

# OCBA FAMILY LAW SECTION NEWSLETTER

VOLUME 2, ISSUE 4

APRIL OF 2022

## Your Family Law Executive Committee

Robert Burch - Chair  
B. Robert Farzad – Chair-Elect  
Laurel Brauer - Secretary & Treasurer

Members at Large (in alphabetical order)

Joshua Anderson  
Brooke Archbold  
Daniel Boehm  
Stacy Campuzano  
Marc Garelick  
Douglas Hatherley  
Nicole Nuzzo  
Brittney Rodriguez  
Scott Savage

## Questions or Comments?

Contact the Newsletter's Editor or Co-Editors

Editor: B. Robert Farzad: [robert@farzadlaw.com](mailto:robert@farzadlaw.com)

Co-Editor: Laurel Brauer: [lbrauer@lbbllaw.com](mailto:lbrauer@lbbllaw.com)

Co-Editor: Marc Garelick: [mg@molfamlaw.com](mailto:mg@molfamlaw.com)

Co-Editor: Douglas Hatherley: [dhatherley@sgsblaw.com](mailto:dhatherley@sgsblaw.com)

## Remembering Judge Frank Ospino and Commissioner William Watson

By B. Robert Farzad.

Our family law community lost two wonderful people this year.

Judge Frank Ospino and Commissioner William G. Watson passed away. Both were too young to leave us.

When I first appeared in front of Judge Ospino, two things struck me – what a pleasant cadence he had to his voice and what a generally nice man he seemed to be. He was thoughtful, listened with intent and engaged in dialogue on the issues presented to him.

As time passed, that first impression became a lasting one. In the approximate seven years he sat on the bench, he struck a chord with me and the attorneys at our firm as a good judge, a good person and someone we could rely on to provide the access to justice our clients covet.

I knew Commissioner Watson before he donned a black robe. He was “Bill,” the lawyer who was my opposing counsel on a contentious family law case. Bill did what I wish more family law lawyers would do – not make a difficult situation between two litigants worse than it needs to be. He was practical in his approach, objective in his dialogue with me and added “meat” to the meet and confers we had so we could have substantive discussions about the case. We ended up in court more than once.

We agreed to disagree as gentlemen. I probably gave him more of a hard time in litigation than I should have but, overall, when the case ended, I left the case with the impression that I went up against a good lawyer, a good human and someone I hoped to see on the other side of a case again.

It was no surprise that he also became a good and reputable court commissioner.

Let’s not forget these men. They led by example. We can do the same.

We hope you enjoy this newsletter.

## Upcoming Luncheon Webinars

We are working hard to bring you informative and interesting webinars.

We initially had the June presentation on move away cases. Daniel Boehm and Dr. Russell Johnson were going to put it on. We may switch things around as we are working with the business litigation section to take that slot and move the custody webinar to September.

We have tentative webinars scheduled on mental health in July, a “Meet the Judges” in August, and a discovery-related webinar on request for admissions in October.

We are also brainstorming on the evening webinars for this year. They will remain “evidence in action” themed.

We will keep you posted.

Date and Time	Presenters	Topic
May 18, 2022	Moderator: Laurel Brauer  Presenters: Scott Garner and Todd Smith	Billing practices
June 15, 2022	TBD	TBD
July 20, 2022	TBD	TBD
August 17, 2022	TBD	TBD
September 21, 2022	TBD	TBD
October 19, 2022	TBD	TBD
November 16, 2022	TBD	TBD
Evening Webinars	TBD	TBD

## Resources for Women Who Want to Re-Enter the Workforce

*The Honorable Richard Vogl (ret.) was kind enough to share the following for the newsletter. His Honor communicated the information you read below is from the website for each respective organization.*

1. The government’s own website can be a starting point

The party should go to [www.caljobs.ca.gov](http://www.caljobs.ca.gov) and start the application process. There is no cost to trying this state program, although the county program is also useful: [www.oconestop.com](http://www.oconestop.com).

OC Workforce Solutions is contracted by the County of Orange to facilitate the 2014 Workforce Innovations and Opportunities Act (WIOA), providing free career services and vocational training to eligible clients.

With enrollment into WIOA services, a person would be assigned a case manager who would work with them collaboratively to obtain employment. Case managers work with clients to identify barriers to employment, provide them with job leads, develop & revise their resumes, learn about the labor market for their desired occupations, and receive instruction on modern job seeking practices. Case Managers also provide personal support to help clients endure the emotional hardships related to obtaining employment.

In addition to individualized services, the office provides daily career development workshops, assessment testing, and full access to a computer resource room. Some parties may be suitable for vocational training in an occupation utilizing previous skills. The lifetime spending cap for individual training is \$6,500.00, so a party's training could not exceed this amount without a scholarship. If needed, a party should call 211OC or visit [211oc.org](http://211oc.org) for resources related to food assistance, rental/utility assistance, domestic violence, or transportation.

Here is a link to the OC Workforce Solutions website: [OC One-Stop Centers | Home \(oconestop.com\)](http://oconestop.com)

Here is a link to 211OC: [2-1-1 Orange County | LOVE. COMPASSION. COMMUNITY \(211oc.org\)](http://211oc.org)

2. The [Adult Reentry Center at Cal State Fullerton](#)

This Center is dedicated to the academic success of all adult learners. Their mission is to provide support services to prospective and current students who have multiple responsibilities outside the role of a student. They are a resource in providing an engaging environment for adult learners to thrive and achieve within the university setting.

Typical characteristics of an adult reentry student can be one or all of the following: they are a parent, twenty-five years of age or older, a veteran, have delayed enrollment or taken a break from higher education, and employed full or part time. Returning to school after a break from college is an important decision for the adult learner. Many feel overwhelmed and unsure of how they will balance the multiple responsibilities. Adult learners may experience feelings of isolation and concern about academic skills and performance. The WoMen's and Adult Reentry Center is aware of the unique needs of reentry students and offers support and services to foster and enhance students' growth and success.

3. [Women Helping Women Organization](#)

WHWO has an Employment Readiness Department which provides career assessment and job search guidance featuring:

**Customized Resume Development:** Resume specialists work individually with each client to create a resume that best showcases their skills and accomplishments and designed to get the attention of potential employers.

**Interview Preparation:** Interviews can be nerve-wracking for anyone. At WHW, clients are helped to prepare to be successful at interviews through exploration of different interview formats, review of common interview questions and taped mock interviews. These activities are designed to improve clients' interviewing skills, build confidence during the interview process and increase their chances of an effective interview.

**Weekly Job Leads:** Each week, WHW reviews hundreds of new job leads, categorizes them by industry and location and emails them to clients for resume submission and follow up. Clients are encouraged to review and apply for positions that match their skills. Employment Readiness staff and volunteers assist clients with proper follow-up as necessary.

**Ongoing Support for Job Retention:** Once clients are placed in a new job, WHW provides follow-up services at 30, 60 90, 120 and 180 days to provide support and guidance for long-term job retention and employment success. At each milestone, clients receive incentives that include an outfit for work, coupons for WHW's Saturday Sales or retail shop.

4. [Downtown Women's Center](#)

Downtown Women's Center is located at 442 S. San Pedro Street, Los Angeles, CA 90013 - (213) 680-0600) DWC's Learning Center provides classes in computer skills, literacy and math, academic and vocational counseling sessions, job readiness preparation, and employment placement services. DWC plays a critical role in helping women back to work by cultivating partnerships with local businesses. Together, they train and employ women overcoming homelessness, and continue to provide them support throughout the process, even once gainful employment is achieved. Though the volunteer-led workshops, women rebuild self-confidence and learn skills like sewing, photography, creative writing, acting, and more. Participants also collaborate with staff and community artists to design MADE by DWC's signature product line handMADE.

5. [WomanSage](#)

WomanSage is a non-profit organization of women, coming together to support women who are facing serious life challenges with no or little support. Through the monthly Salons and other fundraising events, women can enjoy the camaraderie of other women, while supporting the WomanSage Cares Philanthropies. The WomanSage Cares philanthropies help women in need to get back on their feet as contributing members of the community. Often referred to as "forgotten" women, these women fall through the cracks. Many are just a step away from welfare, struggling to make ends meet. Others are dealing with serious family situations or are caught in a 24/7 care cycle for an elderly or sick relative, with no support structure and no relief.

The goal of WomanSage is to help as many "forgotten" women as possible to reclaim their lives. In fact, several WomanSage Cares recipients have gone on to become thriving sustaining members of WomanSage. It is this unique circle of engagement that distinguishes WomanSage from other charity groups.

## Featured Article

### Anka's Aweigh!

## Navigating the Uncharted Disclosure Waters of Confidential Child Custody Evaluation Reports

By Douglas Hatherley.

In February of 2022, the Court of Appeal issued a reminder that courts take the confidentiality of child custody evaluation reports seriously.

The opinion, Shenefield v. Shenefield (2022) 75 Cal.App.5th 619 echoed its predecessor, Anka v. Yeager (2019) 31 Cal.App.5th 1115, in warning parties and counsel that they can face significant monetary sanctions for unwarranted disclosures of confidential custody evaluation information.

#### Shenefield v. Shenefield

In Shenefield, Father filed a Request for Order (“RFO”) containing his declaration, which quoted from – and referenced – the contents of a confidential child custody evaluation report submitted in Mother’s previous marriage.

The Anka opinion was published while the RFO was pending.

Mother filed her responsive declaration two weeks later and raised the issue of the offending disclosure contained in Father’s declaration (along with additional disclosures published on Husband’s Facebook account). The issue of sanctions was set for trial with the custody issues.

The trial court imposed monetary sanctions in the amount of \$10,000 against Father and \$15,000 against Father’s attorney – finding that Father’s attorney “was reckless in filing documentation that disclosed a confidential custody evaluation.”

The Court of Appeal affirmed the sanctions against Father’s attorney (Father did not appeal).

Anka v. Yeager

The Anka case also involved the disclosure of confidential custody evaluation information from a custody evaluation report prepared in a separate action involving only one of the parties. In Anka, Mother's attorney took the deposition of Father #1 in Mother's case against Father #2.

During the deposition, Mother's attorney asked Father #1 questions about what he told the custody evaluator in Case #1, what the child told the evaluator, and what the custody evaluator found and concluded. Though Father #1 answered few questions, the Court of Appeal found that "the nature of [Mother's attorney's] questions implicitly disclosed confidential information." Mother and her attorney were jointly and severally sanctioned \$50,000 by the trial court. The Court of Appeal reversed the sanction as to Mother (citing a lack of evidence Mother participated in her counsel's unwarranted disclosures) but affirmed the sanctions imposed against Mother's attorney.

A flurry of *amicus curiae* letters followed Anka's publication, asking the California Supreme Court to depublish the case and arguing that the opinion's application would extend well beyond the facts of Anka. The Supreme Court declined to depublish Anka.

Just over one month later, the Court of Appeal published another case discussing the impropriety of disclosing the contents of a confidential child custody evaluation.

Herriott v. Herriott

On the heels of the Anka case, the Court of Appeal published Herriott v. Herriott (2019) 33 Cal.App.5th 212. In Herriott, Mother (in *pro per*) attached a confidential custody evaluation report from the same case to her appellate brief. In doing so, Mother apparently removed the words "CONFIDENTIAL" and "DO NOT DUPLICATE FOR DISTRIBUTION" from the face of the report.

The Court of Appeal found Mother's "disclosure was done intentionally and/or maliciously" and was sanctionable conduct. The Court of Appeal declined to impose sanctions on Mother because it would have created an unreasonable financial burden upon her (referencing an Income and Expense Declaration indicating she received gross monthly Social Security disability income in the amount of \$650 per month).

What is Confidential Custody Evaluation Information?

Family Code Section 3025.5 covers both court-connected and private custody evaluations containing psychological evaluations of a child or recommendations regarding custody of, or visitation with, a child. Family Code Section 3025.5(a); see California Rules of Court,

Rule 5.220. Anka makes clear that Family Code Section 3025.5's prohibition extends beyond disclosure of the written report itself – it also covers the information contained therein. Anka provides the following guidance:

The purpose of section 3025.5, subdivision (a) is to protect the privacy of the child and to encourage candor on the part of those participating in the evaluation. Statements made to the evaluator and the evaluator's conclusions about parental abuse and the nature of the relationship between parent and child are well within the protection of the statute. The evaluator's conclusions about parental abuse and the relationship between parent and child are at the very heart of every child custody evaluation.

(Anka at 1119.)

Does this mean that disclosure of *any* information supplied to the custody evaluator violates Anka? We do not know, but there are likely limits to what disclosures are sanctionable.

For example, it would be difficult to imagine that sanctions would issue for disclosing the contents of a declaration filed prior to being provided to the custody evaluator, or for the disclosure of other information readily available outside of the report.

Parties and counsel should take great care when dealing with information that would not have been discovered *but for* the report. Such information should only be disclosed to persons authorized by Family Code Section 3025.5(a) or others upon court order.

#### Who May Receive a Confidential Custody Evaluation Report and/or the Information Contained Therein?

The following persons are authorized to receive the report (and its contents):

- (1) A party to the proceeding and the party's attorney.
- (2) A federal or state law enforcement officer, the licensing entity of a child custody evaluator, a judicial officer, court employee, or family court facilitator of the superior court of the county in which the action was filed, or an employee or agent of that facilitator, acting within the scope of the facilitator's duties.
- (3) Counsel appointed for the child pursuant to Section 3150.
- (4) Any other person upon order of the court for good cause.

Family Code § 3025.5(a).

A more comprehensive list of court professionals authorized to receive the report is listed on [Judicial Council Form FL-328](#).



Who May Not Receive a Confidential Custody Evaluation Report and/or the Information Contained Therein Absent Court Order?

- Private court reporters and videographers (see Anka).
- Copying services and deposition officers.
- Mental health professionals such as individual therapists, reunification counselors, substance abuse, and co-parenting counselors.
- Other healthcare providers.
- Visitation monitors.
- Testifying experts (e.g. Evidence Code 733 expert).
- Private mediators (Family Court Services employees are not excluded from receiving the report).
- Third party witnesses (including collateral witnesses interviewed by the evaluator).
- Teachers, coaches, and religious leaders.
- The minor children.
- The public (whether reviewing the public file or in open court).
- Other third parties, including the parties' friends and family.

It is not clear whether consulting experts (arguably an extension of counsel) are excluded from the list of persons authorized to receive confidential custody evaluation information, but parties and counsel are cautioned to obtain a court order for this purpose.

What about a subsequent custody evaluator? Probably not authorized absent court order.

An order allowing a privately compensated judge assigned for all purposes to review the report is probably not necessary.

What Is the Standard for Sanctions?

Monetary sanctions are permissive (but not required) where there has been an unwarranted disclosure of a written confidential report. Family Code Section 3111(d). "A disclosure is unwarranted if it is done either recklessly or maliciously, and is not in the best interest of the child." Family Code Section 3111(f). A sanction may also be issued for intentional disclosures (see Shenefield; Herriott).

Note that the Anka case appeared to shift the burden to Mother's attorney to demonstrate that the disclosure was in the child's best interest. Shenefield suggests that the disclosure itself is harmful to the child. Herriott does not discuss the best interest element beyond stating the rule.

The amount of the sanctions is supposed to get the disclosing party's attention, but there might be situations in which a party can avoid sanctions even if an unwarranted disclosure is made. Family Code Section 3111(d) continues:

[ . . . ] The sanction shall be in an amount sufficient to deter repetition of the conduct, and may include reasonable attorney's fees, costs incurred, or both, unless the court finds that the disclosing party acted with substantial justification or that other circumstances make the imposition of the sanction unjust. The court shall not impose a sanction pursuant to this subdivision that imposes an unreasonable financial burden on the party against whom the sanction is imposed.

### How to Avoid Sanctions

- Do not quote or otherwise reveal information from the report in anything you file with the Court unless you have an order sealing same.
- Obtain orders (ideally when the evaluation is ordered) allowing the disclosure of the report to consulting and testifying experts regarding custody, private court reporters, videographers, copying services, deposition officers, and private mediators.
- Obtain orders allowing relevant mental health professionals and other relevant healthcare professionals to review the report (you might wish to wait until you have reviewed the report for some of these).
- Obtain orders allowing the depositions and/or interviews of collaterals who provided information to the evaluator.
- Take depositions under seal.
- Move to close proceedings – pursuant to Family Code Section 214 – in which confidential custody evaluation information will be discussed (and obtain an order sealing the transcript).
- Move to seal documents (including deposition transcripts) referencing confidential custody evaluation information before they are filed with the court.
- If an additional custody evaluation is to be performed by a different evaluator, obtain orders permitting that evaluator to receive the prior report.
- If an inadvertent disclosure is made, demonstrate that the disclosing party acted with substantial justification and/or explain why other circumstances make the imposition of sanctions unjust.
- If sanctions would impose an unreasonable financial burden on the party, submit evidence to the Court regarding same (*e.g.*, an Income and Expense Declaration).

### Recommended Reading

For a further exploration of the Anka case and the issues it raises, you are recommended to read "[Here's Looking at You](#)," by Ariel Leichter-Maroko, Jenna Charlotte Spatz, Judge Thomas Trent Lewis (Ret.).

## Summary of April 14, 2022, Meeting with Supervising Family Law Judge, Julie Palafox

Robert Burch posted this on the ListServ on Saturday April 16. It is reproduced here.

“Myself and Laurel Brauer met with Judge Palafox last Thursday to get an update from Judge Palafox on some of the pressing concerns of the family law section. We continue to be grateful that Judge Palafox makes time in her schedule to listen to and address the family law sections concerns. Judge Palafox reported as follows:

1. Recently appointed judges Yolanda Torres and Adrienne Marschak have been assigned to the family law panel. Both are receiving training and judicial education. They will hear cases on an assigned and overflow basis for the present until their new inventories are populated. (This does not take long)
2. Judge Lo has been assigned Judge Gaffney’s inventory.
3. Judge Palafox confirmed the three new judges are enthusiastic about their new assignment and interested in family law and working with the bar to better serve the litigants. Our section attorneys are encouraged to better educate the new judges with appropriate briefing on the issues presented.
4. Parentage Access: At the encouragement of our section and particularly Robert Farzad, Teri Thomas researched the parentage access portal from Los Angeles. In that system, attorneys of record can access online records in parentage cases. There is a cost for the service (\$100 / year in LA) but the service works well. Judge Palafox and Teri Thomas are recommending Orange County implement the same or a similar system. The only hinderance at this time is the substantial costs. Assuming this can be overcome in the next budget, the service, if implemented, will have a user fee. By way of background, Los Angeles charges each attorney or firm \$100 per year. Orange County’s fee is expected to be higher because there are not as many attorneys in Orange County to support the portal. We are hopeful the system gets implemented in Orange County. In the meantime, as a temporary solution Judge Palafox has authorized your attorney services to obtain the requested records with a completed form 1038. The clerks are also authorized to provide the file immediately upon presentation of your appropriately completed form. This is a significant change as in the past the requests were dropped off and it could be weeks before the documents were obtained.
5. Internet Access at LJC: At our last meeting with Judge Palafox, we requested internet access for attorneys at LJC. Judge Palafox confirmed her previous requests for internet access were denied by the Court’s technology and security team. When I reported that news to the section there was incredible feedback with several members of our section stepping up with advice and constructive suggestions. Those suggestions were conveyed to Judge Palafox who worked with Judge Larsh to find a solution given many LJC courtroom are still closed because of a lack of security resources (i.e. deputies). We are

pleased to report, we now have Wi-Fi access in the attorney conference room. The user name and password will be posted in the attorney conference room but are also included in this email (OCGuest (User name) Password: !Blueskies20! ). Please test out the Wi-Fi over the next 30 days so we can give feedback to the tech department. The tech department will need to know whether the bandwidth is sufficient.

6. Electronic Signatures on Judgments: Teri Thomas clarified that electronic signatures are not allowed for Judgments at the present time due to a statutory requirement for “wet” ink. The good news is the statute has been amended and the Judicial Council will be providing funding in 2023 to implement the electronic signature filings.

7. Remote appearances: We reported to Judge Palafox the experiences of several members who have been left in a waiting room on remote appearances until after noon without hearing from the clerk or court. Judge Palafox was concerned and will work with the judicial officers while Teri Thomas works with the clerks to resolve this issue.”

## **Judicial Changes**

1. Judge Gaffney moved to the Civil Panel to take Judge Slaughter’s inventory.
2. Judge Lo has assumed Judge Gaffney’s inventory.
3. Adrienne Marshack has been assigned to the Family Law Panel.
4. Yolanda Torres has been assigned to the Family Law Panel.

## **Local Form L-0797 is Ready to Use**

There is a new form in town! It is Form L-0797, titled “Application and Order to Restore Order to Show Cause.”

You can use this form to request an RFO previously taken off calendar to be restored to the calendar.

## **Helpful Links to Family Law Resources**



Here are helpful links for family law attorneys in Orange County.

If you have suggestions for other links, please email B. Robert Farzad or Laurel Brauer.

Their contact information is on the first page of this newsletter.

- [Orange County Superior Court Case Access](#)
- [Orange County Superior Court Department List](#)
- [Orange County Family Law Local Rules - 2022](#)
- [Document Processing Timelines & Filing Status](#)
- [Family Law Fee Schedule](#)
- [List of Child Custody Evaluators - 2022](#)
- [Supervised Visitation Providers – 2021](#)

## Volunteer and Pro Bono Opportunities

Here are links of some of these volunteer opportunities. To our readers, if you believe we should list other links here, please email me at [robert@farzadlaw.com](mailto:robert@farzadlaw.com).

- [Human Options Opportunities](#)
- [Laura's House Opportunities](#)
- [Orange County Bar Association Community Outreach Opportunities](#)
- [Public Law Center Opportunities](#)
- [Veteran's Legal Institute](#)
- [California State Bar List of Pro Bono Opportunities](#)
- [Constitutional Rights Foundation – Orange County](#)
- [Casa OC](#)
- [Precious Life Shelter](#)
- [Orange County Temporary Judge Program](#)

## New Appellate Cases for March of 2022

By Marc Garelick.

### David Haley v. Sara Antunovich

This case discusses seek-work orders. In the present case, Mother appeals a seek-work order, contending the order was not supported by substantial evidence. In particular, Mother argues the Court misconstrued *Family Code*, Section 4053 when it explained, “the policy of the State of California is that both parents should work and provide support for their minor child...” Although the Court of Appeals agrees the statute does not state “both parents should work,” it affirmed the order, finding that does not affect a trial court’s discretion to impose a seek-work order in an appropriate circumstance. The trial court did not abuse its discretion in finding a seek-work order was in the “best interest of the child” because there was evidence that Mother’s income was insufficient “to survive and to adequately care for” the child based on Mother’s own testimony, and evidence that she had both the ability and opportunity to work.

City and County of San Francisco v. H.H

Pursuant to *Family Code*, Section 3044, a mandatory rebuttable presumption exists that an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence against the other party seeking custody of that child is detrimental to the best interest of the child. The application of this presumption is mandatory and not discretionary. To overcome such presumption, the court must find “[t]he perpetrator of domestic violence has demonstrated that giving sole or joint physical or legal custody of a child to the perpetrator is in the best interest of the child.” *Family Code*, Section 3044(b)(1). When a court finds the presumption of detriment has been overcome, *Family Code*, Section 3044 expressly requires the court to explain its reasoning in writing or on the record, including specifically addressing each of the *Family Code*, Section 3044(b) subfactors. The trial court in the present matter found *Family Code*, Section 3044 applied, but maintained the parenting schedule which gave Father, the perpetrator of the domestic violence, custodial time three days per week. The appellate court found this was effectively joint physical custody, and found that the trial court did not state its reasons for finding why the *Family Code*, Section 3044 presumption had been overcome.

Abdelqader v. Abraham

This case also involves *Family Code*, Section 3044. In the present matter, Wife sought a DVRO in 2018 and was issued a TRO, but filed an ex parte application in May 2019 to terminate the TRO and take the hearing off calendar. The matter was dismissed. In 2019, Wife filed another request for a DVRO in 2020 and was issued a TRO. At trial the Court explained it was focused on the events that occurred after the dismissal of the last TRO, but allowed Wife to testify about prior events. The Court found Husband committed domestic violence in 2018, and found the *Family Code*, Section 3044 presumption applied. However, the court did not grant the DVRO based on Wife’s 2020 filing. The Court then awarded legal custody of the children to Wife, but continued the previous interim order of joint physical custody. In its judgment, the Court failed to discuss why the *Family Code*, Section 3044 presumption applied. Like *City and County of San Francisco v. H.H*, the appellate court found the trial court erred in failing to provide the necessary statement of reasons in finding the presumption applied. The court explained that the fact that Wife did not request a statement of decision was irrelevant and the court was still required to provide a statement of reasons.

M.S. v. A.S.

Father appeals a DVRO issued to Mother against him which included the Parties’ children as protected parties. Father argues the trial court abused its discretion because there was insufficient evidence for good cause for including the children in the DVRO. The appellate court disagrees and affirms its decision. The purpose of the DVPA is not only to prevent acts of domestic violence and abuse, but also “to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence.” *Family Code*, Section 6220. As such, the DVPA provides for the issuance of restraining orders that enjoin abuse. Based on the children’s own testimony, there was evidence that Father enlisted the children to stalk Mother and would take the children with him to physically harm a man that Mother was seeing, thereby harassing Mother. The trial court also reasonably inferred based on

testimony of the children and the maternal grandmother that the “exceptionally” “rough play” of Father to the children which involved slapping, pushing and choking the children amounted to physical violence rather than “play.” The appellate court found the inclusion of the children as protected parties under the DVRO was therefore appropriate to not only prevent future attempts of Father in using his children to abusing Mother, but also because there was substantial evidence that the children feared potential abuse from Father.

#### In re Marriage of Zucker

This case involves many issues but primarily focuses on the validity of a spousal support agreement that was unconscionable when executed between 1986 and 2002. In this present case, the Parties signed a PMA under which Wife would receive limited spousal support of \$6,000 per month and Wife waived any inheritance rights. The court found the spousal support agreement was unenforceable as a \$6,000 spousal support amount compared to Husband’s \$250,000 monthly earnings was oppressive. This court found that in determining the enforceability of such agreements, the court is not limited to whether the agreement was unconscionable when executed (under *Family Code*, Section 1615(a)(2)), but retains power under *Family Code*, Section 1612(a)(7) to shape public policy regarding premarital spousal support agreements to the extent not inconsistent with Legislature declarations of such policy, and to declare that the a premarital spousal support agreement is unenforceable as against public policy solely because it is unconscionable at the time of enforcement.