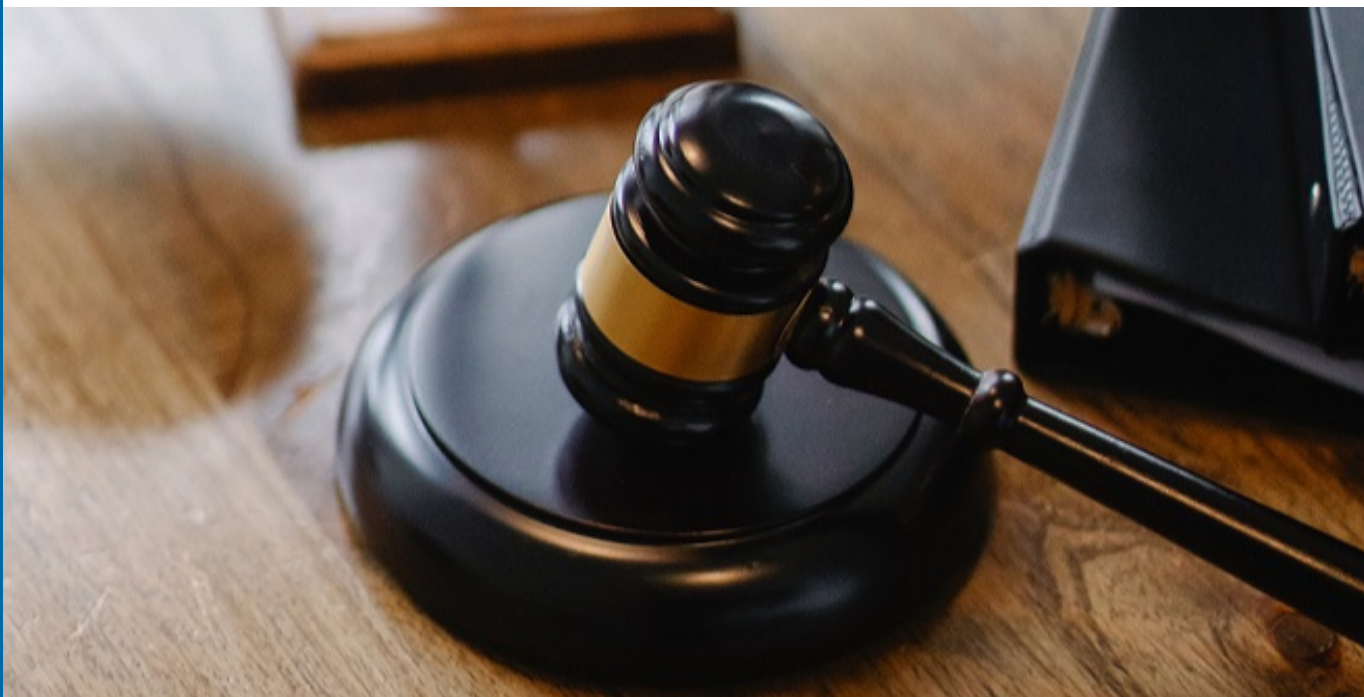


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## Legal Victory: California Supreme Court Reverses Decision to Release Investigative Report Involving Child Abuse



In a recent case, the [Law Offices of Seth Goldstein](#) argued that the **content of an attorney's investigative interview regarding a child's report of abuse** made to her mother, conducted in the context of upholding their ethical responsibility to the court, should not be disclosed to the party in the case being investigated of committing sexual abuse of the child. The trial court had ordered the confidential attorney investigation to be released to all parties and a child custody evaluator.

In cases where parents have reason to believe the other parent is abusing their child, mothers raising those allegations in court face greater risks of losing custody. A [study out of George Washington University School of Law](#) found in an analysis of over 2,000 court opinions that courts are skeptical of mothers' claims of abuse by fathers and mothers are more likely to lose custody.

The fast-track appeal of the trial court's ruling was initially denied, but Goldstein then went to the California Supreme Court. In support of Goldstein's client, [FVAP](#) and **California Protective Parents Association** **filed a friend-of-the-court brief** explaining the dangers to survivors of domestic violence, protective parents and their children if courts did not protect attorney investigative reports. The California Supreme Court reversed the Court of Appeal's decision and ordered it to explain why the investigative report should be turned over.

We are glad the Supreme Court recognized the significance of protecting investigative reports of child abuse, and hope the Court of Appeal will agree.

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## FVAP Client Victory: Our Client Obtained in Settlement What She Asked for in Her Appeal



[FVAP](#) just had a successful case outcome. With [Horvitz & Levy](#), [FVAP](#) represented a survivor who had obtained a **Domestic Violence Restraining Order** against the father of her children. Yet the trial court had granted both parties joint legal and physical custody, concluding that certain legal requirements to grant joint custody did not need to be applied. Then the court told the parties to work out a parenting timeshare, and they eventually agreed to a joint custody arrangement, as the court ordered.

**We helped the survivor appeal the order and the parenting timeshare**, arguing the trial court failed to apply all legal requirements for granting joint custody, and we argued these requirements are a mandatory, independent duty of the trial court, and parties cannot stipulate around their application.

After the appeal was pending for a few months, the parties eventually reached a global settlement agreement that has effectively resolved the custody issues in our appeal, **granting our client sole custody**. As a result, with the client's permission we dismissed the appeal and have concluded the case. We are very happy for the outcome for our client, which is the best outcome we could have expected from an appeal, and we believe the merits of our appeal helped convince the opposing party to agree to terms favorable to our client.

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### FVAP to Train Court Staff



[FVAP Advisory Board](#) member, Professor Mindy Mechanic, and Staff Attorney, [Cory Hernandez](#), will be presenting a training on June 4 called **Domestic Abuse is More than Physical Violence: Examining the Role of Coercive Control**. This training will focus on recently enacted Senate Bill 1141, which clarified the definition of "domestic violence" for getting a restraining order and for deciding child custody matters. Now the definition expressly includes coercive control as a form of domestic violence, which further clarifies how nonphysical forms of harm can constitute abuse under the law. Please note this training is not open to the public, and any court staff interested in attending should speak with their supervisors.

**FVAP is honored to have been asked by the Judicial Council to train court staff.**

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### FVAP Case: Court Agrees with Our Proposed Legal Standard





In this [FVAP](#) case, a survivor of domestic violence was given sole legal and physical custody and her abuser was ordered to have supervised visitation with their children. The survivor later obtained a two-year Domestic Violence Restraining Order against the abuser after he had physically, sexually, and verbally abused her, including sometimes in front of their children. The children were affected by the abuse, with one becoming more withdrawn and the other developing a nervous tic. Still, the **trial court declined to include the children as protected parties** on the restraining order. The survivor appealed, arguing, among other things, the court should have included the children on the restraining order.

While the Court of Appeal did not overturn the trial court's decision to leave the children off the restraining order, **it did agree with our proposed legal standard for including additional protected parties on a restraining order**, which should help future survivors looking to add their children or others onto their restraining order requests.

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## Congratulations to FVAP's Legal Director



Congratulations to [FVAP](#) Co-Founder and Legal Director, [Nancy K.D. Lemon](#), who has been awarded the Ruby Award by [Soroptimist International of El Cerrito](#). Soroptimist is an international service organization that works to improve the lives of women and girls. Their **Ruby Award** "honors a woman who has made a difference in the lives of women and girls in her profession or as a volunteer." We can attest to that, with Nancy having laid the foundation for [FVAP's](#) innovative strategy to change the legal system through appeals for survivors of abuse, impacting tens of thousands of survivors going to court to get justice and stay safe. Well-deserved, Nancy! Nancy has decided to donate all of the funds she received through this award to FVAP. Thank you, Nancy, for your continued dedication to survivors.

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## Save the Date: Banding Together 2021 is Set

**Banding Together  
to End  
Domestic Violence**

**A Virtual Rock Show**

**October 21, 2021**



Save the Date: FVAP's annual [Banding Together to End Domestic Violence](#) fundraiser is coming your way for another virtual show on **October 21, 2021**. Banding Together is a battle-of-the-bands rock show and fundraiser featuring attorneys and employees from the Bay Area law firms and corporate legal teams who rock out and fundraise for California survivors of abuse.

Our band application and sponsor packet will be available soon. Feel free to [reach out](#) with any questions you have about this year’s show. We can’t wait to rock out with you another year.

**Our Contact Information**

\*{{Organization Name}}\*  
\*{{Organization Address}}\*  
\*{{Organization Phone}}\*  
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May 2021



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