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News



Pro Bono Counsel Win Significant Appellate Victory for Poor Mom

Pro bono counsel from the well-regarded appellate firm of Horvitz & Levy (Emily Cuatto and David Ettinger, pictured left) persuaded the California Court of Appeal to overturn a trial court order that denied H.F., an indigent client of the Center, a request to expand her custodial time with her young son. In *R.R. vs. H.F.*, the client lost custody when the father, a batterer, alleged she had abused the child. The family court commissioner limited H.F. to seeing her son only 3 times a month for 4 hours under supervision, after having been the child's primary caretaker since his birth. When she came to the Center after more than a year of limited visitation, H.F., with the Center's help, sought increased unmonitored time, based on a proposed "step up plan." Despite undisputed evidence that the child and mother had a close bond, that the child felt safe and wanted to spend more time with his mom, and that the father obstructed their relationship and would not provide fundamental information as to where the child lived or went to school, the trial court officer denied H.F.'s request in its entirety.

Emily Cuatto, an associate at the firm, with help from partner David Ettinger and with the support of the firm, agreed to pursue an appeal. They argued that that trial court abused its discretion by arbitrarily denying H.F.'s requests without considering all of the factors relevant to the child's best interests. On March 4, 2014 the California Court of Appeal (Second Appellate District, Division One) reversed, directing the trial court to grant the mother's requests related to enforcement of her basic custodial rights to know where and how her son was, and to reconsider her request for expanded custodial time. Harris Ginsberg, LLP, will resume their role as volunteer trial counsel.