

Supreme Court No. S206883
4th Civ. No. G045920
OCSC No. 05D011298

SUPREME COURT
OF THE STATE OF CALIFORNIA

CHRISTINA ADAMS,

Respondent,

v.

JACK A.,

Appellant.

RESPONSE OPPOSING REQUEST FOR DEPUBLICATION

Association of Certified Family Law Specialists

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December 6, 2012

Hon. Justices of the Supreme Court of California
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Re: In re Marriage of Christina Adams and Jack A. – Response and Objection to Request for Depublication by Christopher J. Zopatti

Court of Appeal Case, No. G045920
Orange County Superior Court Case No. 05D011298

To the Hon. Justices of the Supreme Court of California:

The Association of Certified Family Law Specialists (with a state-wide membership of approximately 600 attorneys certified by the California State Bar Board of Legal Specialization as Family Law Specialists) respectfully opposes depublication of *In re the Marriage of Adams*.

Adams is an important part of the line of authority governing the duties of court-appointed mental health professionals in child custody cases. The other three cases in this line are *In re the Marriage of Seagondollar* (2006) 139 Cal.App.4th 1116; *In re the Marriage of Laurenti* (2007) 154 Cal.App.4th 395 and *Rand v. Board of Psychology* (2012) 205 Cal.App.4th 1209. Together, these four cases stand for the proposition that family courts have a duty to clearly set forth the duties and powers of their appointees, supervise their appointees, demand compliance with the governing law and rules from their appointees, and determine the compensation of those appointees.

It is common for family courts to fail to issue detailed appointment orders, fail to supervise mental health appointees, and fail to enforce the rules of court governing

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mental health appointees in child custody cases. These decisions send a clear message that the *California Rules of Court* are commands, not mere “suggestions.” The *Rules* require careful role delineation for court appointees and offer protection to litigants from unauthorized intrusions into their private lives. Depublication of *Adams* would send the wrong message to the family law community. *Adams* reinforces the mandate of compliance with the rules of court, careful role definition, compliance with the governing professional standards of conduct and ground rules by family court mental health employees.

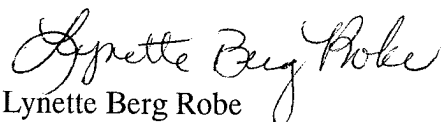
In recent years, the Legislature amended Family Code 3150 *et seq.* and mandated adoption of the related *Judicial Council Rules* in recognition of the deficits in community standards of practice by court-appointed mental health professionals around the state. Publication of *Adams*, against the background of *Seagondollar*, *Laurenti* and *Rand* carries out the intent of the Legislature that California families have the protections promised by the *Family Code* and the *Judicial Council Rules*.

Additionally, *Adams* is also important as it discusses the governing legal standard for awards of sole or joint legal custody and provides guidance to the family law bench and litigants. The case clarifies that the agreement of the parties to a Special Master (Parenting Coordinator) is to be enforced by the trial court. It also describes the circumstances under which an Evidence Code 730 evaluator should be removed.

California needs to continue to enforce high standards of conduct for the professionals who are entrusted with great responsibility in the lives of at-risk children and the adults in their lives. *Adams* is an important expression of that public policy. It reiterates the duty of family law courts to ensure that appointees do not abuse the trust and powers that the court places in them.

For the foregoing reasons, the Association of Certified Family Law Specialists requests the denial by the Supreme Court of Mr. Zopatti’s request for depublication of the *Adams* case.

Respectfully,



Lynette Berg Robe
President ACFLS