

EXHIBIT A

EXHIBITS TO FIRST AMENDED COMPLAINT p. 2

(Page 2 of 2)

GC-150

TEMPORARY <input checked="" type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name): Sasha Milan Augustus	CASE NUMBER: 18STPB09873
<input checked="" type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890-2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an institution or financial institution (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter, or may be filled out online and printed out ready for signature and filing.

An institution under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A financial institution under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe deposit box held by the financial institution. A single form may be filed for all affected accounts or safe deposit boxes held by the financial institution.

LETTERS OF TEMPORARY ☒ GUARDIANSHIP ☐ CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of temporary ☒ guardian. ☐ conservator.

Executed on (date): 10/11/2018, at (place): Los Angeles, CA

Shaunta Selena Montgomery

(TYPE OR PRINT NAME)

(SIGNATURE OF POINTEE)

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____ Deputy

OFFICIAL USE ONLY

LETTERS OF TEMPORARY GUARDIANSHIP OR CONSERVATORSHIP
(Probate Code sections 2890-2893)

Page 2 of 2

(Page 1 of 2)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Shaunta Selena Montgomery 5222 W. 12th S Los Angeles, CA 90019 TELEPHONE NO.: (323) 423-8732 FAX NO. (Optional) E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): In Pro Per		GC-140 FILED Superior Court of California County of Los Angeles DEC 11 2018 Sherri R. Carter, Executive Officer/Clerk By <u>Stephanie Amador</u> , Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill St. MAILING ADDRESS: Same as Above CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central		
TEMPORARY GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): Sasha Milan Augustus <div style="text-align: right;">MINOR</div>		
ORDER APPOINTING TEMPORARY GUARDIAN		
		CASE NUMBER: 18STPB09873
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.		

1. The petition for appointment of a temporary guardian came on for hearing as follows (check boxes c-l to indicate personal presence):
- a. Judicial officer (name): GUS T. MAY
 - b. Hearing date: 12/11/2018 Time: 10:30 AM ☒ Dept.: 2D ☒ Room: 629
 - c. ☒ Petitioner (name): Shaunta Selena Montgomery
 - d. ☐ Attorney for petitioner (name):
 - e. ☐ Minor (name):
 - f. ☒ Attorney for minor (name): William Spiller Jr.
 - g. ☐ Minor's parents (names):
 - h. ☐ Attorney for minor's parents (names):
 - i. ☐ Person with valid visitation order (name):
 - j. ☐ Attorney for person with valid visitation order (name):
 - k. ☐ Public Guardian (name):
 - l. ☐ Attorney for Public Guardian (name):

THE COURT FINDS

2. a. ☐ Notice of the time and place of hearing has been given as required by law.
 b. ☒ Notice of the time and place of hearing ☒ has been ☐ should be dispensed with for (names):
 Mark Augustus (Father) and Donecia Augustus (Mother) for this hearing only.
3. It is necessary that a temporary guardian be appointed to ☒ provide for temporary care, maintenance, and support
☐ protect property from loss or injury ☒ pending the hearing on the petition for appointment of a general guardian
☐ pending an appeal under Probate Code section 1301. ☐ during the suspension of powers of the guardian.

THE COURT ORDERS

4. a. ☒ (Name): Shaunta Selena Montgomery
 (Address): 5222 W. 12th St., Los Angeles, CA 90019 (Telephone): (323) 423-8723
 is appointed temporary guardian of the PERSON of (name): Sasha Milan Augustus
 and Letters shall issue upon qualification.
- b. ☐ (Name):
 (Address): (Telephone):
 is appointed temporary guardian of the ESTATE of (name):
 and Letters shall issue upon qualification

Form A-100 (Rev. January 1, 2009)
 For Mandatory Use
 by the Superior Court of California
 Probate Code, §§ 2250-2254

ORDER APPOINTING TEMPORARY GUARDIAN
 (Probate - Guardianships and Conservatorships)

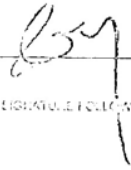
Page 1 of 2
 Probate Code, §§ 2250-2254

(Page 2 of 2)

TEMPORARY GUARDIANSHIP OF (Name): Sasha Milan Augustus		GC-140
MINOR		CASE NUMBER 18STPB09873

5. ☒ Notice of hearing to the persons named in item 2b is dispensed with.
6. a. ☒ Bond is not required.
- b. ☐ Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
- c. ☐ Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location): _____
- d. ☒ The temporary guardian is not authorized to take possession of money or any other property without a specific court order.
7. ☐ In addition to the powers granted by law, the temporary guardian is granted other powers. These powers are specified ☐ in attachment 7. ☐ below (specify): _____

8. ☐ Other orders as specified in attachment 8 are granted.
9. ☒ Unless modified by further order of the court, this order expires on (date): 1/22/2019
10. Number of boxes checked in items 4-9: 5
11. Number of pages attached: 0
- Date: DEC 11 2018



JUDICIAL OFFICER
☐ SIGNATURE FOLLOWS LAST ATTACHMENT

GC-140 (Rev. January 1, 2009)

ORDER APPOINTING TEMPORARY GUARDIAN
(For Use by Clerk of Court and County Clerk)

Page 2 of 2

EXHIBIT B

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT CE-2D

HON. GUS T. MAY, JUDGE

4
5 IN RE THE GUARDIANSHIP OF)

)

6)

)

CASE NO. 18STPB09873

7)

8 SASHA MILAN AUGUSTUS.)

)

9)

10
11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12 TUESDAY, OCTOBER 30, 2018

13
14
15 APPEARANCES:

16 FOR PETITIONER:

17 SHAUNTA MONTGOMERY

18 IN PROPRIA PERSONA

5222 WEST 12TH STREET

19 LOS ANGELES, CALIFORNIA 90019

20
21
22
23
24
25 STEPHANIE BAKER
CSR NO. 9249
26 PAGES 1 THRU 6, INCL. OFFICIAL REPORTER

CHRONOLOGICAL INDEX OF WITNESSES

TUESDAY, OCTOBER 30, 2018

PETITIONER'S WITNESSES

NONE OFFERED

RESPONDENT'S WITNESSES

NONE OFFERED

CHRONOLOGICAL INDEX OF EXHIBITS

PETITIONER'S

FOR I.D.

IN EVI

**WITHDRAWN/
REJECTED**

NONE OFFERED

RESPONDENT'S

FOR I.D.

IN EVI

**WITHDRAWN/
REJECTED**

NONE OFFERED

1 CASE NUMBER: 18STPB09873
2 CASE NAME: IN RE THE GUARDIANSHIP OF
3 SASHA MILAN AUGUSTUS
4 LOS ANGELES, CALIFORNIA TUESDAY, OCTOBER 30, 2018
5 DEPARTMENT CE-2D HON. GUS T. MAY, JUDGE
6 REPORTER: STEPHANIE BAKER, CSR NO. 9249
7 TIME: MORNING SESSION
8
9 APPEARANCES:
10 PETITIONER SHAUNTA MONTGOMERY: IN PROPRIA PERSONA.
11 -000-
12
13 THE COURT: 4005, SASHA AUGUSTUS.
14 GOOD MORNING.
15 MS. MONTGOMERY: GOOD MORNING, YOUR HONOR.
16 THE COURT: AND YOUR NAME.
17 MS. MONTGOMERY: MY NAME IS SHAUNTA MONTGOMERY. I'M
18 THE AUNT OF SASHA MONTGOMERY.
19 THE COURT: THANK YOU.
20 MS. MONTGOMERY: SASHA AUGUSTUS, I'M SORRY.
21 THE COURT: AND WHERE IS SASHA TODAY?
22 MS. MONTGOMERY: SASHA HAS BEEN IN MY CARE SINCE JUNE,
23 BUT HER MOTHER DECIDED TO PICK HER UP LAST NIGHT BECAUSE WE
24 WERE COMING TO COURT THIS MORNING.
25 THE COURT: OKAY.
26 SO HOW DID MOTHER KNOW ABOUT THIS PROCEEDING?
27 MS. MONTGOMERY: I SERVED HER WITH, BY FEDEX, THE
28 DECLARATIONS.

1 THE COURT: OKAY.

2 HAVE YOU FILED THE PROOF OF SERVICE AT ALL?

3 MS. MONTGOMERY: NO, I DID NOT.

4 THE COURT: OKAY.

5 I KNOW ONE OF THE QUESTIONS THAT THE PROBATE
6 ATTORNEYS HAD WHEN THEY WERE LOOKING THROUGH THIS IS: WHY
7 YOU WROTE THE CHILD'S RESIDENCE WAS IN BRENTWOOD BUT YET WE
8 HAD THE ADDRESS IN WINCHESTER?

9 MS. MONTGOMERY: HER PARENT -- THE CHILD HAS BEEN WITH
10 ME. HER PARENTS ORIGINALLY ARE FROM BRENTWOOD, LIVED IN
11 BRENTWOOD BUT THEY WERE DISPLACED FROM THAT HOME AND NOW
12 THEY ARE LIVING IN TEMECULA AT MY UNCLE'S HOME AND SASHA HAS
13 BEEN WITH ME IN LOS ANGELES GOING TO SANTA MONICA HIGH
14 SCHOOL.

15 THE COURT: BUT I -- DON'T YOU LIVE ON 12TH STREET?

16 MS. MONTGOMERY: YES.

17 THE COURT: THEN WHAT IS THE BRENTWOOD -- IT SAYS, THE
18 CHILD'S RESIDENCE WAS BRENTWOOD FROM MAY 2016 TO JUNE 2018.

19 MS. MONTGOMERY: AND THAT'S WHEN SHE WAS LIVING THERE.
20 SHE NO LONGER LIVES IN BRENTWOOD, SHE LIVES WITH ME.

21 THE COURT: OKAY.

22 SO THE PARENTS WERE LIVING --

23 MS. MONTGOMERY: IN BRENTWOOD.

24 THE COURT: -- IN BRENTWOOD.

25 MS. MONTGOMERY: CORRECT.

26 THE COURT: AND THEN THEY SUBSEQUENTLY MOVED --

27 MS. MONTGOMERY: TO TEMECULA.

28 THE COURT: OKAY.

1 AND WHAT IS THE WINCHESTER ADDRESS THAT YOU HAVE
2 PUT --

3 MS. MONTGOMERY: THAT'S TEMECULA. THAT'S ACTUALLY THE
4 TEMECULA COUNTY, I GUESS.

5 THE COURT: OH, I -- OKAY.

6 OKAY. WHAT I THINK IS APPROPRIATE -- I'M
7 INCLINED TO DO WHAT THE PROBATE EXAMINER RECOMMENDED AND
8 THAT'S MAKE A REFERRAL TO THE DCFS PER PROBATE CODE 1513(B)
9 AND THEN CONTINUE THIS MATTER OUT SO WE CAN GET THEIR
10 INVESTIGATION AND SO YOU CAN COMPLETE THE SERVICE, BECAUSE
11 SERVICE NEEDS TO BE DONE AND COMPLETED BEFORE I CAN MAKE AN
12 ORDER IN THIS CASE.

13 MS. MONTGOMERY: OKAY.

14 THE COURT: DO YOU KNOW WHAT HER SCHOOL IS? IS SHE
15 STILL GOING?

16 MS. MONTGOMERY: SHE GOES TO SANTA MONICA HIGH SCHOOL.
17 SHE WAS THERE YESTERDAY AND MY SISTER TOOK HER AFTER THIRD
18 PERIOD ONCE SHE KNEW WE WERE GOING TO COURT.

19 THE COURT: WAS THERE ANY DISCUSSION HOW SHE'S GOING
20 TO BE GETTING TO SCHOOL?

21 MS. MONTGOMERY: MY NIECE CALLED ME THIS MORNING AND
22 SAID THAT SHE'S GOING TO BE WITH HER MOM AND SHE -- SHE
23 COULDN'T EVEN TELL ME WHERE THEY WERE.

24 THE COURT: WHAT I'M TRYING TO THINK THROUGH IS
25 WHETHER, IF THE -- HOW LONG IT TAKES FOR THE DCFS
26 INVESTIGATION TO BE CONDUCTED, BECAUSE RIGHT NOW IT'S SET
27 FOR -- YOU'RE SET TO COME BACK ON JANUARY 9TH. I BELIEVE
28 DCFS INVESTIGATIONS TAKE FOUR TO SIX WEEKS, AND I'M

1 CONCERNED ABOUT THE CASE BEING PUT OUT ALL THE WAY UNTIL
2 JANUARY. BUT ON THE OTHER HAND UNTIL WE GET THE DCFS
3 THERE'S NOT A LOT THAT I CAN BE DOING HERE.

4 MS. MONTGOMERY: YOUR HONOR, MAY I SPEAK?

5 THE COURT: YES.

6 MS. MONTGOMERY: MY MAIN CONCERN IS THAT MY NIECE IS
7 UNCOMFORTABLE WITH HER MOTHER NOT SPEAKING UP IN REGARDS TO
8 BEING TOUCHED INAPPROPRIATELY BY HER FATHER. AND THEY BOTH,
9 BOTH HER PARENTS WORK ON INTIMIDATION, FEAR, AND I DON'T
10 WANT HER TO BE IN THIS ENVIRONMENT WHILE WE'RE GOING THROUGH
11 THIS. I WOULD RATHER KNOW THAT NO ONE IS GOING TO BE
12 THREATENING HER OR MAKE HER FEEL LIKE THIS IS HER FAULT.
13 SHE'S THE VICTIM.

14 SO I'M JUST CONCERNED WITH HER WELL-BEING, OF
15 BEING AWAY FROM ME. THAT'S ALL.

16 THE COURT: UNDERSTOOD.

17 WHAT -- HOW DID SHE END UP LIVING WITH YOU IN
18 JUNE?

19 MS. MONTGOMERY: HER PARENTS GOT EVICTED AND SHE -- IT
20 WAS SUMMER, AND I'M GOOD FRIENDS -- HER FRIEND AND MY
21 STEPDAUGHTER ALL HANG OUT. SO I HAD HER FOR THE SUMMER SO
22 THEY ALL COULD STAY IN TOUCH AND HANG OUT TOGETHER BEFORE
23 SCHOOL STARTED.

24 ONCE SCHOOL STARTED, MY SISTER STILL DID NOT
25 HAVE A PLACE SO MY NIECE SAID SHE WANTS TO STAY WITH ME SO I
26 CAN MAKE SURE -- MYSELF AND MY MOTHER -- SO WE COULD MAKE
27 SURE SHE GETS TO SCHOOL ON TIME.

28 THE COURT: OKAY.

1 MS. MONTGOMERY: I HAVE TRIED TO GET THERAPISTS FOR
2 HER, BUT WITHOUT HAVING GUARDIANSHIP, THEY ARE NOT ALLOWING
3 ME TO DO SO. AND THAT'S ALL I WANT. I'M NOT TRYING TO TAKE
4 HER, I JUST WANT HER TO GROW UP AND BE SUCCESSFUL. THAT'S
5 MY GOAL.

6 THE COURT: OKAY.

7

8 (PAUSE IN THE PROCEEDINGS.)

9

10 THE COURT: I WAS JUST CONFERRING WITH MY ASSISTANT.
11 IT IS HER RECOLLECTION THAT IT'S ABOUT SIX WEEKS FOR DCFS TO
12 DO THEIR INVESTIGATION.

13 SO LET ME ASK YOU: I CAN CONTINUE THIS OUT
14 UNTIL -- SIX WEEKS IS ABOUT THE SECOND WEEK IN DECEMBER, AND
15 THAT WOULD BE TO CONTINUE THIS TEMPORARY UNTIL THAT TIME BUT
16 THEN YOU WOULD HAVE TO COME BACK AGAIN ON JANUARY 9TH FOR
17 THE PERMANENT. EITHER THAT OR I CAN JUST CONTINUE IT OUT TO
18 THE JANUARY 9TH. WOULD YOU LIKE TO COME BACK SOONER?

19 MS. MONTGOMERY: WHICHEVER IS CONVENIENT FOR YOU,
20 YOUR HONOR.

21 THE COURT: WELL, IT'S -- IT WILL MEAN TWO APPEARANCES
22 FOR YOU, BUT I CAN GET YOU IN SOONER, IF YOU PREFER.

23 MS. MONTGOMERY: YES.

24 THE COURT: OKAY.

25 ALL RIGHT. LET'S CONTINUE IT OUT THEN, OKAY,
26 THAT WOULD BE DECEMBER 12TH. THAT'S A WEDNESDAY.

27 MS. MONTGOMERY: OKAY.

28 THE COURT: SO WE -- I AM MAKING THE REFERRAL, SO THAT

1 DCFS WILL BE CONDUCTING THE INVESTIGATION. I'LL NEED YOU TO
2 TAKE CARE OF SERVICE. AND WE'RE ALSO GOING TO BE KEEPING --
3 RIGHT NOW WE'RE GOING TO BE KEEPING THE JANUARY 9TH HEARING
4 ON CALENDAR AS WELL, BUT WE'LL SEE WHAT EVERYTHING SHOWS FOR
5 THE TEMPORARY IN DECEMBER.

6 ALL RIGHT?

7 MS. MONTGOMERY: OKAY. SO THERE'S NO TEMPORARY
8 GUARDIANSHIP. SHE CAN BE WITH HER PARENTS AND...?

9 THE COURT: CORRECT. UNTIL WE GET THE REPORTS, YES.
10 I'M JUST CONTINUING THIS HEARING.

11 ALL RIGHT? THANK YOU.

12
13 (THE PROCEEDINGS IN THE ABOVE-ENTITLED
14 ACTION WERE CONCLUDED.)
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28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT CE-2D HON. GUS T. MAY, JUDGE

IN RE THE GUARDIANSHIP OF)
)
) CASE NO. 18STPB09873
)
) REPORTER'S
) CERTIFICATE
SASHA MILAN AUGUSTUS.)
)
)

I, STEPHANIE BAKER, OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF
LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1
THROUGH 6, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF
THE PROCEEDINGS TAKEN IN THE ABOVE ENTITLED CAUSE ON
TUESDAY, OCTOBER 30, 2018.

DATED THIS 21ST OF MARCH, 2019.

_____, CSR #9249
STEPHANIE BAKER
OFFICIAL REPORTER

EXHIBIT C



Bobby D. Cagle
Director

**County of Los Angeles
Department of Children and Family Services**

425 Shatto Place, Los Angeles, CA 90020
(213) 351-5602

Date: 12/6/2018

Mark Augustus
15332 Antioch St #516
Pacific Palisades, CA 90272

Dear Mark Augustus :

RE: Referral No. 0204-9650-5509-4020072 Referral Date 11/8/2018

Thank you for your cooperation during our investigation. Effective 12/6/2018 your referral has been closed by this Department. The reason for this action is that the allegation of child abuse and/or neglect was
☐ substantiated ☒ inconclusive ☐ unfounded.

A SDM Safety Plan ☐ was ☒ was not put into place during the investigation.

If a SDM Safety Plan was put into place, this is to advise you that as of _____ the SDM Safety Plan is no longer in effect.

If you have any questions or concerns regarding this matter, please call me.

Nancy Tran

Children's Social Worker

(323) 900-2233

Telephone Number

File No.

EW20S6260 - Tran, N.

EXHIBIT D

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT CE-2D

HON. GUS T. MAY, JUDGE

5 IN RE THE GUARDIANSHIP OF)

)

6) CASE NO. 18STPB09873

)

7 SASHA MILAN AUGUSTUS.)

8)

9 REPORTER'S TRANSCRIPT OF PROCEEDINGS

10 TUESDAY, DECEMBER 11, 2018

12 APPEARANCES:

13 FOR PETITIONER:
14 SHAUNTA MONTGOMERY

15 IN PROPRIA PERSONA
5222 WEST 12TH STREET
16 LOS ANGELES, CALIFORNIA 90019

17 FOR WARD:
SASHA AUGUSTUS

18 COURT-APPOINTED MINOR'S COUNSEL
LAW OFFICES OF WILLIAM SPILLER, JR.
19 BY: WILLIAM SPILLER, JR., ATTORNEY AT LAW
5711 W. SLAUSON AVENUE, SUITE 100
20 CULVER CITY, CALIFORNIA 90230

21 FOR INTERESTED PARTIES:
BREON BURGESS
22 MACKENZIE BURGESS

23 COURT-APPOINTED MINORS' COUNSEL
JACOBSON SCULLY, LLP
24 BY: ELIZABETH POTTER SCULLY,
ATTORNEY AT LAW
25 2301 ROSECRANS AVENUE, SUITE 4194
26 EL SEGUNDO, CALIFORNIA 90245

27 PAGES 1 THRU 10, INCL.

STEPHANIE BAKER
28 CSR NO. 9249
OFFICIAL REPORTER

CHRONOLOGICAL INDEX OF WITNESSES

TUESDAY, DECEMBER 11, 2018

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**WITHDRAWN/
REJECTED**

NONE OFFERED

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REJECTED**

NONE OFFERED

1 CASE NUMBER: 18STPB09873
2 CASE NAME: IN RE THE GUARDIANSHIP OF
3 SASHA MILAN AUGUSTUS
4 LOS ANGELES, CALIFORNIA TUESDAY, DECEMBER 11, 2018
5 DEPARTMENT CE-2D HON. GUS T. MAY, JUDGE
6 REPORTER: STEPHANIE BAKER, CSR NO. 9249
7 TIME: MORNING SESSION
8

9 APPEARANCES:

10 PETITIONER SHAUNTA MONTGOMERY: IN PROPRIA PERSONA;
11 COURT-APPOINTED MINOR'S COUNSEL FOR
12 SASHA AUGUSTUS; WILLIAM SPILLER, JR., ATTORNEY AT
13 LAW; COURT-APPOINTED MINORS' COUNSEL FOR
14 BREON BURGESS AND MACKENZIE BURGESS:
15 ELIZABETH POTTER SCULLY, ATTORNEY AT LAW.

16 -000-
17

18 THE COURT: 4010, IT'S -- I'VE GOT A PRIORITY
19 REQUEST -- SASHA AUGUSTUS.

20 MR. SPILLER: GOOD MORNING, YOUR HONOR.
21 WILLIAM SPILLER ON BEHALF OF THE MINOR CHILD SASHA AUGUSTUS.
22 I'M WAIVING HER APPEARANCE.

23 THE COURT: THANK YOU.

24 MS. POTTER SCULLY: GOOD MORNING, YOUR HONOR. I'M
25 ELIZABETH POTTER SCULLY. I'M PVP COUNSEL ON A CASE
26 INVOLVING ANOTHER CHILD THAT LIVES IN THE SAME HOUSEHOLD.
27 SO I'M JUST HERE TO ADVISE THE COURT OF THAT AND DISCUSS THE
28 ISSUE OF RELATING THOSE CASES.

1 THE COURT: OKAY.

2 AND YOUR NAME, MA'AM?

3 MS. MONTGOMERY: I'M SHAUNTA MONTGOMERY.

4 THE COURT: THANK YOU. YOU ARE THE PETITIONER, I SEE.

5 SO I HAVEN'T RECEIVED ANY OF THE THINGS I NEED
6 TO DECIDE THE CASE TODAY, SO TELL ME WHAT'S THE STATUS?

7 MR. SPILLER: YEAH, LET ME APOLOGIZE TO THE COURT. WE
8 FINISHED OUR REPORT AND FILED IT, I THINK, YESTERDAY BECAUSE
9 WE WERE -- WELL, LET ME BACK UP.

10 IT TURNS OUT THAT THIS CASE HAS A COMPANION
11 CASE. THE CASE NUMBER IS 18STPB04157. IT IS THE
12 GUARDIANSHIP OF BREON -- SPELLED B-R-E-O-N -- BURGESS -- AS
13 IT SOUNDS -- AND MS. POTTER SCULLY WAS APPOINTED AS MINOR'S
14 COUNSEL IN THAT CASE. WE JUST HAPPEN TO BE --

15 THE COURT: THAT'S A CONSERVATORSHIP?

16 MR. SPILLER: IT'S A GUARDIANSHIP.

17 THE COURT: IT'S A GUARDIANSHIP.

18 MR. SPILLER: I'M SORRY.

19 THE COURT: OKAY.

20 MR. SPILLER: WE JUST HAPPENED TO BE TALKING AND
21 REALIZED THAT WE SHARED THE SAME GROUP OF ADULTS IN THE TWO
22 CASES, AND SO WE PUT OUR HEADS TOGETHER AND CAME UP WITH
23 MORE INFORMATION THAN WE THINK THE COURT HAS.

24 HAVING SAID THAT, I ADDRESSED IT IN MY REPORT.
25 I APOLOGIZE BECAUSE I ALSO DON'T HAVE A COURTESY COPY TO
26 GIVE THE COURT. BUT, ESSENTIALLY, IN MY CASE WITH SASHA,
27 MS. MONTGOMERY HAD PHYSICAL CUSTODY OF SASHA, WHO IS 15, IN
28 THE SENSE THAT SASHA WAS LIVING WITH HER BECAUSE THE PARENTS

1 WERE HOMELESS BECAUSE THEY WERE EVICTED. SO ONCE THE
2 PETITION WAS FILED, APPARENTLY, THE PARENTS, WHO WERE SERVED
3 WITH A COPY, AS IS APPROPRIATE, TOOK THE CHILD AND HAVE NOW
4 FORBADE THE PROPOSED GUARDIAN FROM HAVING ANY CONTACT WITH
5 THE CHILD AS WELL AS THE BIOLOGICAL MOTHER'S FAMILY.

6 IT'S IMPORTANT FOR A NUMBER OF REASONS. THERE
7 ARE ALLEGATIONS OF SEXUAL MOLESTATION AND ABUSE ON THE PART
8 OF THE BIOLOGICAL FATHER, WHO APPARENTLY IS ON THE LAM -- TO
9 USE MY WORDS -- AND AVOIDING THESE PROCEEDINGS. BUT WE KNOW
10 WHERE THE CHILD IS. SHE ATTENDS SANTA MONICA HIGH SCHOOL,
11 AND I DID SPEAK WITH HER BRIEFLY TELEPHONICALLY. TO THE
12 EXTENT THAT IT'S WORTH ANYTHING, SHE'S IN FAVOR OF THE
13 GUARDIANSHIP, WE JUST DON'T HAVE THE BODY.

14 SO NOW I'LL SHIFT TO THE OTHER SIDE. IT WOULD
15 APPEAR THE SAME BIOLOGICAL PARENTS ARE SEEKING GUARDIANSHIP
16 OF THE MINOR CHILD BURGESS, AND THEN MS. POTTER SCULLY CAN
17 FILL IN THE COURT AS TO HOW THAT WORKS.

18 MS. POTTER SCULLY: WELL, THERE ARE TWO CHILDREN,
19 BREON AND HIS YOUNGER SISTER MACKENZIE. UNDER THE LOCAL
20 RULES WHERE THE CASES SHARE SUBSTANTIALLY AFFECTED PARTIES,
21 THEN COUNSEL IS OBLIGATED TO INFORM THE COURT EITHER BY
22 FILING AND SERVING A NOTICE OR BY EXPLAINING ORALLY ON THE
23 RECORD, AND THE CASE SHALL BE TRANSFERRED TO THE DEPARTMENT
24 WHERE THE LEAD CASE IS ASSIGNED, ABSENT GOOD CAUSE. THE
25 LEAD CASE UNDER THE LOCAL RULES IS THE FIRST FILED CASE,
26 WHICH WOULD BE THE BURGESS GUARDIANSHIP AS OPPOSED TO THIS.
27 SO THERE IS AN ISSUE OF WHETHER OR NOT THE CASES SHOULD BE
28 TRANSFERRED TO DEPARTMENT FIVE WHERE THE CASE IN WHICH I AM

1 INVOLVED IS PENDING.

2 THE COURT: NOW TELL ME, THE PARTIES THAT ARE THE SAME
3 ARE THE -- BASICALLY WOULD BE THE RESPONDENTS OR OBJECTORS
4 IN THIS MATTER ARE THE PETITIONERS IN THE OTHER, IN THE
5 BURGESS MATTER?

6 MS. POTTER SCULLY: THAT'S CORRECT.

7 MR. SPILLER: YES.

8 MS. POTTER SCULLY: SASHA'S BIOLOGICAL PARENTS ARE
9 TEMPORARY GUARDIANS OF THE CHILDREN IN THE OTHER CASE AND
10 ARE SEEKING PERMANENT GUARDIANSHIP OF THE TWO CHILDREN IN
11 THE OTHER CASE.

12 THE COURT: OKAY.

13 MR. SPILLER: NOW THE COMMON THREAD, ASIDE FROM ALL OF
14 THAT, IS THAT FOR WHATEVER REASON THE SAME INDIVIDUALS HAVE
15 FILED REQUESTS FOR DOMESTIC VIOLENCE RESTRAINING ORDERS IN
16 BOTH CASES, AND MAYBE UNDER A SEPARATE CASE NUMBER, ALL OF
17 WHICH WERE DENIED AT THE HEARING.

18 THE COURT: HAS DEPARTMENT FIVE BEEN INFORMED ABOUT
19 THE RELATED CASES?

20 MS. POTTER SCULLY: NO, NOT YET, YOUR HONOR.

21 THE COURT: IS THERE A HEARING COMING UP?

22 MS. POTTER SCULLY: THERE ARE TWO, THERE IS ONE ON
23 JANUARY 9TH AND ONE ON JANUARY 22ND. I'M HAPPY TO FILE A
24 FORMAL NOTICE.

25 THE COURT: WHAT I'M THINKING IS I CAN'T -- I DON'T
26 HAVE A PROBATE INVESTIGATOR'S REPORT, MINOR'S COUNSEL REPORT
27 OR THE DCFS REPORT THAT I ORDERED AT THE TEMPORARY HEARING,
28 SO I'M INCLINED TO CONTINUE THIS. WHAT I COULD DO IS

1 CONTINUE IT OUT FAR ENOUGH -- MY 30 DAYS RIGHT NOW IS
2 JANUARY 29TH. I COULD CONTINUE IT TO THEN WITH
3 DEPARTMENT FIVE TO DETERMINE WHETHER HE WANTS TO RELATE THE
4 CASE AND TAKE OVER THE CASE AT THAT TIME. SO YOU USUALLY
5 WANT TO LET THE PERSON WITH THE LOWER CASE NUMBER MAKE THAT
6 ASSESSMENT, PARTICULARLY WHEN IT'S -- IN THIS CASE, WHERE
7 THEY ARE CLOSE, BUT I'M NOT SURE IT'S GOING TO HELP COURT
8 EFFICIENCY. I CAN SEE WHERE IT WOULD, BUT I WANT TO LET HIM
9 MAKE THAT CALL.

10 DO YOU WANT TO BE HEARD ON MY PROPOSAL?

11 MR. SPILLER: NO. I'M OKAY WITH THE COURT'S PROPOSAL.
12 I'D LIKE TO BE HEARD ON ANOTHER ISSUE.

13 THE COURT: OKAY.

14 MS. POTTER SCULLY: ON THE COURT'S PROPOSAL, I'M ALSO
15 FINE WITH WHAT. THANK YOU, YOUR HONOR.

16 THE COURT: AND I'M JUST WONDERING, TOO, IF -- WHAT IS
17 ON THE 22ND?

18 MS. POTTER SCULLY: THERE IS ONE PETITION FOR
19 VISITATION AND THEN SEVERAL COMPETING PETITIONS FOR
20 GUARDIANSHIP. AND I'M AFRAID I DON'T REMEMBER WHETHER THE
21 ISSUE ON THE 22ND IS VISITATION OR THE GUARDIANSHIP
22 PETITIONS. I THINK IT'S A VISITATION ISSUE.

23 THE CLERK: YOUR HONOR, IT IS VISITATION.

24 THE COURT: OKAY. MY CLERK CONFIRMED IT IS
25 VISITATION.

26 WHAT I'M THINKING IS WOULD IT BE BETTER TO JUST
27 CONTINUE THIS HEARING TO THAT DATE, SO THAT IF THEY ARE
28 RELATED, THEY CAN ALL BE HEARD TOGETHER. IT WOULD MEAN

1 BASICALLY SECOND CALLING IT IN THIS CASE, BUT HE WON'T BE
2 PREPARED TO RULE ON IT, IF HE DOES.

3 MR. SPILLER: 22ND IS FINE. CAN WE SET THEM BOTH FOR
4 THE 22ND OR JUST SET THIS ONE FOR THE 22ND? THAT WAY WE'LL
5 BOTH BE IN THE BUILDING.

6 THE COURT: THAT ACTUALLY COULD MAKE SOME SENSE.
7 BECAUSE IF HE DETERMINES THAT HE'S GOING TO RELATE THE CASE,
8 THEN HE CAN PREPARE FOR THAT HEARING. AND IF HE DOESN'T,
9 THEN YOU'LL BE IN THE BUILDING, YOU CAN COME UP HERE FOR
10 SECOND CALL.

11 MR. SPILLER: THAT WORKS.

12 THE COURT: I THINK THAT MAKES SENSE. LET ME JUST
13 CONFIRM THAT I AM AROUND.

14

15 (PAUSE IN THE PROCEEDINGS.)

16

17 THE COURT: THAT'S THE TUESDAY, OKAY.

18 MS. POTTER SCULLY: AND YOUR HONOR, I'LL BE FILING A
19 WRITTEN PVP REPORT IN MY CASE AND I CAN ADDRESS THE ISSUE OF
20 THE POTENTIAL RELATIONSHIP BETWEEN THE TWO CASES IN THAT
21 REPORT SO THAT THE OTHER JUDICIAL OFFICER WILL BE ALERTED IN
22 ADVANCE TO THAT ISSUE.

23 THE COURT: OKAY.

24 ALL RIGHT. THEN, MR. SPILLER, YOU WANTED TO BE
25 HEARD ON ANOTHER ISSUE?

26 MR. SPILLER: YES, YOUR HONOR.

27 I WILL REPRESENT TO THE COURT -- AGAIN, IT'S IN
28 THE REPORT, BUT THE COURT DOESN'T HAVE THAT -- THAT I HAVE

1 CONTACTED BOTH BIOLOGICAL PARENTS ON TWO OCCASIONS. THEY
2 HAVE NOT RETURNED MY CALLS, HAVE NOT RESPONDED TO MY
3 CORRESPONDENCE, WHICH WAS NOT RETURNED. SO WE KNOW THAT IT
4 WENT SOMEWHERE, BUT I CAN'T CONFIRM THAT THE OBJECTORS
5 ACTUALLY RECEIVED MY CORRESPONDENCE.

6 THE COURT: AND YOU --

7 MR. SPILLER: AND THE PROBLEM, OF COURSE -- I
8 APOLOGIZE.

9 THE COURT: AND YOU SPOKE WITH THE PROPOSED WARD AND
10 SHE CONSENTS TO -- SHE WOULD LIKE THIS?

11 MR. SPILLER: YES.

12 THE COURT: I'M WONDERING WHETHER TO EXTEND THE
13 TEMPORARY LETTERS. AND YOUR POSITION IS YES?

14 MR. SPILLER: YES, THAT IS MY POSITION.

15 THE COURT: ALL RIGHT.

16 MR. SPILLER: THE PROBLEM IS THAT I DIDN'T KNOW WHICH
17 WAY THE COURT WANTED TO GO. IF THE COURT ISSUED AN ORDER
18 TODAY, ALBEIT A TEMPORARY ORDER, GRANTING A TEMPORARY
19 CONSERVATORSHIP TO -- GUARDIANSHIP TO THE PROPOSED GUARDIAN,
20 THAT'S ONE THING. BECAUSE THEN THE PROPOSED GUARDIAN WOULD
21 BE A TEMPORARY GUARDIAN, COULD TAKE THE ORDERS TO THE
22 SCHOOL, WHICH WOULD PRECLUDE ANYONE ELSE FROM HAVING ANY
23 COMMUNICATION OR CONTACT WITH THE CHILD WITHOUT
24 MS. MONTGOMERY'S APPROVAL.

25 THERE WAS ALSO -- I WAS PREPARED TO ADVISE THE
26 COURT OF A FAMILY CODE SECTION 3131 DISTRICT ATTORNEY CHILD
27 ABDUCTION UNIT LOCATE AND TAKE THE CHILD INTO THEIR CUSTODY,
28 IF NECESSARY. WE HAVE DONE THAT BEFORE IN GUARDIANSHIP

1 CASES.

2 THE COURT: WELL, I THOUGHT THAT SHE WAS -- THE
3 PARENTS WERE IN TEMECULA.

4 MR. SPILLER: WE DON'T KNOW WHERE THE PARENTS ARE.

5 THE COURT: OKAY.

6 MR. SPILLER: THE ADDRESS I HAVE IS IN -- I HAVE AN
7 ADDRESS IN WINCHESTER, CALIFORNIA -- WHEREVER THAT MAY BE.
8 THE ADDRESS IN THE COMPANION CASE INDICATES PACIFIC
9 PALISADES, BUT WE KNOW THAT THE CHILD ATTENDS SANTA MONICA
10 HIGH SCHOOL. SO WITH APPROPRIATE LETTERS AND ORDERS, THE
11 GUARDIAN WOULD BE AUTHORIZED TO GIVE A COPY TO THE SCHOOL
12 ADMINISTRATION AND THEY CAN PRECLUDE ANYONE FROM PICKING UP
13 THE CHILD WITHOUT HER PERMISSION.

14 THE COURT: OKAY.

15 AND WHEN YOU REACHED OUT TO THE PARENTS, DID YOU
16 LET THEM KNOW THE HEARING DATE?

17 MR. SPILLER: YES. BUT THERE'S A PROOF OF SERVICE.

18 THE COURT: THE PROBATE NOTES ARE SAYING NO -- WELL,
19 THEY ARE SAYING NO PERSONAL SERVICE.

20
21 (PAUSE IN THE PROCEEDINGS.)
22

23 THE COURT: WELL, THIS IS MAIL SERVICE FOR THE
24 JANUARY 9TH HEARING. DO THEY KNOW THAT YOU WERE COMING IN
25 TODAY?

26 MS. MONTGOMERY: YES.

27 MR. SPILLER: YES. I LEFT A MESSAGE ON VOICE MAIL TO
28 THAT EFFECT.

1 THE COURT: AND PETITIONER -- OR MS. MONTGOMERY, HOW
2 DO YOU KNOW THAT THEY KNOW?

3 MS. MONTGOMERY: THEY WERE SENT AN E-MAIL, AND MY
4 SISTER CONTACTED MY BROTHER TO COME TO COURT THIS WEEK.

5 THE COURT: OKAY.

6 AND I DO -- WHO IS BLAIR AUGUSTUS?

7 MS. MONTGOMERY: HE'S MY NEPHEW, MY SISTER'S SON.

8 THE COURT: AND DOES HE CURRENTLY RESIDE WITH THE, I
9 GUESS, THE PARENTS OF SASHA?

10 MS. MONTGOMERY: NO. HE ACTUALLY LIVES BETWEEN NEW
11 YORK AND EUROPE. HE'S TRAVELING, DOING WHATEVER. HE'S 20
12 SOMETHING YEARS OLD.

13 THE COURT: OKAY.

14 MS. MONTGOMERY: BUT HE DOES NOT RESIDE IN CALIFORNIA
15 WHATSOEVER.

16 THE COURT: WELL, BECAUSE HE SUBMITTED A DECLARATION
17 INDICATING THAT HE HAD NOTICE CONCERNING TODAY, LISTS HIS
18 ADDRESS AS PACIFIC PALISADES, THE ANTIOCH STREET.

19 MS. MONTGOMERY: THAT'S ACTUALLY A PO BOX.

20 THE COURT: I SEE, OKAY.

21 MS. POTTER SCULLY: YOUR HONOR, I DON'T HAVE
22 INFORMATION ON THE PARENTS' SERVICE FOR TODAY, BUT FOR WHAT
23 IT'S WORTH I HAVE BEEN TRYING ALSO REPEATEDLY TO CONTACT
24 THEM VIA TELEPHONE, VIA E-MAIL, VIA OVERNIGHT EXPRESS
25 DELIVERY WITH REGARD TO MY CASE AND I HAVEN'T RECEIVED A
26 RESPONSE.

27 THE COURT: OKAY.

28 ALL RIGHT. SO I AM GOING TO GRANT THE TEMPORARY

1 GUARDIANSHIP TODAY, SET -- RIGHT NOW WE'VE GOT THE PERMANENT
2 HEARING SET FOR JANUARY 9TH, 2019. I'M GOING TO ADVANCE AND
3 THEN CONTINUE THAT TO JANUARY 22ND, 2019, AND THAT WILL BE
4 IN DEPARTMENT 2D UNLESS, OF COURSE, THIS MATTER IS RELATED
5 TO DEPARTMENT FIVE.

6 ANYTHING FURTHER?

7 MR. SPILLER: NO, I THINK THAT WILL DO IT. I CAN -- I
8 WILL DEFER MY FEES UNTIL LATER, IF THAT'S OKAY.

9 THE COURT: OKAY. VERY GOOD.

10 MS. POTTER SCULLY: THANK YOU SO MUCH FOR YOUR TIME
11 THIS MORNING, YOUR HONOR.

12 MS. MONTGOMERY: THANK YOU, YOUR HONOR.

13 MR. SPILLER: THANK YOU, YOUR HONOR.

14 THE COURT: THANK YOU ALL.

15
16 (THE PROCEEDINGS IN THE ABOVE-ENTITLED
17 ACTION WERE CONCLUDED.)
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT CE-2D HON. GUS T. MAY, JUDGE

IN RE THE GUARDIANSHIP OF)
)
) CASE NO. 18STPB09873
)
) REPORTER'S
) CERTIFICATE
SASHA MILAN AUGUSTUS.)
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)

I, STEPHANIE BAKER, OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF
LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1
THROUGH 10, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF
THE PROCEEDINGS TAKEN IN THE ABOVE ENTITLED CAUSE ON
TUESDAY, DECEMBER 11, 2018.

DATED THIS 21ST OF MARCH, 2019.

_____, CSR #9249
STEPHANIE BAKER
OFFICIAL REPORTER

EXHIBIT E

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT 5 HON. MICHAEL C. SMALL, JUDGE
4

5 IN RE THE GUARDIANSHIP OF:)
6 SASHA MILAN AUGUSTUS,) NO. 18STPB09873
7 MINOR.)
8 _____)
9

10 REPORTER'S TRANSCRIPT OF PROCEEDINGS
11 MONDAY, MAY 13, 2019
12

13 APPEARANCES:
14

15 FOR PETITIONER SHAUNTA MONTGOMERY
16 IN PROPRIA PERSONA

17 FOR THE RESPONDENTS: MARK AUGUSTUS
18 IN PROPRIA PERSONA

19 DONECIA AUGUSTUS
20 IN PROPRIA PERSONA
21

22
23 ALICE ALARCON, CSR NO. 12182
24 OFFICIAL COURT REPORTER
25
26
27
28

1 CASE NUMBER: 18STPB09873
2 CASE NAME: SASHA MILAN AUGUSTUS GUARDIANSHIP
3 LOS ANGELES, CA MONDAY, MAY 13, 2019
4 DEPARTMENT 5 HON. MICHAEL C. SMALL, JUDGE
5 APPEARANCES: (AS HERETOFORE NOTED.)
6 REPORTER: ALICE ALARCON, CSR NO. 12182
7 TIME: P.M. SESSION
8

9 (THE FOLLOWING PROCEEDINGS
10 WERE HELD IN OPEN COURT:)
11

12 THE COURT: LET'S HAVE APPEARANCES STARTING WITH
13 THE PETITIONER.

14 MS. MONTGOMERY: SHAUNTA MONTGOMERY.

15 MS. AUGUSTUS: DONECIA AUGUSTUS.

16 MR. AUGUSTUS: MARK AUGUSTUS.

17 (THE COURT:) GOOD AFTERNOON, EVERYONE. SORRY FOR
18 THE DELAY.

19 SO HERE'S WHAT I KNOW RIGHT NOW ABOUT THIS.
20 THE COURT INVESTIGATOR REPORT RECOMMENDS APPROVING THE
21 GUARDIANSHIP PETITION. MR. SPILLER HAS RECOMMENDED
22 APPROVING THE GUARDIANSHIP PETITION.

23 BOTH THE COURT INVESTIGATOR AND MR. SPILLER
24 MADE NO BONES ABOUT IT. THIS IS A VERY DIFFICULT CASE
25 ON ALL SIDES.

26 (AND EVEN THOUGH BOTH THE COURT INVESTIGATOR
27 REPORT AND MR. SPILLER INDICATE THAT THE ALLEGATIONS,
28 THE TROUBLING ALLEGATIONS INVOLVING SEX HAVE BEEN DEEMED

1 UNFOUNDED, THERE'S STILL AN ISSUE WITH THE MINOR, THE
2 MINOR'S LACK OF TRUST, THE MINOR'S DESIRE TO STAY WITH
3 HER AUNT, HAVE HER AUNT BE HER GUARDIAN AND NOT RETURN
4 TO THE PARENTS EVEN IF THE ALLEGATIONS ARE NOT TRUE, AND
5 THAT THERE'S A LOT THAT NEEDS TO BE DONE TO WORK THROUGH
6 THIS, IF IT'S POSSIBLE, TO BRIDGE DIFFERENCES.

7 BOTH MR. SPILLER AND THE COURT INVESTIGATOR
8 TALK IN PARTICULAR ABOUT DIFFERENCES BETWEEN SASHA'S MOM
9 AND SASHA.

10 I THINK WHERE WE'RE HEADED HERE IS THE
11 FOLLOWING: I'M NOT PREPARED TO GRANT THE PETITION JUST
12 BASED ON THE PAPERS. I THINK MR. SPILLER'S REPORT,
13 NOTWITHSTANDING HIS RECOMMENDATIONS, HIS REPORT
14 INDICATES THAT THE PARENTS HAVE A RIGHT TO AN
15 EVIDENTIARY HEARING, A TRIAL, BUT THAT IS GOING TO PUT
16 EVERYBODY THROUGH HELL IN PARTICULAR SASHA. AND THE
17 QUESTION IS IS THAT WHAT YOU'D LIKE TO DO.

18 THAT'S TO THE TWO OF YOU.

19 MS. AUGUSTUS: I'D LIKE TO SPEAK.

20 THE COURT: LET ME ASK YOU THAT QUESTION FIRST.

21 IS THAT WHERE YOU'RE HEADED?

22 MS. AUGUSTUS: IF NECESSARY.

23 THE COURT: OKAY.

24 MS. AUGUSTUS: AND THE REASON BEING IS BECAUSE,
25 WITH ANY TEENAGER THAT IS IN THE POSITION AS SASHA IS IN
26 RIGHT NOW, ANY TEENAGER WOULD BE AFRAID OR CONCERNED
27 OR...

28 MR. AUGUSTUS: CONFUSED.

1 MS. AUGUSTUS: CONFUSED ABOUT GOING BACK TO THE
2 PARENTS, BUT THERE HAS BEEN ABSOLUTELY ZERO EFFORT FROM
3 THE CURRENT TEMPORARY GUARDIAN TO PROVIDE A COURT
4 MANDATED REPORT FROM A THERAPIST THAT THEY CLAIM SHE'S
5 SEEING.

6 AND ON TOP OF THAT, SPILLER HAS GONE OVER
7 HIS LIMITS WITH EVEN PROVIDING THE NAMES SO THAT WE CAN
8 AUTHORIZE OUR FAMILY THERAPIST THAT NOT JUST MY HUSBAND
9 AND I ARE SEEING, BUT OUR OTHER CHILDREN HAVE SEEN AS
10 WELL. AND SO THEY'VE NOT PROVIDED ANY OF THAT
11 INFORMATION.

12 AND WE WOULD LIKE THE OPPORTUNITY FOR YOU
13 TO MAKE A DECISION TO RETURN SASHA TO US SO THAT WE CAN
14 START THERAPY WITH HER TOGETHER.

15 WE HAVE NO ANIMOSITY WITH SASHA. WE'VE
16 NEVER SPANKED SASHA. SASHA HAS NEVER EVEN GIVEN US
17 CAUSE TO PUNISH HER; SO --

18 MR. AUGUSTUS: WHEN THIS INITIALLY WAS BROUGHT TO
19 THE ATTENTION OF US BACK IN 2016 WHICH THE CHILD WHO
20 ACTUALLY INITIATED THE ACCUSATIONS, SHE INITIATED
21 AGAINST THREE OTHER FAMILIES AS WELL.

22 THE AUNT AND THE GRANDMOTHER JUST BECAME
23 AWARE OF IT IN 2018, AND THAT WAS THE CHOICE OF --
24 BECAUSE THEY REALLY HAD NOTHING TO DO IN OUR FAMILY AT
25 THAT TIME, AND SASHA CHOSE NOT TO TELL THEM ABOUT IT.

26 AND AT THAT TIME, EVEN WITH THE
27 INVESTIGATOR, THERE WAS NO SPECIAL CONCERNS, NO SECURITY
28 CONCERNS, NO SPECIAL HOUSING CHANGES OR ANY OF THOSE

1 THINGS HAPPENED AT THAT TIME AND/OR DID THEY RECOMMEND
2 EVEN AFTER THIS SECOND INQUIRY INTO THIS.

3 AND IT ACTUALLY IS THE THIRD INQUIRY INTO
4 THIS SAME INCIDENT BECAUSE, WHEN BREON AND MACKENZIE --
5 WHEN MACKENZIE FIRST CAME BACK TO THE HOME FROM THE
6 HOSPITAL, THEY LOOKED INTO IT AT THAT TIME AS WELL AND
7 SEEN THAT IT WAS UNFOUNDED.

8 SO THIS IS NOT THE FIRST TIME THIS HAS BEEN
9 LOOKED INTO, BUT AGAIN, IT INITIATED FROM ANOTHER PERSON
10 WHO DID THIS TO THREE OTHER FAMILIES AT THE EXACT SAME
11 TIME.

12 THE COURT: SO I APPRECIATE WHAT YOU'RE SAYING,
13 AND I'M...

14 MS. AUGUSTUS: HOW -- HOW --

15 THE COURT: LET ME JUST FINISH WHAT I WAS GOING TO
16 SAY. I LOST MY THOUGHT.

17 I WILL ACCEPT FOR THESE PURPOSES THAT THE
18 ALLEGATIONS ARE UNFOUNDED. LET'S JUST ACCEPT THAT.

19 WE STILL HAVE A YOUNG GIRL WHO IS VERY,
20 VERY UPSET AND DOESN'T WANT TO GO BACK TO HER PARENTS,
21 AND SHE'S NOT -- IT'S NOT LIKE A 4-YEAR-OLD OR A
22 6-YEAR-OLD. SHE'S A TEENAGER; RIGHT?

23 AND I'M IN A QUANDARY AS TO WHAT TO DO
24 ABOUT THAT.

25 MR. AUGUSTUS: I THINK THAT THERAPY -- YOU KNOW,
26 THAT'S THE THING ABOUT IT IS THAT I UNDERSTAND SASHA'S
27 DEALING WITH SOMETHING, AND MY MAIN CONCERN THROUGH THIS
28 ALL IS MY CHILD, AND SHE DIDN'T JUST BECOME MY CHILD IN

1 OCTOBER, AND I DECIDED TO BE A GUARDIAN NOW OR WHATEVER.
2 THIS HAS BEEN MY CHILD SINCE DAY ONE.

3 THE COURT: YOU DON'T HAVE TO RAISE YOUR HAND,
4 MA'AM. YOU'RE GOING TO GET A CHANCE. YOU DON'T HAVE TO
5 HAVE YOUR HAND UP.

6 MR. AUGUSTUS: MY MAIN CONCERN IS HER WELLBEING
7 REGARDLESS TO WHERE SHE'S AT. AND I KNOW WITHOUT A
8 DOUBT SHE NEEDS THERAPY, BUT AT THE SAME TIME, IN ORDER
9 FOR HER TO GET THAT THERAPY AND FOR US ALL TO GET
10 THERAPY BECAUSE, WITHOUT A DOUBT, I THINK THAT'S WHAT'S
11 GOING TO BE NEEDED FOR US TO COME TOGETHER REGARDLESS.

12 I THINK IT NEEDS TO BE INITIATED SOONER
13 THAN LATER.

14 MS. AUGUSTUS: AND --

15 MR. AUGUSTUS: AND NOT JUST SAYING WE'RE GOING TO
16 DO IT OR SAYING IT'S GOING TO HAPPEN OR SOMETHING LIKE
17 THAT BECAUSE, AGAIN, SASHA HAS NEVER FELT THIS WAY IN
18 THE FOUR -- THREE YEARS THAT THIS HAS HAPPENED. NEVER,
19 EVER. NEVER, EVER. THIS WAS BROUGHT ON IN THE
20 SURROUNDINGS THAT SHE'S IN. AND THAT'S WHAT I'M MORE
21 CONCERNED ABOUT THAN ANYTHING.

22 MS. AUGUSTUS: AND JUST TO EMPHASIZE, NOT ONLY
23 HAVE I BEEN TRYING TO GET THERAPY WITH SASHA, I OFFERED
24 BECAUSE THE TEMPORARY GUARDIAN REFUSED TO LET SASHA
25 PARTICIPATE WITH ME, WITH MY THERAPIST. I OFFERED FOR
26 THE TEMPORARY GUARDIAN TO JOIN ME IN THERAPY, AND SHE
27 NEVER RESPONDED.

28 THERE'S BEEN NO EFFORT WHATSOEVER. HOW CAN

1 YOU HEAL OR GET TO A POINT WHERE YOU START TO HEAL WHEN,
2 SINCE DECEMBER 11, THERE HAS BEEN ONE CONSISTENT THING
3 AND THAT IS ISOLATION OF SASHA FROM MARK AND I, NOT JUST
4 MARK.

5 THE COURT: LET ME HEAR FROM SHAUNTA FOR A MOMENT.

6 MA'AM --

7 MS. MONTGOMERY: YES.

8 THE COURT: IS SASHA IN THERAPY RIGHT NOW?

9 MS. MONTGOMERY: YES. SHE'S IN THERAPY AND SHE
10 GOES BI-WEEKLY.

11 HER THERAPIST, WHEN SHE ASKED COULD SHE
12 INCORPORATE HERSELF INTO SASHA'S THERAPY, SASHA'S
13 THERAPIST, YOU CAN GET HER ON THE PHONE, SAID IT'S NOT A
14 GOOD IDEA.

15 FROM THE BEHAVIOR AND THE CONVERSATIONS
16 SASHA'S MOTHER HAS SAID SASHA NEEDS TO BE IN A MENTAL
17 INSTITUTION TO BE EVALUATED, THAT SHE BELIEVES SASHA IS
18 SCHIZOPHRENIC.

19 SHE LURKS AROUND MY JOB. SHE COMES TO MY
20 MOTHER'S HOME UNANNOUNCED AND ASKS IS MY DAUGHTER HERE.

21 WHEN WE LEFT THE COURT, YOU ASKED IF THE
22 TWO ATTORNEYS COULD MAKE IT SO THEY COULD BE UNITED.

23 I DID THAT ON MY OWN AGAINST SPILLER. NO
24 ONE CONTACTED ME. I SAID --

25 THE COURT: I'M SORRY. WHAT DID YOU DO?

26 MS. MONTGOMERY: SHE WANTS TO VISIT HER DAUGHTER.
27 THE LAST TIME WE LEFT, SHE ASKED YOU IF YOU WOULD DO
28 THAT FOR HER, AND YOU SAID I WOULD ASK THE ATTORNEYS TO

1 WORK THAT OUT ON THEIR OWN. I'M NOT GOING TO INSTRUCT
2 ANY --

3 THE COURT: AT THE TIME MARK AND DONECIA HAD
4 MS. GREY AS THEIR ATTORNEY.

5 MS. MONTGOMERY: YES.

6 THE COURT: AND MR. SPILLER WAS HERE REPRESENTING
7 SASHA.

8 MS. MONTGOMERY: YES. AND FROM THAT POINT ON, ANY
9 TIME SHE'S WANTED TO SEE HER DAUGHTER, I'VE JUST ASKED
10 THAT MY -- HER SON, MY NEPHEW OR MY AUNT CHAPERONE WITH
11 THEM BECAUSE OF THE CONVERSATIONS THAT SHE HAS WITH MY
12 NIECE.

13 I DON'T WANT HER TAKING MY NIECE AND DOING
14 ANYTHING WITH MY NIECE WITHOUT MY KNOWLEDGE LIKE A
15 MENTAL INSTITUTION OR THINKING SHE'S SCHIZOPHRENIC.

16 SO AS FAR AS ME ISOLATING, SASHA SEES HER
17 BROTHER. SHE CONTACTS HER BROTHER. SHE SEES HER
18 MOTHER, AND HER MOTHER HAS MY NUMBER, AND SHE CALLS HER
19 EVERY SINGLE DAY SO I'M NOT ISOLATING HER.

20 THE COURT: HOW OFTEN IS SASHA SEEING DONECIA?

21 MS. MONTGOMERY: AT LEAST EVERY OTHER WEEKEND.

22 MS. AUGUSTUS: IT'S NOT TRUE.

23 MS. MONTGOMERY: IT DEPENDS ON THE AVAILABILITY OF
24 A CHAPERONE AND THE TIME THAT SHE GIVES ME IN ADVANCE,
25 BUT ANY TIME MY SISTER HAS ASKED ME COULD SHE SEE HER
26 DAUGHTER, I'VE GONE BEYOND THE DUTIES OF MAKING IT
27 HAPPEN.

28 THE COURT: WHO'S THE CHAPERONE?

1 MS. MONTGOMERY: HER ELDEST SON CAMERON AUGUSTUS
2 AND MY AUNT MICKEY SMITH.

3 THE COURT: THOSE ARE THE TWO CHAPERONES?

4 MS. MONTGOMERY: CORRECT.

5 THE COURT: SO THEY'RE ALWAYS WITH -- THEY TAKE
6 SASHA TO SEE DONECIA?

7 MS. MONTGOMERY: YES. THEY PICK -- WE ALL MEET.
8 I MEET WITH THE CHAPERONE, AND THEN THEY TAKE HER TO
9 MEET WITH HER MOM, AND THEN WHEN THEY'RE DONE, THEY
10 BRING HER BACK TO ME.

11 THE COURT: MARK, ARE YOU SEEING SASHA?

12 MR. AUGUSTUS: NO. I'M NOT -- THEY WON'T LET ME
13 SEE SASHA. .

14 MS. MONTGOMERY: SHE HAS NO DESIRE SO SEE HIM.

15 MR. AUGUSTUS: AGAIN, THIS IS ALL BROUGHT IN BY
16 THEM BECAUSE, AGAIN, WHEN THIS HAPPENED IN 2016 UNTIL
17 DECEMBER 11TH OF 2018, NEVER, EVER HAD A PROBLEM.

18 THE COURT: SO RIGHT NOW HOW OFTEN DOES SASHA GO
19 TO THERAPY?

20 MS. MONTGOMERY: SHE GOES BI-WEEKLY EVERY
21 WEDNESDAY.

22 THE COURT: OKAY. HERE'S ONE THING MR. SPILLER
23 RECOMMENDED AT LEAST FOR NOW.

24 MS. AUGUSTUS: IS THERE A NEW REPORT BECAUSE I
25 DON'T HAVE IT?

26 MR. AUGUSTUS: PLEASE. PLEASE.

27 THE COURT: YEAH. HE FILED IT ON MAY 9.

28 MR. AUGUSTUS: OKAY.

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1 MS. AUGUSTUS: I WANT TO SEE A COPY OF IT SO THAT
2 WE CAN --

3 THE COURT: DO YOU HAVE THAT?

4 MS. AUGUSTUS: NO. HE'S NOT GIVEN US ANYTHING.
5 AND I ALSO HAVE SOME DOCUMENTS THAT WERE FILED I'D LIKE
6 FOR YOU TO SEE.

7 THE COURT: DID YOU SEE MR. SPILLER'S REPORT?

8 MS. MONTGOMERY: NO, I DID NOT. HE SAID HE WAS
9 MAKING IT AT THE TIME AND HE HAD THE INVESTIGATOR'S
10 REPORT, BUT HE HADN'T PUT HIS IN.

11 THE COURT: SO ONE THING HE DOES SAY IS I SHOULD
12 AUTHORIZE SOME WAIVERS AND RELEASES SO THAT DONECIA'S
13 THERAPIST AND SASHA'S THERAPIST CAN EXCHANGE INFORMATION
14 PRIOR TO ANY JOINT SESSIONS TAKING PLACE.

15 ARE THE TWO THERAPISTS ALREADY TALKING OR
16 NOT?

17 MS. MONTGOMERY: NO.

18 MS. AUGUSTUS: THEY WON'T GIVE THE NAME.

19 MS. MONTGOMERY: I WON'T GIVE THE --

20 MS. AUGUSTUS: THEY'VE REFUSED TO GIVE THE NAME.

21 MR. AUGUSTUS: AND THIS IS TO THE INVESTIGATOR.

22 THE COURT: WHEN YOU SAY THEY WON'T GIVE THE NAME
23 OF THE THERAPIST --

24 MS. AUGUSTUS: THE THERAPIST IS A COURT MANDATED
25 REPORTER. THEY'RE REQUIRED TO REPORT. THEY DON'T HAVE
26 AN OPTION TO SAY I DON'T WANT TO BE INVOLVED.

27 THE COURT: I'M SORRY. MANDATED BY WHAT?

28 MS. AUGUSTUS: BY LAW. OUR FAMILY THERAPIST IS A

1 RETIRED POLICE CHIEF, AND SO HE HAS INFORMED US THAT HE
2 IS REQUIRED BY LAW TO REPORT IN FAMILY COURT, AND SO
3 SASHA'S THERAPIST WOULD BE UNDER THE SAME LAWS AND
4 GUIDELINES.

5 THE COURT: I'M NOT SURE ABOUT THAT. WHAT
6 MR. SPILLER IS TALKING ABOUT IS TO ALLOW THE THERAPIST
7 TO EXCHANGE INFORMATION SO --

8 MR. AUGUSTUS: THAT'S WHAT WE'VE BEEN --

9 THE COURT: -- I'M AGREEING WITH THAT.

10 MR. AUGUSTUS: YES.

11 THE COURT: THE THERAPISTS SHOULD SPEAK TO ONE
12 ANOTHER AND TRY TO FIGURE OUT WHETHER AND WHEN A JOINT
13 SESSION WOULD TAKE PLACE BETWEEN DONECIA AND SASHA WITH
14 ONE OR BOTH THERAPISTS.

15 MS. AUGUSTUS: WE DON'T NEED A GUARDIANSHIP.

16 MR. AUGUSTUS: PLEASE.

17 MS. AUGUSTUS: WE DON'T NEED IT.

18 THE COURT: SO HERE'S WHERE I AM TODAY. I'M NOT
19 DENYING THE PETITION TODAY, BUT I'M NOT GRANTING IT
20 TODAY. WHERE THIS IS HEADED, THAT'S WHAT EVERYBODY
21 THINKS IS BEST, IS A TRIAL. AS PAINFUL AS THAT'S GOING
22 TO BE.

23 THE COURT INVESTIGATOR SAYS GRANT THE
24 PETITION JUST BASED ON ALL THE EVIDENCE GIVEN WHAT'S
25 GOING ON WHERE THINGS STAND.

26 MINOR'S COUNSEL SAYS GRANT THE PETITION.

27 I'M NOT SURE I CAN DO THAT, AND I THINK
28 MR. SPILLER RECOGNIZES THAT, THAT PARENTS IN THIS KIND

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1 OF SITUATION PROBABLY HAVE A RIGHT TO AN EVIDENTIARY
2 HEARING. AN EVIDENTIARY HEARING --

3 MS. AUGUSTUS: PROBABLY?

4 THE COURT: YEAH. THE EVIDENTIARY HEARING BRINGS
5 WITH IT, UNFORTUNATELY, A LOT OF PAIN, EMOTIONAL PAIN,
6 BUT THAT'S THE NATURE OF THIS SORT OF THING BUT
7 THAT'S --

8 MS. AUGUSTUS: THAT'S WHAT WE'VE BEEN SAYING TO
9 THE COURT --

10 THE COURT: -- WHERE WE'RE HEADED.

11 MS. AUGUSTUS: -- THAT THAT'S WHAT THIS IS. WE
12 DON'T NEED A GUARDIANSHIP. WE ONLY NEED THE COURT TO
13 ACKNOWLEDGE THAT OUR DAUGHTER NEEDS THERAPY WITH US --

14 THE COURT: SO LET ME --

15 MS. AUGUSTUS: -- AND TO BE WITH US.

16 THE COURT: SO LET ME JUST REPEAT MYSELF. I KNOW
17 THAT'S YOUR VIEW THAT NO GUARDIANSHIP IS NEEDED.

18 THAT'S NOT THE VIEW OF THE COURT
19 INVESTIGATOR. IT'S NOT THE VIEW OF MR. SPILLER.

20 MR. AUGUSTUS: I UNDERSTAND.

21 THE COURT: AT THIS POINT, I CAN'T SAY WHETHER
22 IT'S MY VIEW OR NOT. ALL I KNOW RIGHT NOW, I CAN'T
23 DECIDE ONE WAY OR THE OTHER. I'M NOT ACCEPTING THE
24 RECOMMENDATION OF THE COURT INVESTIGATOR TO GRANT
25 SHAUNTA'S PETITION TODAY GIVING HER PERMANENT
26 GUARDIANSHIP RIGHTS, BUT I'M NOT DENYING ANYTHING TODAY
27 GIVEN THE INFORMATION I'VE RECEIVED FROM THE COURT
28 INVESTIGATOR AND MINOR'S COUNSEL.

1 THE MINOR'S COUNSEL, MR. SPILLER, IS
2 REPRESENTING SASHA, AND HE'S SUPPOSED TO SPEAK FOR HER
3 AND WHAT HE THINKS IS WHAT SHE WOULD WANT, AND WHAT HE
4 HAS SAID WHAT SHE WANTS, WHAT SHE WANTS IS TO STAY WITH
5 HER AUNT.

6 MS. AUGUSTUS: I WOULD WANT THAT, TOO, IF I WAS
7 HER AGE.

8 THE COURT: BUT HE ALSO RECOGNIZES THAT THE
9 PARENTS HAVE RIGHTS AND THE COURT -- COURT'S ARE
10 GENERALLY RELUCTANT IN THIS KIND OF SITUATION TO GRANT A
11 PETITION TO A RELATIVE, AN AUNT OR A GRANDPARENT, WHERE
12 THE PARENTS ARE STRONGLY OBJECTING --

13 MS. AUGUSTUS: YES.

14 THE COURT: -- AND MAKING A CASE AS TO WHY
15 GUARDIANSHIP ISN'T NEEDED.

16 SOMETIMES WE DO. I HAD A CASE LAST WEEK
17 WHERE I GRANTED A GUARDIANSHIP PETITION IN THE FACE OF
18 AN OBJECTION FROM A BIOLOGICAL MOM. THAT WAS A
19 DIFFERENT SET OF FACTS. THE MOM IN THAT CASE HAD JUST
20 COME OUT OF JAIL. THE DAD'S IN JAIL. IT'S A DIFFERENT
21 SET OF FACTS, BUT I WENT AHEAD IN THAT CASE AND SAID
22 DENYING THE PETITION -- GRANTING THE PETITION AND MAYBE
23 MOM CAN COME BACK IN SIX TO NINE MONTHS WHEN SHE GETS
24 HER ACT TOGETHER TO TERMINATE THE GUARDIANSHIP.
25 DIFFERENT SET OF FACTS.

26 HERE THE FACTS, I THINK, SPEAK MORE CLEARLY
27 TO MOVEMENT TOWARDS AN EVIDENTIARY HEARING, BUT BETWEEN
28 NOW AND THEN PERHAPS THERE'S SOMETHING THAT CAN BE DONE

1 THAT WOULD AVOID THE NEED FOR A TRIAL BY HAVING
2 THERAPISTS TALK TO ONE ANOTHER IN THE FIRST INSTANCE.

3 MR. AUGUSTUS: YES.

4 THE COURT: I THINK THAT'S WHAT YOU WANTED.

5 MR. AUGUSTUS: THAT'S THE KEY, AND CAN YOU SET
6 SOMETHING IN MOTION FOR THAT TO HAPPEN BECAUSE THAT
7 REALLY GETS TO THE POINT WHERE...

8 MS. AUGUSTUS: THE THERAPY WILL HAPPEN.

9 MR. AUGUSTUS: WHERE THE THERAPY WILL HAPPEN.

10 AND, AGAIN, SASHA'S THE MOST IMPORTANT
11 PERSON THROUGH THIS ALL, AND I NEED TO KNOW THAT SHE'S
12 GETTING THE THERAPY THAT SHE NEEDS, START AND STOP.

13 THE COURT: MR. SPILLER RECOMMENDS THAT THE
14 THERAPISTS SPEAK. SO WHAT I CAN DO IS I CAN ENTER AN
15 ORDER THAT ALLOWS THE THERAPISTS TO EXCHANGE
16 INFORMATION, AND THE THERAPISTS COULD THEN, PERHAPS,
17 JOINTLY DETERMINE THAT A JOINT SESSION TAKE PLACE.

18 ARE YOU OKAY WITH THAT?

19 MS. MONTGOMERY: I'M TOTALLY FINE WITH IT, YOUR
20 HONOR.

21 THE COURT: WHY HASN'T THAT HAPPENED BEFORE? THE
22 THERAPISTS ARE RELUCTANT TO --

23 MS. MONTGOMERY: THE THERAPIST WAS RELUCTANT
24 BECAUSE SHE SAID THE WAY THAT MY SISTER WAS BEHAVING
25 TOWARDS HERSELF, MY -- TOWARDS HER DAUGHTER AND ME, THAT
26 SHE DOESN'T BELIEVE THAT SHE WAS RECEIVING ANY TYPE OF
27 THERAPY BECAUSE SHE'S VERY COMBATIVE AND AGGRESSIVE
28 TOWARDS US.

1 THE COURT: THAT'S SASHA'S THERAPIST.

2 MS. MONTGOMERY: CORRECT.

3 THE COURT: ARE YOU IN THAT THERAPY TOO WITH
4 SASHA?

5 MS. MONTGOMERY: NO, I DO NOT GO. IT'S
6 INDEPENDENT.

7 THE COURT: IT'S JUST SASHA AND A THERAPIST.

8 MS. MONTGOMERY: YES. SO WHEN SHE --

9 THE COURT: AND YOU SAID YOU HAVE YOUR OWN
10 THERAPIST?

11 MR. AUGUSTUS: WE HAVE OUR OWN THERAPY, AND DURING
12 THAT THERAPY AND SO FORTH -- I MEAN, MY WIFE'S BEEN
13 DEALING WITH A LOT AS WELL, DEALING WITH THERAPY AS WELL
14 BECAUSE, AGAIN, WE GO TO OUR FAMILY THERAPIES. AND IT'S
15 BEEN CHALLENGING FOR HER THAT -- THAT AFTER HER SISTER
16 PULLED A GUN ON HER WITH -- IN A THREATENING WAY IN HER
17 HOME, IT'S -- I DON'T THINK NOTHING CAN BE MORE VIOLENT
18 THAT PULLING A GUN ON SOMEONE BUT --

19 THE COURT: THAT'S NOT IN FRONT OF ME TODAY.

20 MR. AUGUSTUS: NO, I UNDERSTAND, BUT WHAT'S MOST
21 IMPORTANT IS THAT THESE THERAPISTS -- THE THERAPISTS
22 NEED TO SPEAK. NO ONE'S TRYING TO SEE THE THERAPIST.
23 SHE'S NOT TRYING TO SEE SASHA'S THERAPIST.

24 THE COURT: RIGHT.

25 MR. AUGUSTUS: SHE'S TRYING TO HAVE THE THERAPISTS
26 SPEAK WITH ONE ANOTHER.

27 MS. MONTGOMERY: HE'S GOING TO DO THAT.

28 THE COURT: I AGREE WITH MR. SPILLER --

1 MR. AUGUSTUS: YEAH, THAT'S WHAT WE BEEN --

2 THE COURT: -- THAT THAT SHOULD HAPPEN.

3 MR. AUGUSTUS: THAT'S WHAT WE WAS ASKING FOR WHEN
4 WE SEEN THE PROBATION INVESTIGATOR. WE WERE TRYING TO
5 GET THAT INFORMATION JUST FOR THAT AS WELL. IT WAS
6 DENIED TO HIM AS WELL.

7 MS. MONTGOMERY: NO. HE HAS THE INFORMATION, YOUR
8 HONOR.

9 THE COURT: WHO'S "HE"?

10 MS. MONTGOMERY: ROBERT, THE COURT INVESTIGATOR.

11 THE COURT: YES.

12 MS. MONTGOMERY: HE DID NOT WANT TO SUPPLY THE
13 INFORMATION TO HER BECAUSE OF HER BEHAVIOR AND HOW
14 AGGRESSIVE SHE CAME AT HIM. YOU CAN ASK HIM YOURSELF.

15 THE COURT: NO, WHAT WE'RE TALKING ABOUT RIGHT NOW
16 IS HAVING THE TWO THERAPISTS TALK TO EACH OTHER.

17 MS. MONTGOMERY: HE'S SAYING I DIDN'T PROVIDE THE
18 INFORMATION TO ROBERT. ROBERT HAS MY INFORMATION
19 INCLUDING MY ADDRESS.

20 THE COURT: I'M NOT TALKING ABOUT ROBERT THE COURT
21 INVESTIGATOR. ALL I'M DOING RIGHT NOW IS TALKING ABOUT
22 HAVING THE THERAPISTS SPEAK TO ONE ANOTHER.

23 MR. AUGUSTUS: HOW SHOULD THEY GO ABOUT SPEAKING?
24 WHO SHOULD GET WHAT INFORMATION AND SO FORTH.

25 MS. AUGUSTUS: WELL, OUR FAMILY THERAPIST IS NAMED
26 IN OUR DECLARATION SO IT'S NO SECRET WHO HE IS.

27 THE COURT: SO I THINK WHAT THE ORDER IS IS THAT
28 SASHA'S THERAPIST SHOULD CONTACT DONECIA AND MARK'S

1 THERAPIST AND TALK ABOUT EXCHANGING INFORMATION TO
2 DETERMINE WHETHER ANY JOINT SESSION SHOULD TAKE PLACE.

3 MS. MONTGOMERY: ABSOLUTELY.

4 THE COURT: OKAY. CAN YOU TELL YOUR THERAPIST?

5 MS. MONTGOMERY: I CAN CALL HER WHEN I LEAVE HERE.

6 THE COURT: OKAY. AND THEN CAN YOU HAVE THE
7 THERAPIST CONTACT MARK AND DONECIA'S THERAPIST? THERE
8 WILL BE A COURT ORDER SAYING THIS SHOULD HAPPEN.

9 MS. MONTGOMERY: ABSOLUTELY.

10 THE COURT: OKAY. SECOND THING THAT MR. SPILLER
11 RAISED, I THINK THE COURT INVESTIGATOR DID AS WELL, IS
12 WHO'S PAYING FOR SASHA'S THERAPY.

13 ARE YOU PAYING FOR THAT AS WELL?

14 MS. MONTGOMERY: YES.

15 THE COURT: AND ARE YOU OKAY DOING THAT?

16 MS. MONTGOMERY: TOTALLY.

17 THE COURT: IS SHE ON YOUR HEALTH INSURANCE?

18 MS. MONTGOMERY: NO, SHE'S NOT.

19 THE COURT: YOU'RE JUST PAYING OUT-OF-POCKET?

20 MS. MONTGOMERY: YEAH, MY MOTHER PAYS CASH.

21 THE COURT: OKAY. THAT'S YOUR MOM, TOO, RIGHT,
22 DONECIA? THAT'S THE GRANDMA?

23 MS. AUGUSTUS: YEAH, THAT'S THE GRANDMA.

24 THE COURT: ALL RIGHT. SO THAT WAS ANOTHER ISSUE
25 AS TO WHETHER WE NEED TO DO SOMETHING ABOUT PAYMENT, BUT
26 IF YOU GOT THAT COVERED, SHAUNTA, THAT'S GOOD.

27 THE NEXT ITEM HAD TO DO WITH CONTACT
28 BETWEEN SASHA AND EITHER OF HER PARENTS. THIS CONTACT

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1 IS GOING ON IS WHAT WE UNDERSTAND, THESE MEETINGS, BUT
2 THEY'RE CHAPERONED.

3 MS. MONTGOMERY: CORRECT.

4 THE COURT: MR. SPILLER, I THINK, KNOWS THIS, BUT
5 HE SUGGESTED THAT THERE BE NO CONTACT, BUT I'M NOT SURE
6 THAT MAKES SENSE.

7 MS. MONTGOMERY: NO, MR. SPILLER IS NOT AWARE THAT
8 SHE'S SEEING HER DAUGHTER SINCE THE LAST TIME WE SAW HIM
9 IN COURT.

10 THE COURT: OKAY. AND YOU'RE OKAY WITH THAT?

11 MS. MONTGOMERY: I'M OKAY. I WANT HER TO SPEND
12 TIME WITH HER DAUGHTER. I DON'T HAVE A PROBLEM WITH
13 TELLING SPILLER THAT. THEY'RE MY FAMILY AT THE END OF
14 THE DAY, AND THEY'RE GOING TO NEED A RELATIONSHIP AT THE
15 END OF THE DAY. I'M NOT GOING TO DENY HER HER DAUGHTER.

16 THE COURT: WHERE DO YOU LIVE, MA'AM?

17 MS. MONTGOMERY: I LIVE IN LOS ANGELES.

18 MS. AUGUSTUS: SHE WON'T SAY. IT'S NOT REPORTED.

19 THE COURT: DO YOU LIVE IN L.A. COUNTY?

20 MS. MONTGOMERY: YES, I DO, SIR.

21 THE COURT: AND WHERE DO THE MEETINGS TAKE PLACE
22 RIGHT NOW?

23 MS. MONTGOMERY: WE USUALLY DROP THEM OFF AT MY
24 MOM'S ADDRESS, 5222 WEST 12TH STREET IS WHERE WE
25 MUTUALLY MEET TO DROP SASHA OFF.

26 THE COURT: AND SO YOU DO THE DROP OFF --

27 MS. MONTGOMERY: YES.

28 THE COURT: -- AT YOUR MOM'S HOUSE.

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1 MS. MONTGOMERY: YES.

2 THE COURT: AND THEN YOUR NEPHEW IS THERE?

3 MS. MONTGOMERY: YES. WE ALL GET THERE AT THE
4 SAME TIME USUALLY OR TALK AND CONVERSE, AND THEN THEY GO
5 OFF.

6 THE COURT: AND HOW LONG ARE THOSE MEETINGS?

7 MS. MONTGOMERY: THEY USUALLY -- THEY'LL GO TO A
8 DINNER OR PLAY OR WHATEVER THEIR PLANS ARE FOR THE DAY.
9 AND WHENEVER THEY'RE DONE, I'M AVAILABLE.

10 THE COURT: AND SASHA DOESN'T WANT TO HAVE SOLO
11 MEETINGS WITH HER MOM?

12 MS. MONTGOMERY: NO, SHE DOES NOT.

13 THE COURT: AND RIGHT NOW SHE HAS SAID SHE DOESN'T
14 WANT TO SEE HER DAD?

15 MS. MONTGOMERY: CORRECT.

16 THE COURT: AND SO IF YOU GO TO A MOVIE, YOUR
17 NEPHEW COMES ALONG?

18 MS. MONTGOMERY: WELL, WITH THEM, YEAH.

19 THE COURT: YEAH, HE GOES ALONG.

20 MS. MONTGOMERY: IT'S HIS MOM AND HIS SISTER SO,
21 OF COURSE, HE DOESN'T MIND IT.

22 THE COURT: THAT'S YOUR SON?

23 MS. AUGUSTUS: YES.

24 THE COURT: IS HE OKAY BEING...

25 MS. AUGUSTUS: NO.

26 THE COURT: THE BROKER.

27 MS. AUGUSTUS: HE HAS TEXTED ME SAYING HE IS UNDER
28 EXTREME PRESSURE, AND HE DOESN'T UNDERSTAND WHY THIS IS

1 NECESSARY AND SO HAS MY AUNT.

2 MY AUNT ALSO SAID THAT THE CURRENT GUARDIAN
3 TOLD HER MULTIPLE TIMES SHE WAS GOING TO DISMISS THIS
4 CASE BUT THAT I ESCALATED IT WHEN I FILED THE
5 RESTRAINING ORDER.

6 THE COURT: WHO DID YOU FILE A RESTRAINING ORDER
7 AGAINST.

8 MS. AUGUSTUS: SHE PULLED A GUN ON ME. I'M GOING
9 TO MAKE SURE OUR REPORT IS COMPLETE.

10 THE COURT: WHEN DID THIS HAPPEN?

11 MS. AUGUSTUS: OCTOBER 9TH SHE PULLED A GUN ON ME.

12 THE COURT: OF LAST YEAR?

13 MS. AUGUSTUS: YES.

14 THE COURT: WHAT HAPPENED WITH THAT RESTRAINING
15 ORDER?

16 MS. MONTGOMERY: WELL, IT SHOULD BE THE 11TH.

17 THE COURT: HOLD ON ONE SECOND.

18 MS. AUGUSTUS: OUR SON TEXTED ME AND SAID, MOM,
19 AUNTIE WON'T BE ABLE TO KEEP HER JOB IF YOU KEEP THE
20 RESTRAINING ORDER GOING, AND I SAID, WELL, SHE PULLED A
21 GUN ON ME. HE WAS THERE. HE HELPED THE GRANDMA GET THE
22 GUN FROM HER.

23 THE COURT: IS THERE AN EXISTING RESTRAINING ORDER
24 RIGHT NOW?

25 MS. AUGUSTUS: THERE IS NOT.

26 MS. MONTGOMERY: IT WAS DISMISSED.

27 THE COURT: HOLD ON.

28 MS. AUGUSTUS: WE DISMISSED IT BECAUSE MY SON, THE

1 SAME CHAPERONE, SAID THIS IS TOO MUCH PRESSURE AND THAT
2 AUNTIE WON'T BE ABLE TO KEEP HER JOB SO IF YOU COULD
3 PLEASE RELEASE THE RESTRAINING ORDER, AND THAT'S WHAT WE
4 DID BECAUSE, AGAIN, JUST AS SHE SAID --

5 THE COURT: SO NO RESTRAINING ORDER.

6 MS. AUGUSTUS: -- THIS IS FAMILY AT THE END OF THE
7 DAY. I DON'T WANT TO SEE HER UNEMPLOYED.

8 THE COURT: YOUR VIEW, SHAUNTA, IS THAT SASHA DOES
9 NOT WANT TO SEE HER MOM WITHOUT SOMEBODY IN BETWEEN.

10 MS. MONTGOMERY: CORRECT.

11 THE COURT: THAT'S WHAT YOU'RE SAYING?

12 MS. MONTGOMERY: YES.

13 THE COURT: AND I DON'T KNOW YET. I HAVEN'T
14 TALKED TO SASHA MYSELF. I DON'T HAVE A THERAPIST'S
15 REPORT ABOUT THAT. DONECIA IS SAYING THAT HER SON
16 DOESN'T WISH TO BE IN THAT POSITION --

17 MS. AUGUSTUS: I CAN SHOW THE TEXT MESSAGES.

18 THE COURT: -- AS CHAPERONE.

19 IS THAT YOUR UNDERSTANDING OF HIS DESIRES?

20 MS. MONTGOMERY: I WAS UNAWARE OF THAT BECAUSE I
21 JUST TOOK SASHA TO HER BROTHER'S SO HE CAN TAKE HER TO
22 BRUNCH YESTERDAY WITH HER MOM.

23 THE COURT: DID YOU HAVE MOTHER'S DAY BRUNCH WITH
24 SASHA YESTERDAY?

25 MS. AUGUSTUS: IT WAS ME AND TWO OF OUR OTHER SONS
26 AND SASHA HAD BRUNCH, AND WE WENT TO THE SWAPMEET AT
27 FAIRFAX AND MELROSE.

28 THE COURT: THAT'S A NICE --

1 MS. AUGUSTUS: IT WAS A LOVELY MOTHER'S DAY.

2 MS. MONTGOMERY: HE DID NOT SAY HE HAD A PROBLEM
3 WITH IT.

4 THE COURT: I FORGOT HIS NAME.

5 MS. MONTGOMERY: CAMERON AUGUSTUS.

6 THE COURT: THAT'S RIGHT, CAMERON. I FORGOT HIS
7 NAME. I CAN'T REMEMBER, BUT I MET HIM.

8 MS. AUGUSTUS: BOTH CAMERON AND CHRISTOPHER SAID
9 THIS MAKES NO SENSE TO THEM.

10 MR. AUGUSTUS: IT MAKES NO SENSE TO THEM AT THE
11 SAME TIME THAT -- I MEAN, THEY'RE GOING TO DO WHATEVER
12 THEY FEEL THAT -- THEY KNOW THAT THIS IS NEEDED RIGHT
13 NOW SO THEY'RE GOING TO MAKE IT WORK.

14 DO THEY FEEL LIKE IT'S NOT NEEDED? I MEAN,
15 YES, THEY FEEL -- I MEAN, THEY UNDERSTAND THE SITUATION.
16 THEY KNOW THEY MOTHER. THEY KNOW THEY SISTER AND SO
17 FORTH. THEY KNOW THE WHOLE SITUATION. SO WITHOUT A
18 DOUBT, THEY FEEL LIKE IT'S NOT NEEDED, BUT THEY WILLING
19 TO DO WHAT NEEDS TO BE DONE TO MAKE...

20 MS. AUGUSTUS: I JUST WANT TO ASK SOMETHING OF THE
21 COURT TO CONSIDER. WITH SASHA BEING AWAY FROM BOTH MARK
22 AND I FROM DECEMBER 11 THROUGH TODAY, HOW WILL YOU,
23 CONTINUING THIS CASE ON FOR AN EVIDENTIARY HEARING AND
24 KEEPING THE TEMPORARY GUARDIANSHIP AND THE VISITATION
25 AND NONTHERAPEUTIC SESSIONS FOR OUR FAMILY? HOW IS THAT
26 GOING TO IMPACT OUR STATUS AS PARENTS BECAUSE STUDIES
27 SHOW, AND I'M SURE THE COURTS KNOW, AFTER YOU'VE BEEN
28 WITH A GUARDIAN FOR SO LONG, THERE'S A CERTAIN PRECEDENT

1 THAT IS SET AS A STANDARD IN TERMS OF WHERE YOU'RE GONNA
2 LIVE. SO IF SHE HAS ESTABLISHED AND THE COURT IS
3 FOSTERING STABILITY WITH THE AUNT, OF COURSE IT'S GOING
4 TO MAKE OUR POSITION LESS LEVERAGED.

5 SO I WOULD ASK THE COURT TO PLEASE CONSIDER
6 HOW, THE WAY THAT IT IS RIGHT NOW, IT'S NOT ONLY GOING
7 TO IMPACT OUR CASE, BUT HOW IT'S ALSO GOING TO IMPACT
8 THE HEALING PROBABILITIES OF OUR FAMILY AS A WHOLE.

9 THE COURT: WELL, HOPEFULLY, THAT'S WHERE THE
10 THERAPY --

11 MR. AUGUSTUS: YES.

12 THE COURT: -- COMES IN. IF THE TWO THERAPISTS
13 CAN AT LEAST --

14 MS. AUGUSTUS: I'M TALKING ABOUT THE PHYSICAL
15 PRESENCE OF SASHA BEING IN A HOME 24 HOURS WITH SOMEONE
16 WHO IS ALREADY EXERTING THAT I'M SOME SORT OF A DANGER
17 TO HER.

18 MS. MONTGOMERY: I'M NOT EXERTING THAT. AND YOU
19 CAN'T TAKE HER HOME. YOU DON'T EVEN HAVE A HOME TO GO
20 TO.

21 MS. AUGUSTUS: THAT'S WHAT YOU SAY.

22 THE COURT: HOLD ON ONE SECOND.

23 RIGHT NOW THERE'S A TEMPORARY GUARDIANSHIP,
24 AND THE TEMPORARY GUARDIANSHIP WAS ENTERED FOR A REASON.
25 IT WAS ENTERED BY GUS MAY, AND THE CASE WAS SENT DOWN
26 HERE.

27 MS. AUGUSTUS: BUT IF HE WAS MISLED AND WE WEREN'T
28 NOTIFIED...

1 THE COURT: WELL --

2 MS. AUGUSTUS: AND I'M SURE YOU KNOW ALL OF THAT
3 SO WE CAN'T JUST FLUFF IT UP.

4 THE COURT: BUT I CONTINUED THE TEMPORARY
5 GUARDIANSHIP WHEN THE CASE GOT HERE, AND THAT WAS A
6 DIRECT RECOMMENDATION OF MR. SPILLER.

7 AND NOW I HAVE, AGAIN, A COURT INVESTIGATOR
8 REPORT AND A MINOR'S COUNSEL REPORT THAT SAYS THAT
9 SHAUNTA SHOULD WIN. THAT'S WHAT THIS SAYS, AND IT
10 DOESN'T SOUND --

11 MS. AUGUSTUS: EVEN THOUGH --

12 THE COURT: HOLD ON.

13 MS. AUGUSTUS: EVEN THOUGH --

14 THE COURT: HOLD ON. HOLD ON.

15 IT'S NOT EVEN CLOSE IF I WERE JUST TO
16 FOLLOW THE PROBATE INVESTIGATOR REPORT AND THE MINOR'S
17 COUNSEL. IT'S VERY, VERY SERIOUS ABOUT THE RIFT BETWEEN
18 THE PARENTS AND A TEENAGE GIRL, AND A TEENAGE GIRL WHO'S
19 NOT A 4-YEAR-OLD, BUT A TEENAGE GIRL WHO IS SAYING I
20 WANT TO BE WITH MY AUNT. I DON'T WANT TO GO WITH MY
21 PARENTS. THAT AUNT IS NOW THE TEMPORARY GUARDIAN.

22 SO WE'RE EITHER GOING TO RESOLVE THIS
23 THROUGH THERAPY, SHORT OF A TRIAL, OR AS THERAPY
24 PROCEEDS, WE ARE ALSO GOING TO BE PROCEEDING TO A TRIAL.

25 BUT I'M NOT TODAY GOING TO DENY THE
26 PETITION, BUT I'M NOT GRANTING IT.

27 MS. AUGUSTUS: OKAY.

28 THE COURT: SO FOR NOW THE TEMPORARY LETTERS WILL

1 REMAIN IN PLACE. WE'LL GET YOU A NEW HEARING DATE IN A
2 MOMENT. THE THREE ORDERS COMING OUT OF THIS ARE AS
3 FOLLOWS: I'M JUST REPEATING MYSELF TO MAKE SURE.

4 THE TWO THERAPISTS ARE AUTHORIZED TO SPEAK
5 TO EACH OTHER TO DISCUSS WHETHER AND WHEN JOINT
6 COUNSELING WITH SASHA AND ONE OR BOTH OF HER PARENTS IS
7 APPROPRIATE.

8 AND TO EFFECTUATE THAT, SHAUNTA'S THERAPIST
9 IS TO REACH OUT AND CONTACT MARK AND DONECIA'S
10 THERAPIST.

11 MS. MONTGOMERY: OKAY.

12 THE COURT: SECOND, SHAUNTA WILL CONTINUE PAYING
13 THE COST OF SASHA'S THERAPY.

14 THIRD, THE CURRENT VISITATION ARRANGEMENTS
15 THAT THE TEMPORARY GUARDIAN HAS ESTABLISHED WILL REMAIN
16 WITH A CHAPERONE, IF YOU WILL, AND IT SOUNDS LIKE RIGHT
17 NOW IT'S CAMERON OR...

18 MS. MONTGOMERY: MY AUNT.

19 THE COURT: YOUR AUNT.

20 MS. MONTGOMERY: YES.

21 THE COURT: I THINK THOSE ARE APPROPRIATE
22 CHAPERONES. THIS IS FOR NOW.

23 IF THE THERAPIST, SASHA'S THERAPIST,
24 REPORTS IN ADVANCE OF THE NEXT COURT DATE THROUGH YOU OR
25 TO MR. SPILLER THAT THE VISITS CAN BE UNCHAPERONED, THEN
26 I WOULD CONSIDER NOT HAVING A CHAPERONE, THAT IT WOULD
27 JUST BE SOLO.

28 MS. MONTGOMERY: OKAY.

1 THE COURT: DONECIA AND SASHA.

2 MS. MONTGOMERY: OKAY.

3 THE COURT: I WOULD WAIT FOR THE CUES FROM THE
4 THERAPIST, SASHA'S THERAPIST IN PARTICULAR, AS TO
5 WHETHER THAT THERAPIST THINKS THAT THAT'S APPROPRIATE.

6 NOW, I MENTIONED MOVING FORWARD TO AN
7 EVIDENTIARY HEARING. I THINK, MARK AND DONECIA, YOU'RE
8 FAMILIAR WITH MY BUSY TRIAL CALENDAR FROM OUR EFFORTS TO
9 SET A TRIAL IN THE OTHER MATTER.

10 MR. AUGUSTUS: YES.

11 THE COURT: WE ENDED UP SETTING IT A COUPLE MONTHS
12 AGO OUT FOR THE SUMMER AND SINCE THAT TIME,
13 UNFORTUNATELY, THE TRIAL CALENDAR HAS ONLY BECOME MORE
14 CLOGGED. AND SO BEFORE THE HEARING TODAY I LOOKED AT
15 OUR TRIAL CALENDAR, AND THE EARLIEST I CAN GET YOU IN
16 FOR A TRIAL ON THIS IS IN OCTOBER.

17 NOW, WE'RE GOING TO COME BACK BETWEEN NOW
18 AND THEN FOR AN UPDATE ON WHERE WE ARE WITH THE
19 THERAPIST, BUT I THINK IT MAY MAKE SENSE, SO YOU DON'T
20 LOSE DATES IF YOU'RE HEADED TO AN EVIDENTIARY HEARING,
21 IS ACTUALLY RESERVE DATES FOR YOU. I TYPICALLY DON'T DO
22 THAT. I WAIT AND SET A TRIAL, BOOK TRIAL DATES WHEN
23 IT'S PRETTY CLEAR THAT'S WHERE WE'RE HEADED.

24 I'M NOT SURE IF THIS IS WHERE WE NEED TO BE
25 HEADED HERE, BUT SO WE DON'T END UP STICKING YOU WITH AN
26 EVIDENTIARY HEARING IN 2020, WE CAN PUT YOU DOWN TODAY
27 FOR SOMETIME IN OCTOBER.

28 MR. AUGUSTUS: PUT US DOWN FOR TODAY, AND THEN

1 HAVE US A STATUS LIKE AS SOON AS POSSIBLE SO WE CAN JUST
2 CONFIRM THAT THINGS -- THAT THESE THERAPISTS HAS BEEN
3 CONTACTED.

4 MS. AUGUSTUS: CAN WE ALSO MAKE SOME ORDERS FOR
5 PARENTING CLASS FOR PETITIONER AND PARENTS? I'D LIKE
6 FOR US ALL TO HAVE SOME PARENTING CLASS AND MAYBE EVEN A
7 BONDING ASSESSMENT.

8 THE COURT: HOLD ON ONE SECOND.

9 MS. AUGUSTUS: AND WE'LL PAY FOR IT. EACH PAY
10 THEIR OWN.

11 THE COURT: DO YOU HAVE A SENSE -- I'LL START WITH
12 MARK AND DONECIA, AND THEN I'LL GO TO SHAUNTA.

13 HOW LONG DO YOU THINK THIS EVIDENTIARY
14 HEARING WOULD BE? IT MAY NOT BE AS LONG AS THE
15 EVIDENTIARY HEARING WE SET IN THE OTHER CASE.

16 MR. AUGUSTUS: NO.

17 THE COURT: THE OTHER CASE HAS MORE PLAYERS
18 OBVIOUSLY.

19 MS. AUGUSTUS: WELL, WE HAVE NO IDEA WHAT'S GOING
20 TO SPIN OUT OF THIS CONSIDERING WITH GUNS AND ALL THAT
21 BEING IN PLAY.

22 THE COURT: WELL, HERE'S WHAT I CAN DO. WE COULD
23 PUT YOU DOWN ON OCTOBER 21ST. THAT'S A MONDAY.

24 MS. AUGUSTUS: THAT'S ACTUALLY OUR OLDEST SON'S
25 BIRTHDAY.

26 THE COURT: OKAY. YOU DON'T WANT TO DO IT THAT
27 WEEK?

28 MS. AUGUSTUS: YEAH, IF WE COULD NOT DO IT ON JUST

10/27/2021 10:01:50

1 THAT DAY.

2 THE COURT: OKAY. HERE'S WHAT WE COULD DO, ON
3 OCTOBER 28TH -- MONDAYS ARE OUR TRIAL DAYS. WE DON'T
4 HAVE A TRIAL TODAY, BUT WHEN WE HAVE A TRIAL DAY WHICH
5 MEANS WE DON'T REALLY HAVE A CALENDAR IN THE MORNING.

6 IT'S NOT LIKE WHEN YOU GUYS HAVE BEEN HERE
7 AND YOU'VE SEEN THOSE BUSY CALENDARS.

8 MR. AUGUSTUS: YES.

9 THE COURT: ON MONDAYS IN THE MORNING WE ONLY HAVE
10 A FEW MATTERS MEANING WE CAN START THE TRIAL AT 9:00
11 O'CLOCK.

12 MR. AUGUSTUS: OKAY.

13 THE COURT: SO I CAN PUT YOU DOWN ON OCTOBER 28
14 FOR THE EVIDENTIARY HEARING, TRIAL, IF YOU WILL,
15 STARTING AT 9:00. AND THEN I COULD PUT YOU DOWN FOR
16 TUESDAY, OCTOBER 29TH AT 1:30. I CAN'T PUT YOU IN THE
17 MORNING BECAUSE WE HAVE A REGULAR CALENDAR, AND THEN
18 WEDNESDAY, OCTOBER 30TH AT 1:30.

19 MR. AUGUSTUS: OKAY.

20 THE COURT: SO YOU'D END UP WITH TWO FULL DAYS.

21 MS. AUGUSTUS: HOLD ON. LET ME SEE WHAT'S GOING
22 ON FOR BREON AND MACKENZIE, PLEASE.

23 THE COURT: SHAUNTA, I'M REFERRING TO EVERYBODY BY
24 THEIR FIRST NAMES.

25 MS. MONTGOMERY: NO PROBLEM.

26 THE COURT: IN THE OTHER CASE THERE ARE PEOPLE
27 WITH THE SAME NAMES, BURGESS AND SO ON. HERE IT'S
28 DIFFERENT NAMES, BUT I'M JUST USING THE FIRST NAMES. I

1 DON'T MEAN ANY OFFENSE BY THAT.

2 MS. MONTGOMERY: NONE TAKEN.

3 MS. AUGUSTUS: NO, THERE'S NOTHING IN OCTOBER.

4 THE COURT: ARE YOU OKAY WITH THOSE DAYS?

5 MS. MONTGOMERY: ABSOLUTELY.

6 MS. AUGUSTUS: WHAT TIME ON THE 30TH?

7 MS. MONTGOMERY: 1:30.

8 THE COURT: 1:30 ON THE 29TH AND 30TH.

9 MS. AUGUSTUS: OKAY. SO CAN WE ALSO GET SOME
10 ORDERS FOR...

11 THE COURT: WELL, FIRST I'M GOING TO GIVE YOU A
12 NEW DATE TO COME BACK BEFORE THEN FOR A STATUS JUST TO
13 SEE WHERE WE ARE ON THERAPISTS.

14 HOW ABOUT MONDAY JULY 1ST OR TUESDAY JULY
15 2ND FOR A STATUS?

16 MS. AUGUSTUS: JULY 1ST.

17 THE COURT: DOES THAT WORK FOR ALL THREE OF YOU?

18 MS. MONTGOMERY: YES.

19 THE COURT: WHICH DATE IS BETTER?

20 MS. MONTGOMERY: IT DOESN'T MATTER. I'LL BE HERE.

21 THE COURT: MONDAY IS PROBABLY BETTER FOR US.

22 MS. AUGUSTUS: WHICH IS THE 1ST?

23 THE COURT: YEAH. THAT WOULD BE AT 10:30. WE

24 DON'T HAVE THAT BUSY OF A CALENDAR THAT DAY.

25 MS. AUGUSTUS: YOUR HONOR, DID YOU RECEIVE OR SEE
26 OUR -- MY DECLARATION.

27 THE COURT: I DID.

28 MS. AUGUSTUS: OKAY. AND SO YOU'RE AWARE THAT

1 ATTORNEY SPILLER'S LAW LICENSE IS UNDER REVIEW RIGHT
2 NOW?

3 THE COURT: THAT'S WHAT YOU'VE -- YOU'VE PUT IN A
4 COMPLAINT AGAINST HIM; RIGHT?

5 MS. AUGUSTUS: AND SO IT'S YOUR UNDERSTANDING THAT
6 HIS LAW LICENSE IS UNDER REVIEW RIGHT NOW?

7 THE COURT: WELL, I'M NOT SURE. THAT'S WHAT
8 YOU'RE ALLEGING.

9 MS. AUGUSTUS: YOU DIDN'T -- OKAY. SO I FILED A
10 COPY OF THE --

11 THE COURT: YEAH, YOU'VE MADE A COMPLAINT AGAINST
12 HIM. SO, YEAH, WHEN PEOPLE MAKE COMPLAINTS AGAINST
13 LAWYERS, THINGS HAPPEN ABOUT THAT. I UNDERSTAND.
14 HE'S -- IN OUR COURT, HE IS STILL ON THE LIST OF MINOR'S
15 COUNSEL. HE HASN'T BEEN REMOVED FROM THAT LIST YET.

16 MS. AUGUSTUS: RIGHT. WE'RE -- IN THE FILINGS
17 HERE TODAY WE'RE ASKING THAT SASHA GET ANOTHER ATTORNEY,
18 A MINOR'S COUNSEL THAT YOU CAN APPOINT FOR HER. WE
19 THINK THAT IS APPROPRIATE BECAUSE HE HAS MISREPRESENTED
20 HERE IN A LOT OF HIS FILINGS, AND HE HAS INTENTIONALLY
21 OMITTED INFORMATION ABOUT DCFS WHICH IS WHY JUDGE MAY
22 MADE THE RULING THAT HE DID.

23 I DON'T KNOW IF YOU HAD A CHANCE TO READ
24 THE TRANSCRIPT FROM THAT HEARING, BUT IT IS EVIDENT AND
25 APPARENT THAT SPILLER MISREPRESENTED. PERIOD. AND SO
26 WE WANT ANOTHER ATTORNEY.

27 THE COURT: I DIDN'T SEE THAT IN THIS SO I'M NOT
28 GOING TO TAKE MR. SPILLER OFF THE CASE BASED ON THAT.

1 MS. AUGUSTUS: OKAY.

2 THE COURT: I DON'T THINK HE MISREPRESENTED THE
3 FACTS THAT WERE KNOWN TO HIM AT THE TIME.

4 MS. AUGUSTUS: OKAY.

5 THE COURT: YOU HAD ASKED ABOUT OTHER ORDERS,
6 PARENTING CLASSES?

7 MS. AUGUSTUS: YES.

8 THE COURT: FOR WHO?

9 MS. AUGUSTUS: FOR ALL OF US BECAUSE I DON'T KNOW
10 THAT THE PETITIONER UNDERSTANDS HOW IMPORTANT THE PARENT
11 RELATIONSHIP IS WITH THE CHILD BECAUSE THE THINGS THAT
12 SHE'S SAYING RIGHT NOW IS NOT TRUE. I HAVE TEXT
13 MESSAGES FROM HER. SHE SAID THAT IF WE GO TO TRIAL AND
14 I CALL CERTAIN WITNESSES, SHE WILL MAKE SURE THAT I NOT
15 SEE SASHA, AND SHE MADE SURE OF THAT BECAUSE WE WERE
16 SUPPOSED TO HAVE A VISIT ON EASTER SUNDAY, BUT GOD MADE
17 SURE THAT SASHA SHOWED UP AT A RESTAURANT WITH THE
18 PETITIONER, AND MARK AND I HAPPENED TO BE THERE AFTER A
19 VISIT SO WE GOT TO SEE SASHA ON EASTER AFTER ALL BECAUSE
20 SHE CANCELLED THE VISIT.

21 SO SHE IS DOING THINGS INTENTIONALLY, AND I
22 CAN SHOW YOU TEXT MESSAGES WHERE SHE IS EMPHATICALLY
23 SAYING IF YOU DO THIS OR THAT, I'LL MAKE SURE THAT YOU
24 DON'T SEE SASHA.

25 THE COURT: GO AHEAD.

26 MS. MONTGOMERY: YOUR HONOR, MY SISTER TEXTED ME
27 IN THE MIDDLE OF THE DAY, AND I HAD GONE TO THE HOSPITAL
28 BECAUSE A GOOD FRIEND OF MINE ATTORNEY -- JUDGE MARGO

1 BOUCHET HAD A HEART ATTACK. SHE KEPT TEXTING ME. I
2 SAID I'M AT THE HOSPITAL WITH MARGO. I WILL LET YOU
3 SPEAK WITH YOUR DAUGHTER WHEN I GET HOME.

4 HER REPLY WAS, I DON'T GIVE A DAMN IF MARGO
5 DIES. PUT MY DAUGHTER ON THE PHONE WHEN I TEXT YOU.

6 I HAVE THAT IN MY PHONE.

7 MS. AUGUSTUS: WE BOTH HAVE THE TEXT MESSAGES.

8 THE COURT: ALL RIGHT. SO I DON'T KNOW WHAT YOU
9 GUYS WANT ME TO DO ABOUT IT.

10 MS. MONTGOMERY: ME, I WOULD LIKE --

11 MS. AUGUSTUS: I WOULD LIKE THE PARENTING CLASSES.

12 THE COURT: I'M NOT ORDERING PARENTING CLASSES.

13 MS. MONTGOMERY: THANK YOU.

14 I WOULD LIKE, WHEN MY SISTER GIVES ME A
15 TEXT OR A CALL, THAT I HAVE A CERTAIN AMOUNT OF TIME TO
16 RESPOND IN ADDITION TO MEETING WHEN SHE BRINGS THE CHILD
17 BACK. IS THERE A WAY THAT WE HAVE A WINDOW, A GRACE
18 PERIOD?

19 THE COURT: NOW YOU'RE ASKING FOR STUFF THAT I
20 WASN'T AWARE OF TODAY. I DIDN'T KNOW THERE WAS AN ISSUE
21 ABOUT THE MEETINGS. I HAD THE IMPRESSION THAT THE
22 MEETINGS, THE CHAPERONED MEETINGS WERE GOING WELL, AND
23 YOU'VE WORKED OUT, AT LEAST WITH YOUR SISTER, THE AMOUNT
24 OF TIME SPENT.

25 ARE YOU SAYING THERE'S SOME ISSUE NOW WITH
26 THAT?

27 MS. AUGUSTUS: SHE WANTS TO PUNISH ME NOW.

28 MS. MONTGOMERY: NO. I'M JUST SAYING WHEN I GAVE

1 YOU THAT INSTANT ABOUT THE PHONE CALL.

2 THE COURT: OKAY. THAT'S NOT A GOOD THING THAT
3 HAPPENED.

4 MS. MONTGOMERY: SO MY SISTER SAID SHE WAS LEAVING
5 MY MOM'S HOUSE BECAUSE I DIDN'T PUT MY SISTER ON THE
6 PHONE WITHIN 15 MINUTES, THAT SHE WAS GOING TO GO TO
7 SOMEONE ELSE'S HOUSE AND THEN CALL THEIR EX-HUSBAND AND
8 LET THEM KNOW WHAT'S GOING ON.

9 AND I'M LIKE THIS HAS -- I DON'T LIVE WITH
10 THIS PERSON, AND I CAN PUT YOUR DAUGHTER ON THE PHONE.
11 BECAUSE YOUR DAUGHTER'S NOT ON THE PHONE IN 15 MINUTES,
12 YOU WANT TO CAUSE HELL IN SOMEONE ELSE'S LIFE? SHE'S --

13 THE COURT: SO YOU MENTIONED A MOMENT AGO TIME
14 LIMITS ON THE VISITS?

15 MS. MONTGOMERY: NO. TIME -- LIKE IF SHE TEXTS ME
16 RIGHT NOW AT 2:00 O'CLOCK, CAN HER DAUGHTER CALL AT 3:00
17 BECAUSE IF I DON'T PUT HER DAUGHTER ON THE PHONE IN 15
18 MINUTES, SHE'S DRIVING TO MY MOTHER'S HOUSE, SHE'S
19 DRIVING PAST FRIEND'S HOMES, SHE'S COMING PAST MY JOB IF
20 HER DAUGHTER'S NOT ON THE PHONE.

21 THE COURT: WE TALKED EARLIER ABOUT VISITS. THE
22 VISITS YOU SAY ARE EVERY...

23 MS. MONTGOMERY: WHENEVER SHE REQUESTS IT.

24 MS. AUGUSTUS: THEY'RE NOT CONSISTENT.

25 MS. MONTGOMERY: AND EASTER -- EASTER --

26 I LET YOU TALK ANY TIME.

27 THE COURT: HOLD ON. HOLD ON.

28 MS. MONTGOMERY: SO AGGRESSIVE.

1 THE COURT: SO THE ORDER THAT I MADE EARLIER IS
2 THAT THE CURRENT VISITATION ARRANGEMENT CHAPERONING WITH
3 CAMERON AND...

4 MS. MONTGOMERY: OUR AUNT.

5 THE COURT: THE AUNT WILL CONTINUE.

6 MS. MONTGOMERY: CORRECT.

7 THE COURT: BUT REMIND ME AGAIN HOW OFTEN ARE
8 THOSE VISITS WITH DONECIA?

9 MS. MONTGOMERY: WHENEVER SHE ASKS, I WILL DO IT
10 FOR HER. SHE SAID THAT HER SON -- THAT I CANCELLED WITH
11 HER ON EASTER. HER SON WAS ACTUALLY SICK.

12 THE COURT: OKAY. HOW OFTEN WILL YOU --

13 MS. MONTGOMERY: ABOUT EVERY OTHER WEEK OR EVERY
14 TWO WEEKS.

15 MS. AUGUSTUS: I SEEN SASHA FIVE TIMES SINCE
16 DECEMBER 11TH. FIVE TIMES, I'VE SEEN SASHA. MY
17 DAUGHTER IS USED TO BEING WITH ME.

18 THE COURT: HOW OFTEN DOES SASHA WANT TO SEE HER
19 MOM?

20 MS. MONTGOMERY: NOT THAT OFTEN.

21 THE COURT: ONCE EVERY OTHER WEEK?

22 MS. MONTGOMERY: THAT WILL BE GOOD FOR HER, YES.

23 THE COURT: WHY DON'T WE HAVE THESE VISITS EVERY
24 OTHER WEEK. THAT'S MORE THAN THE FIVE TIMES THAT YOU'VE
25 SEEN HER SINCE DECEMBER.

26 MR. AUGUSTUS: YEAH, THAT'S GOOD.

27 THE COURT: ANY PARTICULAR DAY?

28 MS. MONTGOMERY: SATURDAYS, SUNDAYS, WHICHEVER IS

11/26/21 11:00 AM

1 GOOD FOR HER.

2 MS. AUGUSTUS: ANY OTHER DAY BUT SUNDAY.

3 THE COURT: SATURDAY.

4 MS. MONTGOMERY: THAT'S FINE.

5 THE COURT: SO THE GUARDIAN, TEMPORARY GUARDIAN

6 AND THE MOM ARE TO TALK ABOUT TIMING ON SATURDAYS.

7 MS. AUGUSTUS: AND IF THESE FOLKS AREN'T

8 AVAILABLE, WHAT DO WE DO?

9 THE COURT: I'M SORRY. WHO'S NOT AVAILABLE?

10 MS. AUGUSTUS: IF CAMERON ISN'T AVAILABLE, IF

11 AUNTIE MICKEY ISN'T AVAILABLE, WHAT DO WE DO?

12 MS. MONTGOMERY: THEN THERE'S NO GO. SHE DOESN'T

13 FEEL SAFE WITH YOU.

14 THE COURT: THEN WE NEED TO FIND ANOTHER

15 CHAPERONE.

16 MS. AUGUSTUS: SASHA HAS BEEN ALONE WITH ME AT THE

17 MALL WITH CAMERON. CAMERON'S SOMEWHERE ELSE IN THE

18 MALL. SASHA WENT WITH ME TO MY CAR WHILE WE WERE WITH

19 AUNTIE MICKEY TWICE.

20 MR. AUGUSTUS: PLEASE. PLEASE.

21 MS. AUGUSTUS: THIS IS -- AUNTIE MICKEY --

22 THE COURT: THAT'S FINE. THAT'S FINE, BUT THE

23 CHAPERONE -- YOU NEED --

24 MR. AUGUSTUS: WE'LL MAKE SURE THE CHAPERONE IS

25 THERE. WE'LL GET PAST THAT. WE'LL MAKE SURE IT'S EVERY

26 OTHER WEEK. I'LL MAKE SURE THE CHAPERONE IS AVAILABLE.

27 I'LL MAKE SURE IT'S AVAILABLE.

28 THE COURT: WELL, I THINK THE TEMPORARY GUARDIAN

1 SHOULD TRY TO MAKE SURE THE CHAPERONE IS AVAILABLE.

2 MS. MONTGOMERY: THANK YOU.

3 THE COURT: SHE'S THE TEMPORARY GUARDIAN. AND
4 IT'S POSSIBLE, DURING THESE VISITS AT ONE POINT CAMERON
5 MIGHT GO MAKE A TELEPHONE CALL AND HE'S NOT GOING TO BE
6 PRESENT WITH YOU AND SASHA, BUT IT'S STILL A CHAPERONED
7 VISIT. IT DOESN'T MEAN HE'S THERE EVERY MINUTE OF THE
8 VISIT.

9 MS. AUGUSTUS: WELL, SHE WAS ASKED, ARE YOU OKAY
10 TO GO WITH YOUR MOM, AND SHE SAID YES.

11 SO SHASHA HAS NEVER SAID A WORD HERE IN
12 THIS COURTROOM, AND I WOULD URGE YOUR HONOR TO GET THAT
13 AS AN ORDER. MAYBE YOU CAN SPEAK WITH HER IN CHAMBERS.

14 THE COURT: I'M NOT GOING TO DO THAT.

15 MS. AUGUSTUS: I KNOW. IT'S EASIER TO DO IT THAT
16 WAY, THOUGH. SO THESE FOLKS CAN SAY THAT.

17 THE COURT: THE TEMPORARY LETTERS ARE EXTENDED TO
18 JULY 1ST. THAT'S OUR NEXT STATUS CONFERENCE.

19 I SHOULD JUST ADD THAT IN ADVANCE OF THE
20 TRIAL DATE THAT I'VE SET FOR OCTOBER, 7 DAYS PRIOR TO
21 THE START OF THE TRIAL, THE PARTIES WILL HAVE TO FILE
22 TRIAL BRIEFS PURSUANT TO RULE .415 OF THE LOCAL LOS
23 ANGELES COUNTY COURT RULES. WE'LL TALK MORE ABOUT THAT
24 IN JULY WHEN WE SEE YOU ALL.

25 MS. MONTGOMERY: OKAY.

26 MR. AUGUSTUS: OKAY.

27 THE COURT: AND I LOOK FORWARD TO GETTING A REPORT
28 WHETHER IT'S FROM MR. SPILLER OR FROM...

1 MS. MONTGOMERY: THE ATTORNEY.

2 THE COURT: OR A VIEW ABOUT WHERE THE THERAPISTS
3 THINK THIS IS GOING. I HOPE THAT THIS IS HEADED IN THE
4 DIRECTION THAT IS NOT AN EVIDENTIARY HEARING. THAT'S
5 NOT GOING TO BE GREAT --

6 MS. AUGUSTUS: I KNOW IT'S NOT.

7 THE COURT: FOR ANYBODY. THANK YOU ALL FOR YOUR
8 PATIENCE WITH ME THIS MORNING. AND WE'LL SEE YOU ON
9 THIS CASE ON JULY 1ST. SASHA'S APPEARANCE IS WAIVED FOR
10 THAT DAY.

11 MS. MONTGOMERY: OKAY.

12 THE COURT: ALL RIGHT. BUT ALL OF YOU ARE ORDERED
13 TO BE HERE AT 10:30 THAT MORNING, JULY 1ST.

14 MS. MONTGOMERY: THANK YOU, YOUR HONOR.

15 THE COURT: THANKS A LOT. YOU'RE GOING TO SEE THE
16 COURTROOM ASSISTANT TO GET YOUR EXTENSION OF TEMPORARY
17 LETTERS. OKAY.

18 MS. MONTGOMERY: THANK YOU.

19
20 (WHEREUPON AT 2:34 P.M. THE MATTER IS
21 CONCLUDED AND THE PARTIES LEAVE THE
22 COURTROOM.)

23 (AT 2:51 P.M. THE COURT GOES BACK ON THE
24 RECORD CONCERNING THIS MATTER.)

25
26 THE COURT: SO BACK ON THE RECORD IN THE
27 CONSERVATORSHIP OF SASHA AUGUSTUS.

28 THE PARTIES ARE NOT PRESENT, BUT I HAD

1100720160

1 NEGLECTED, WHILE THEY WERE HERE, TO AWARD MR. SPILLER,
2 MINOR'S COUNSEL, FEES PURSUANT TO A DECLARATION HE
3 FILED.

4 WE WILL HAVE HIM PAID BY THE COUNTY
5 9,062.50 PLUS \$89.50 IN COSTS FOR A TOTAL OF \$9,152.

6 HE IS NOT TO BE DISCHARGED AT THIS TIME,
7 AND, IN FACT, HE'S ORDERED TO APPEAR ON JULY 1ST, AND
8 THE COURT WILL GIVE NOTICE TO MR. SPILLER OF TODAY'S
9 MINUTE ORDER. AND THAT WAS IT.

10 THE CLERK: ARE WE DOING ADDITIONAL HOURS?

11 THE COURT: THE COURT AUTHORIZES MR. SPILLER AN
12 ADDITIONAL 10 HOURS.

13

14 (THE PROCEEDINGS WERE CONCLUDED.)

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11/09/2019

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT 5 HON. MICHAEL C. SMALL, JUDGE

IN RE THE GUARDIANSHIP OF:)
SASHA MILAN AUGUSTUS,) NO. 18STPB09873
MINOR.) REPORTER'S
CERTIFICATE

I, ALICE ALARCON, OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID
CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND
THAT THE FOREGOING PAGES 1 THROUGH 37, INCLUSIVE,
COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE
PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE
ABOVE-ENTITLED CAUSE ON MONDAY, MAY 13, 2019.

DATED THIS 15TH DAY OF JUNE, 2019.

ALICE ALARCON, CSR NO. 12182
OFFICIAL COURT REPORTER

EXHIBIT F

SUPREME COURT
FILED

(State Bar Court Case No. 96-O-06581)

SEP 8 1998

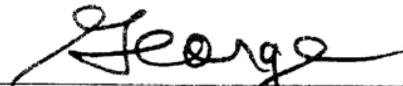
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Robert Wandruff Clerk
DEPUTY

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN RE WILLIAM SPILLER, JR., ON DISCIPLINE

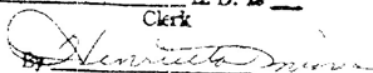
It is ordered that William Spiller, Jr., be suspended from the practice of law for 30 days, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding the stipulation filed on May 4, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination, and provide the State Bar Probation Unit with satisfactory proof that he has passed that examination, within one year after the effective date of this order. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7 (as amended effective January 1, 1997).


Chief Justice

I, Robert F. Wandruff, Clerk of the Supreme Court of the State of California do hereby certify that the preceding is a true copy of an order of this Court, as shown by the records of my office.

Witness my hand and the seal of the Court this

SEP 8 - 1998 A. D. 18


Deputy Clerk

April 23, 1998
Date

[Signature]
Respondent's signature

WILLIAM SPILLER JR.
print name

Date

Respondent's Counsel's signature

print name

4-27-98
Date

[Signature]
Deputy Trial Counsel's signature

TERRY ST. BERNARD
print name

ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.

Respondent is also entitled to mitigation for his substantial involvement in fee arbitrations, service as a juvenile court referee and work with juvenile offenders. (Rose v. State Bar (1989) 49 Cal. 3d 646, 665-666.)

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)**

5/1/98
Date

[Signature]
Judge of the State Bar Court

Hearing Department ☒ Los Angeles ☐ San Francisco

ORIGINAL

<p>Counsel for the State Bar OFFICE OF THE CHIEF TRIAL COUNSEL ENFORCEMENT ALYSE M. LAZAR TERRY ST. BERNARD NO. 148068 1149 S. HILL ST LOS ANGELES CA 90015-2299 (213) 765-1000</p>	<p>Case number(s) 96-0-06581-CEV</p>	<p>(for Court's use)</p> <p>PUBLIC MATTER</p> <p>FILED</p> <p>MAY 04 1998 <i>ppj</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel for Respondent WILLIAM SPILLER, JR. ESQ. 4030 PALOS VERDES DR NORTH SUITE 207 ROLLING HILLS ESTATES CA 90274-2585</p>	<p>Submitted to <input type="checkbox"/> assigned judge <input checked="" type="checkbox"/> settlement judge</p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p>STAYED SUSPENSION; NO ACTUAL SUSPENSION</p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>IN PRO PER</p> <p>In the Matter of WILLIAM SPILLER JR.</p> <p>Bar # 109969</p> <p>A Member of the State Bar of California (Respondent)</p>		

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 12, 1983
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation, and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 8 pages, *plus page "1A."*
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☒ costs added to membership fee for calendar year following effective date of discipline
 - ☐ costs to be paid in equal amounts prior to February 1 for the following membership years:
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
 - ☐ costs waived in part as set forth under "Partial Waiver of Costs"
 - ☐ costs entirely waived

Note: All information required by this form and any additional information which cannot be provided in the space provided, shall be set forth in the text component of this stipulation under specific headings, i.e. "Facts," "Dismissals," "Conclusions of Law."

(Stipulation form approved by SBC Executive Committee 10/22/97)

Stayed Suspension

In the Matter of
William Spiller Jr.
A Member of the State Bar

Case Number(s):

96-0-06581

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code §6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a notice of disciplinary charges or other pleading which initiates a disciplinary proceeding against a member:

(a) Admission of culpability.

(b) Denial of culpability.

(c) *Nolo contendere*, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of *nolo contendere* shall be considered the same as an admission of culpability and that, upon a plea of *nolo contendere*, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admissions required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)

RULE 133. Rules of Procedure of the State Bar of California STIPULATIONS AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

(a) A proposed stipulation as to facts, conclusions of law, and disposition shall set forth each of the following:

(5) a statement that respondent either:

(i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or

(ii) pleads *nolo contendere* to these facts and violations. If the respondent pleads *nolo contendere*, the stipulation shall include each of the following:

(a) an acknowledgment that the respondent completely understands that the plea of *nolo contendere* shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and

(b) if requested by the Court, a statement by the deputy trial counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter. (emphasis supplied)

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code §6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead *nolo contendere* to the charges set forth in this stipulation and I completely understand that my plea shall be considered the same as an admission of culpability except as stated in Business and Professions Code section 6085.5(c).

April 23, 1998  WILLIAM SPILLER, JR.
Date Signature Print Name

(Nolo Contendere Plea form approved by SBC Executive Committee 10/22/97)

1A

B. Aggravating Circumstances (for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b).) Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** (see standard 1.2(f))
- (a) ☐ State Bar Court case # of prior case _____
- (b) ☐ date prior discipline effective _____
- (c) ☐ Rules of Professional Conduct/ State Bar Act violations: _____

- (d) ☐ degree of prior discipline _____
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline".
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances (see Standard 1.2(e).) Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (10) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (11) ☒ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Respondent has been practicing since 1983 without prior discipline.

D. Discipline

1. Stayed Suspension.

A. Respondent shall be suspended from the practice of law for a period of 30 days

- ☐ i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ☐ ii. and until Respondent pays restitution to _____ (payee(s)) (or the Client Security Fund, if appropriate), in the amount of _____ plus 10% per annum accruing from _____, and provides proof thereof to the Probation Unit, Office of the Chief Trial Counsel
- ☐ iii. and until Respondent does the following: _____

B. The above-referenced suspension shall be stayed.

2. Probation.

Respondent shall be placed on probation for a period of two years which shall commence upon the effective date of the Supreme Court order herein. (See rule 953, California Rules of Court.)

E. Additional Conditions of Probation:

- (1) ☒ During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) ☒ Respondent shall promptly report, and in no event in more than 10 days, to the Membership Records Office of the State Bar and to the Probation Unit, Office of the Chief Trial Counsel, Los Angeles, all changes of information including current office or other address for State Bar purposes as prescribed by section 6002.1 of the Business and Professions Code..
- (3) ☒ Respondent shall submit written quarterly reports to the Probation Unit of the Office of the Chief Trial Counsel on each January 10, April 10, July 10, and October 10 of the period of probation, except as set forth in the second paragraph of this condition. Under penalty of perjury each report shall state that Respondent has complied with all provisions of the State Bar Act and the Rules of Professional Conduct during the preceding calendar quarter or period described in the second paragraph of this condition.

If the first report would cover less than 30 days, then the first report shall be submitted on the next quarter date and cover the extended period. The final report is due no earlier than 20 days before the last day of the period of probation and no later than the last day of probation.
- (4) ☒ Subject to assertion of applicable privileges, Respondent shall answer fully, promptly and truthfully any inquiries of the Probation Unit of the Office of the Chief Trial Counsel and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

- (5) ☒ Within one year of the effective date of the discipline herein, Respondent shall attend the State Bar Ethics School, and shall pass the test given at the end of such session.
- ☐ No Ethics School recommended.
- (6) ☐ Respondent shall be assigned a probation monitor. Respondent shall promptly review the terms and conditions of his/her probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent shall furnish such reports as may be requested by the probation monitor to the probation monitor in addition to quarterly reports required to be submitted to the Probation Unit of the Office of the Chief Trial Counsel. Respondent shall cooperate fully with the probation monitor to enable him/her to discharge his/her duties.
- (7) ☐ The following conditions are attached hereto and incorporated:
- ☐ Substance Abuse Conditions ☐ Law Office Management Conditions
- ☐ Medical Conditions ☐ Financial Conditions
- (8) ☐ Other conditions negotiated by the parties:

☒ **Multistate Professional Responsibility Examination:** Respondent shall provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Probation Unit of the Office of the Chief Trial Counsel within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**

☐ No MPRE recommended.

(Stipulation form approved by SBC Executive Committee 10/22/97)

Stayed Suspension

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: William Spiller Jr.

CASE NUMBER(S): 96-O-06581-CEV ET SEQ.

FACTS AND CONCLUSIONS OF LAW.

COUNT ONE

Case No. 96-O-06581
Business and Professions Code, section 6106
[Misrepresentation]

1. On or about June 1, 1995, Albert Yanagisawa ("Yanagisawa") employed the Law Offices of Jack I. Esensten to represent him in an uninsured motorist claim for personal injury and property damage.
2. In or about December 1995, RESPONDENT, a contract attorney at the Law Offices of Jack I. Esensten, was assigned Yanagisawa's case.
3. In order to pursue a claim under the uninsured motorist provision of his insurance policy, Yanagisawa was required to file a lawsuit against the uninsured driver within one year of the accident.
4. On or about March 17, 1996, the statute of limitations expired. Prior to that date, RESPONDENT failed to file a lawsuit against the uninsured motorist.
5. In or about March 1996, RESPONDENT misrepresented to Yanagisawa, during a telephone conversation, that he had filed a lawsuit on Yanagisawa's behalf in order to protect the statute of limitations.

6
Page #

Attachment Page 1

6. On or about May 8, 1996, RESPONDENT sent a letter to Yanagisawa discussing a settlement offer allegedly made by Yanagisawa's insurer pursuant to the uninsured motorist provision of Yanagisawa's policy. In fact, no such offer had been made by Yanagisawa's insurer.

7. By misrepresenting that he had filed the complaint in the uninsured motorist case and that he had received an offer to settle by the insurance company, RESPONDENT committed acts involving moral turpitude, dishonesty or corruption.

By the foregoing conduct, Respondent wilfully violated Business and Professions Code, section 6106.

PENDING PROCEEDINGS.

The disclosure date referred to, on page one, paragraph A.(6), was March 24, 1998.

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Page #

Attachment Page 2

EXHIBIT G

(Page 1 of 1)

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Shaunta Selena Montgomery 5222 W. 12th St., Los Angeles, CA 90019 TELEPHONE NO (323) 423-8732 FAX NO (Optional) E-MAIL ADDRESS (Optional) ATTORNEY FOR (Name) In Pro Per *</p>	<p>GC-211</p> <p>FOR COURT USE ONLY</p> <p>FILED Superior Court Of California County Of Los Angeles</p> <p>OCT 23 2018</p> <p>Sherri K. Carter, Executive Judicial Clerk By <u>Diane L. Galindo</u>, Deputy</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS 111 North Hill Street MAILING ADDRESS same CITY AND ZIP CODE Los Angeles, CA 90012 BRANCH NAME Downtown Los Angeles</p>	<p>CASE NUMBER 18STPB09873</p>
<p>GUARDIANSHIP OF THE <input checked="" type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): Sasha Milan Augustus</p>	
<p><input checked="" type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE</p>	

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the ☒ person ☐ estate of the minor.
 Date: October 23, 2018

Shaunta Selena Montgomery
 (TYPE OR PRINT NAME)

(SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

3. I am ☐ a parent of the minor ☐ a donor of a gift to the minor. I nominate (name and address):

as guardian of the ☐ person ☐ estate of the minor.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor*, filed on (date): . I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR

☐ Continued on Attachment 4.

Page 1 of 1

Form Approved for Mandatory Use
 Judicial Council of California
 GC-211 (Rev. January 1, 2004)

**CONSENT OF PROPOSED GUARDIAN, NOMINATION OF GUARDIAN,
 AND CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE**

Probate Code §§ 1204,
 1500-1502

probategcentral1018

EXHIBIT H

LOS ANGELES COUNTY AUDITOR-CONTROLLER

Arlene Barrera
ACTING AUDITOR-CONTROLLER

Peter Hughes
ASSISTANT AUDITOR-CONTROLLER

Mike Pirolo
ACTING DIVISION CHIEF

AUDIT DIVISION

May 17, 2019

Superior Court of California, County of Los Angeles Family Law Court – Minors' Counsel Cost Review

Audit Team

Terri Kasman, CPA
Chief Accountant-Auditor

Carrie Guo, CPA
Principal Accountant-Auditor

Joanna De La Cuesta
Senior Accountant-Auditor

Maria E. Ramirez, CIA
Intermediate Accountant-Auditor

NUMBER OF RECOMMENDATIONS

PRIORITY 1

4

CORRECTIVE ACTION REQUIRED
WITHIN 90 DAYS

PRIORITY 2

3

CORRECTIVE ACTION REQUIRED
WITHIN 120 DAYS

PRIORITY 3

1

CORRECTIVE ACTION REQUIRED
WITHIN 180 DAYS



BOARD OF SUPERVISORS

Hilda L. Solis
FIRST DISTRICT

Mark Ridley-Thomas
SECOND DISTRICT

Sheila Kuehl
THIRD DISTRICT

Janice Hahn
FOURTH DISTRICT

Kathryn Barger
FIFTH DISTRICT

LOS ANGELES COUNTY AUDITOR-CONTROLLER

Arlene Barrera
ACTING AUDITOR-CONTROLLER

Peter Hughes
ASSISTANT AUDITOR-CONTROLLER

Mike Pirolo
ACTING DIVISION CHIEF

AUDIT DIVISION

May 17, 2019

FACT SHEET

Superior Court of California, County of Los Angeles

FAMILY LAW COURT – MINORS' COUNSEL COST REVIEW

On October 16, 2018, the Board of Supervisors directed the Auditor-Controller to perform a follow-up review of minors' counsel costs to evaluate the status of cost containment efforts and identify factors contributing to recent cost increases and best practices for reducing cost.

With the Los Angeles Superior Court's (SC or Court) support and active participation, we evaluated the Court's processes and controls over minors' counsel costs to determine whether they provide reasonable assurance to management that controls are appropriate and in accordance with the Court's policies. Our review included interviewing Family Law Court judges and Court management/staff, examining policies and procedures, and conducting detailed walkthrough of practices.

Key Outcomes

We identified opportunities to improve and strengthen the Court's processes and controls over minors' counsel fees, which management has agreed to strengthen. We will assess and report on management's corrective actions in our planned future follow-up review. Examples of corrective actions include:

- SC will develop payment guidelines for minors' counsel compensation that will provide consistent parameters for minors' counsel payments.
- SC will implement a process to send formal notifications of past due amounts and collect minors' counsel costs owed by the parties (e.g., parents/guardians).
- SC will establish a process for reviewing the accuracy and completeness of reimbursement orders entered in the system and verifying minors' counsel claims to ensure attorneys are not billing the Court for amounts that attorneys should receive from the involved parties.

Impact

These enhancements will assist in ensuring that the Court's efforts in containing minors' counsel costs are working effectively. In addition, these controls will provide greater consistency and accountability and lessen the potential for overpayments to attorneys.



This report is also available online at auditor.lacounty.gov
Report Waste, Fraud, and Abuse: fraud.lacounty.gov

For questions regarding the contents of this report, please contact Mike Pirolo, Acting Audit Division Chief, at mpirolo@auditor.lacounty.gov or (213) 253-0100.

FAST FACTS

Family law cases involve issues such as divorce, child custody, etc. The Court may appoint private counsel to represent a minor in a custody or visitation proceeding.

The PACE Section has 14 staff processing minors' counsel claims. For Fiscal Year 2017-18, SC's minors' counsel cost totaled approximately \$1.8 million.

NUMBER OF RECOMMENDATIONS

PRIORITY 1

4

CORRECTIVE ACTION REQUIRED
WITHIN 90 DAYS

PRIORITY 2

3

CORRECTIVE ACTION REQUIRED
WITHIN 120 DAYS

PRIORITY 3

1

CORRECTIVE ACTION REQUIRED
WITHIN 180 DAYS



ARLENE BARRERA
ACTING AUDITOR-CONTROLLER

**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 525
LOS ANGELES, CALIFORNIA 90012-3873
PHONE: (213) 974-8301 FAX: (213) 626-5427

May 17, 2019

TO: Supervisor Janice Hahn, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Kathryn Barger

FROM: Arlene Barrera *Arlene Barrera*
Acting Auditor-Controller

SUBJECT: **SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES –
FAMILY LAW COURT – MINORS’ COUNSEL COST REVIEW
(October 16, 2018, Board Agenda Item 3)**

The Auditor-Controller’s Audit Division has completed a review of the Los Angeles Superior Court Family Law Court’s controls over minors’ counsel costs. The complete audit report is attached.

If you have any questions please call me, or your staff may contact Mike Pirolo at (213) 253-0100.

AB:PH:MP

Attachment (Report #K19CV)


c: Sachi A. Hamai, Chief Executive Officer
Sherri R. Carter, Executive Officer/Clerk, Superior Court
Audit Committee
Countywide Communications

*Help Conserve Paper – Print Double-Sided
“To Enrich Lives Through Effective and Caring Service”*

May 17, 2019

TO: Sherri R. Carter, Executive Officer/Clerk
Los Angeles Superior Court

FROM: Dr. Peter Hughes 
Assistant Auditor-Controller

Mike Pirolo, Acting Chief 
Audit Division

SUBJECT: **SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES –
FAMILY LAW COURT – MINORS’ COUNSEL COST REVIEW
(October 16, 2018, Board Agenda Item 3)**

On October 16, 2018, the Board of Supervisors directed the Auditor-Controller to perform a follow-up review of minors’ counsel costs to evaluate the Los Angeles Superior Court’s (SC or Court) cost containment efforts and identify factors contributing to recent cost increases and best practices for reducing cost. We have completed the requested review.

Under California Rules of Court 5.240, a court may appoint private counsel to represent a child in family law cases involving child custody or visitation, on a case by case basis. Minors’ counsel costs are paid for utilizing County funds. According to the Court’s records, minors’ counsel costs increased by 17%, from \$1.6 million in Fiscal Year (FY) 2016-17, to \$1.8 million in FY 2017-18. During the same period, the number of cases where minors’ counsel was appointed increased by 13%, from 787 to 889 cases. Based on our interview with Family Law judges, there are several factors that contributed to higher workload. For example, the number of more complex family law cases such as those involving domestic violence has increased requiring the expanded use of minors’ counsel. In addition, the public is more aware of the bench and the availability of minors’ counsel as a tool in family law cases, and the number of bench officers have increased over the years to meet public needs.

Based on the above, it appears the increases in the number and complexity of the cases may have contributed to the increase in minors’ counsel costs. In addition, while the Court monitors certain aspects of minors’ counsel costs, we noted that the Court may be

able to further control minors' counsel expenditures by developing payment guidelines, establishing processes for reviewing counsel claims for cases where attorneys also receive direct payments from parties (e.g., parents/guardians), and collecting delinquent payments owed by the parties.

For details of our review, please see Attachment I, Table of Findings and Recommendations for Corrective Action, and Attachment II, Background and Audit Scope.

Review of Report

We discussed our report with SC management. The Court's response (Attachment III) indicates **partial agreement** with our findings and recommendations. In some cases, the Court's implementation target dates are beyond the timeframes established by the Audit Committee. We have encouraged the Court to implement the recommendations as timely as possible.

We thank SC management and staff for their cooperation and assistance during our review. If you have any questions, please call Mike Pirolo at (213) 253-0100.

PH:MP:TK:cg

Attachments

c: Arlene Barrera, Acting Auditor-Controller

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
FAMILY LAW COURT – MINORS’ COUNSEL COST REVIEW**

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION

	ISSUE¹	RISK	RECOMMENDATION	P²	SUMMARY OF RESPONSE
1	<p>Payment Guidelines: In our June 15, 2010 audit report, we noted the Family Law Supervising Judge distributed payment guidelines to all judges, indicating the maximum compensation for minors’ counsel depending on the complexity of the case. For example, Level 1 has a maximum payment amount of \$1,500, which allows for time to interview the child and parents, and for counsel to make one Court appearance. Level 4 represents the most complex cases (e.g., allegations of abuse, domestic violence) and the payment amount is determined by the Court at the initial counsel appointment. However, during our review, Superior Court indicated the payment guidelines are no longer used, and there are no other guidelines in place that provide consistent parameters for minors’ counsel payments.</p> <p>While the guidelines provide maximum compensation amounts, Court management indicated the payment amount is ultimately at the judicial officer or judge’s discretion.</p>	<ul style="list-style-type: none"> Increased risk that minors’ counsel compensation is not consistent for cases of similar complexity, which could potentially increase costs. 	<p>Superior Court management:</p> <p>a) Request the Family Law Supervising Judge to reestablish payment guidelines for minors’ counsel compensation.</p> <p>b) Monitor minors’ counsel payments to ensure compliance with the established guidelines and address questionable payments.</p>	1	<p>Agree Target Implementation Date: September 2019</p> <p>Superior Court’s response (Attachment III), indicates they are revisiting the payment guidelines and will continue to provide trainings to judicial officers. The Court is also revising a payment order to be issued by the Family Law Supervising Judge that will establish rates and provide general direction for minors’ counsel payments.</p> <p>Auditor-Controller Response: As noted in our recommendation, the Court should also monitor minors’ counsel payments for compliance with established guidelines and address questionable payments.</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION					
	ISSUE ¹	RISK	RECOMMENDATION	P ²	SUMMARY OF RESPONSE
2	<p>Reviews of Reimbursement Orders Entered in System: A judge may order any of the parties (i.e., parents, guardians) to pay for some or all minors' counsel costs related to a case. We noted that Superior Court does not have a review process to ensure Court-ordered amounts (i.e., reimbursement orders) entered in the system are accurate and complete.</p> <p>Specifically, Superior Court indicated that beginning in May 2017, Court staff enter the Court-ordered amounts in the new Odyssey system, an internal case management system, for tracking/billing purposes. In addition, Superior Court indicated they are in the process of reviewing cases dated before the use of Odyssey and having staff enter the Court-ordered amounts in the system, if there are outstanding payments owed by the parties. However, the Court does not review reimbursement orders entered in the system to ensure the information is accurate and complete.</p>	<ul style="list-style-type: none"> Prevents management from effectively evaluating the accuracy and completeness of reimbursement orders entered in the Odyssey system. Increased risk for not promptly identifying or correcting errors without an established frequency for performing the reviews. Increased risk that not all court-ordered reimbursement amounts are accurate, tracked, and collected. 	<p>Superior Court management:</p> <p>a) Establish a process and frequency for reviewing the accuracy and completeness of all reimbursement orders entered in the Odyssey system.</p> <p>b) Require staff to maintain documentation to support that reimbursement orders entered in the system are reviewed for accuracy and completeness.</p>	1	<p>Agree Target Implementation Date: September 2019</p> <p>Superior Court's response indicates they will develop a collections process and procedures for evaluating compliance for a sample of transactions from a delinquent accounts report. This will be performed as part of their internal control survey.</p> <p>Auditor-Controller Response: Superior Court also told us they would maintain documentation of their internal control survey supporting what they reviewed. We will review the Court's processes to determine whether they are reasonable during our follow-up audit.</p>
3	<p>Notifications of Past Due Amounts: As noted above, a judge may order the parties to pay for some or all minors' counsel costs. Superior Court informs the parties of their Court-ordered amounts during Court hearings and provides a Reimbursement Order detailing the portion the parties owe and</p>	<ul style="list-style-type: none"> Increased risk that the parties are not aware or reminded of their outstanding balances resulting in overdue or uncollected payments. 	<p>Superior Court management implement a process to send formal notifications of past due amounts and collect minors' counsel costs owed by the parties.</p>	1	<p>Agree Target Implementation Date: September 2019</p> <p>Superior Court's response indicates they are evaluating the implementation of notices for one pilot courthouse and</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION					
	ISSUE ¹	RISK	RECOMMENDATION	P ²	SUMMARY OF RESPONSE
	<p>repayment plan, where applicable. Superior Court uses the Odyssey system to track the amounts ordered to be paid, amounts collected, and outstanding balances. In our July 28, 2011 audit report, we recommended the Court track delinquent payments and collect minors' counsel costs owed by the parties. However, while Court management indicated they are developing a plan for issuing formal notices/reminders to the parties, they have not finalized it. Also, Superior Court does not currently have a process in place to notify (e.g., via mail) the parties of their outstanding balances and collect past due amounts.</p>				will expand to all courthouses after the evaluation.
4	<p>Direct Payments to Counsel: Per California Rules of Court 5.241, a judge may seek reimbursement from the parties (e.g., parents/ guardians) or request the parties to direct-pay the appointed counsel for minors' counsel fees.</p> <p>We noted the Court does not have a process to ensure attorneys are not billing the Court for amounts where they also receive direct payments from the parties. While Superior Court indicated they compare attorney bills to the Appointment Orders, the Appointment Orders we reviewed did not identify the portion(s) payable to the Court and/or</p>	<ul style="list-style-type: none"> Increased risk that attorneys are overpaid or double paid (i.e., payments from the Court and parents), which may include payments that the County must pay for. 	<p>Superior Court management establish a process to verify that attorneys are billing the correct amount for cases where the parties are ordered to pay directly to counsel.</p>	1	<p>Agree Target Implementation Date: September 2019</p> <p>Superior Court's response indicates that cases can extend over several years and may have numerous reimbursement orders, and to review each minute order to determine whether parties were ordered to pay the attorney directly is prohibitive. However, the Court acknowledge the need to develop a collections process, implement procedures, and</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION					
	ISSUE ¹	RISK	RECOMMENDATION	P ²	SUMMARY OF RESPONSE
	counsel. Therefore, this comparison does not allow Court staff to ensure the amount billed to the Court is correct.				<p>document the entry of reimbursement orders related to minors' counsel.</p> <p>Auditor-Controller Response: As noted in our recommendation, the Court should ensure their process allows staff to verify attorney billings do not include amounts that attorneys should receive from the parties. For example, this could include establishing a method to capture what the parties should pay directly to attorneys in the Appointment Orders, attorney bills to the Court, etc.</p> <p>In addition, we will review the Court's processes to determine whether they are reasonable during our follow-up review.</p>
5	Attorney Claims 90 Day Rule: In March 2012, the Family Law Supervising Judge issued an order requiring attorneys to submit claims for payment within 90 days of providing service. It is our understanding that the Court order also indicates that payments for claims more than 90 days	<ul style="list-style-type: none"> Increased risk that monthly cost reports provided to the Supervising Judge and Court management are not accurate (e.g., costs not reported timely). Court order does not reflect the Court's expectation that claims submitted more than 	<p>Superior Court management:</p> <p>a) Ensure attorneys are submitting minors' counsel claims within 90 days of providing service.</p>	2	<p>Partially Agree Target Implementation Date: January 2020</p> <p>Superior Court's response indicates they partially agree with the recommendation and will request the Family Law Supervising Judge to review</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION					
	ISSUE ¹	RISK	RECOMMENDATION	P ²	SUMMARY OF RESPONSE
	<p>old should be approved by the Supervising Judge.</p> <p>Although Superior Court has a process for approving attorney claims, the Court needs to strengthen their process to ensure attorneys are submitting claims within 90 days of providing service (e.g., notifications/reminders about deadlines, tracking/handling repeat tardiness). During our walkthrough, we noted three late claims, including one claim that was submitted more than one year from the service date. In addition, we noted that late claims are approved by the appointing judge rather than the Supervising Judge, as required by the Court order.</p> <p>Superior Court indicated that their process does not require the Supervising Judge to approve late claims because he/she does not have the authority to review/modify claims for another judge.</p>	90 days from service dates only require appointing judges' approval.	b) Comply with the March 2012 Court order requiring the Family Law Supervising Judge to approve minors' counsel claims submitted more than 90 days from the date of service. Or, request the Family Law Supervising Judge to review and revise the March 2012 Court order to clarify approval responsibilities.		<p>the March 2012 Court order to clarify approval responsibilities.</p> <p>Auditor-Controller Response: Although Superior Court's response indicates they partially agree with the recommendation, the Court's action plan is responsive to the recommendation.</p> <p>In addition, the Court told us they will ensure attorneys are submitting minors' counsel claims within 90 days of providing service.</p>
6	Post-Case Review: In our July 28, 2011 audit report, we noted Superior Court does not perform a post-case review of the parties' ability to pay for minors' counsel costs. While the Court determines the parties' ability to pay at the time minors' counsel is appointed or shortly thereafter, a parent or guardian's financial circumstances may change by	<ul style="list-style-type: none"> Increased risk that Court staff are not aware of changes in the parties' financial status, which could result in missed opportunities for additional billings/revenue to mitigate minors' counsel costs that the County must pay. 	Superior Court management work with Court Counsel and County Counsel to determine the feasibility of implementing a process to review parties' ability-to-pay at periodic intervals	2	<p>Partially Agree Target Implementation Date: September 2019</p> <p>Superior Court's response indicates they partially agree with the recommendation and will work with County Counsel on an assessment of the</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION					
	ISSUE ¹	RISK	RECOMMENDATION	P ²	SUMMARY OF RESPONSE
	<p>the time the case proceedings have ended (e.g., cases may take months or longer depending on the complexity of each case). Therefore, we recommended the Court evaluate the cost-effectiveness of implementing a post-case review process to identify parties who may be able to pay.</p> <p>However, during our current review, Superior Court indicated that California Rules of Court 5.241.b.3 does not allow the Court to perform post-case reviews. We reviewed the rule, and it does not appear to prevent the Court from re-evaluating or periodically reviewing the parties' ability to pay.</p>		<p>throughout the duration of a case to identify parties who may be able to pay for all or a portion of the minors' counsel fees.</p>		<p>feasibility for conducting post-case reviews or reviews at periodic intervals during a case.</p> <p>Auditor-Controller Response: Although Superior Court's response indicates they partially agree with the recommendation, the Court's action plan is responsive to, and consistent with, the recommendation.</p>
7	<p>Standards and Procedures: Superior Court does not have detailed written procedures for the areas noted our review/report, such as:</p> <ul style="list-style-type: none"> Reviewing minors' counsel claims, including identifying and reporting claim exceptions (e.g., claims submitted over 90 days of service, claims involving direct payments from parties to attorneys). Processing payments made to attorneys and reporting total monthly payments to the Family Law Supervising Judge and Court management. 	<ul style="list-style-type: none"> Prevents management from effectively evaluating processing/control environments. 	<p>Superior Court management establish written standards and procedures to adequately guide supervisors and staff in the performance of their duties for all minors' counsel processes (e.g., processing and reporting minors' counsel claims/expenditures, and notifying and collecting minors' counsel fees owed by the parties).</p>	2	<p>Agree Target Implementation Date: January 2020</p> <p>Superior Court's response indicates they will establish written standards and procedures to adequately guide management and staff in the performance of their duties for processing and reporting minors' counsel claims/expenditures.</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION					
	ISSUE ¹	RISK	RECOMMENDATION	P ²	SUMMARY OF RESPONSE
	<ul style="list-style-type: none"> Tracking, notifying, and collecting outstanding balances from parties ordered to reimburse minors' counsel fees. <p>Standards and procedures should provide detailed guidance to staff and supervisors in the performance of their day-to-day duties and describe how processes are performed. They must also require staff and supervisors to maintain documentation of their processes and require an audit trail of key events where practical.</p>				
8	<p>Management Monitoring of Internal Controls: Superior Court does not have self-monitoring processes in place to ensure controls function as intended in the following areas:</p> <ul style="list-style-type: none"> Review, processing, and approval of minors' counsel claims, including exceptions identified and reported. Recording and tracking the balances of Court-ordered minors' counsel fees/payments from parties (e.g., parents or guardians). Notification and collection of outstanding minors' counsel costs owed by the parties. <p>Effective self-monitoring processes could include tests or observations examining an adequate number of</p>	<ul style="list-style-type: none"> Prevents management from having reasonable assurance that the Court's objectives for containing/reducing costs are being achieved. Increased risk for not promptly identifying and correcting process/control weaknesses or instances of non-compliance with Court policies, such as failure to identify claim exceptions, which may result in overpayments, and delays in collecting or receiving minors' counsel fees from parties. 	<p>Superior Court management perform ongoing self-monitoring to ensure the controls over minors' counsel costs are functioning as intended by establishing the following processes:</p> <p>a) Examination of process/control activities, such as review of an adequate number of transactions on a regular basis to ensure adherence to Court rules.</p> <p>b) Documenting the monitoring activity</p>	3	<p>Partially Agree Target Implementation Date: January 2020</p> <p>Superior Court's response indicates they partially agree with the recommendation and are currently performing a business process re-engineering review to improve workflows, processes, and internal controls over minors' counsel costs, and will implement an internal control survey to evaluate controls and improve compliance with Court policies and procedures, including documenting the self-</p>

TABLE OF FINDINGS AND RECOMMENDATIONS FOR CORRECTIVE ACTION				
	ISSUE ¹	RISK	RECOMMENDATION	P ² SUMMARY OF RESPONSE
	transactions on a regular basis (e.g., 5 – 10 weekly, quarterly, semi-annually) to ensure adherence to policy, rules and/or generally accepted control principles; and documenting and retaining evidence of this review in such a manner that a third party can subsequently validate it.		<p>and retaining evidence so it can be subsequently validated.</p> <p>c) Elevating material exceptions to management on a timely basis to ensure awareness of relative control risk, and to ensure appropriate corrective actions are implemented.</p>	<p>monitoring activities that will allow for validation.</p> <p>Auditor-Controller Response: Although the Court's response only addresses Parts (a) and (b) of the recommendation, the Court also told us they will elevate material exceptions to management resulting from their monitoring activities, which is responsive to Part (c) of the recommendation.</p>

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
FAMILY LAW COURT – MINORS' COUNSEL COST REVIEW
BACKGROUND AND AUDIT SCOPE**

**WHAT
PROMPTED THE
REVIEW**

On October 16, 2018, the Board of Supervisors directed the Auditor-Controller to perform a follow-up review of minors' counsel costs to evaluate the Los Angeles Superior Court's (SC or Court) cost containment efforts, and identify factors contributing to recent cost increases and best practices for reducing cost.

**SCOPE AND
OBJECTIVES**

We evaluated the status of corrective actions taken to implement recommendations from our June 15, 2010 report of SC's Indigent Defense Cost Review and our July 28, 2011 report of SC's Minors' Counsel Cost Review. We also reviewed the design of the Court's procedures and internal controls over minors' counsel costs to determine if they provide reasonable assurance to management that cost containment efforts are appropriate and in accordance with the Court's guidelines. Our review included examining policies and procedures, interviewing Family Law Court judges and Court management/staff, and conducting detailed walkthroughs of the Court's processes.

STANDARDS

We conducted our review in conformance with the *International Standards for the Professional Practice of Internal Auditing*.

**PROCESS
OVERVIEW**

Under California Rules of Court 5.240, a court may appoint private counsel to represent a child in a custody or visitation proceeding, if the court determines it is in the best interests of the child. The court may also appoint counsel to represent a child if requested by a parent/guardian, the attorney for a parent/guardian, or the child. If a judge determines that the parents/guardians cannot afford to pay, the County will pay for the child's (minor's) counsel. Superior Court's Family Law Court oversees the case files (e.g., Court orders, minutes, parties' financial information) and the Professional Appointee Court Expenditures (PACE) Section processes minors' counsel claims for payments.

**RISKS &
OPPORTUNITIES**

A comprehensive internal control system is necessary to mitigate risks associated with minors' counsel cost. Risks include costs exceeding Court-ordered limits, inconsistent or inappropriate counsel payments for cases of similar complexity, and untimely submission of claims.

**SCOPE
EXCLUSIONS**

Our review was limited to an evaluation of the design of the Court's controls over minors' counsel costs. While our review included tests to confirm the existence of controls (e.g., interviews, walkthroughs), it did not include tests to identify whether controls were consistently operating as designed or whether SC continually complied with Court policies. As noted below, Court management is responsible for ensuring that controls are operating as designed and that SC complies with the Court's policies.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
FAMILY LAW COURT – MINORS’ COUNSEL COST REVIEW
BACKGROUND AND AUDIT SCOPE**

***FOLLOW-UP
PROCESS***

The Auditor-Controller (A-C) has a follow-up process designed to provide assurance to the Board of Supervisors (Board) that departments or organizations are taking appropriate and timely corrective action to address audit recommendations. Within six months of the date of an audit report, departments must submit a Corrective Action Implementation Report (CAiR) detailing the corrective action taken to address all recommendations in the report. Departments must also submit documentation with the CAiR that demonstrates the corrective action taken. We will review departments’ reported corrective action and supporting documentation, and report the results to the Board. For any recommendations not fully implemented, departments must report the status of corrective action within six months after our first follow-up report is issued.

***MANAGEMENT’S
RESPONSIBILITY
FOR INTERNAL
CONTROLS***

As indicated in County Fiscal Manual Section 1.0, management of each County department or organization is primarily responsible for designing, implementing, and maintaining a system of internal controls that provides reasonable assurance that important organizational and County objectives are being achieved. Internal controls should sustain and improve departmental performance, adapt to changing priorities and operating environments, reduce risks to acceptable levels, and support sound decision-making.

Management must monitor internal controls on an ongoing basis to ensure that any weaknesses or non-compliance are promptly identified and corrected. The A-C’s role is to assist management by performing periodic assessments of the effectiveness of the department’s or organization’s internal control systems. These assessments complement, but do not in any way replace, management’s responsibilities over internal controls.

***LIMITATIONS OF
INTERNAL
CONTROLS***

Any system of internal controls, however well designed, has limitations. As a result, internal controls provide reasonable but not absolute assurance that an organization’s goals and objectives will be achieved. Some examples of limitations include errors, circumvention of controls by collusion, management override of controls, and poor judgment. In addition, there is a risk that internal controls may become inadequate due to changes in the organization, such as reduction in staffing or lapses in compliance.



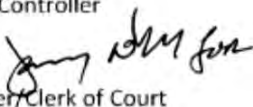
SHERRI R. CARTER
EXECUTIVE OFFICER / CLERK OF COURT

111 NORTH HILL STREET
LOS ANGELES, CA 90012-3014

***Superior Court of California
County of Los Angeles***

May 1, 2019

TO: Arlene Barrera
Acting Auditor-Controller

FROM: Sherri R. Carter 
Executive Officer / Clerk of Court

SUBJECT: MINORS' COUNSEL COST REVIEW RESPONSE

Attached is the Superior Court, County of Los Angeles' response to the recommendations made in the Auditor Controller's report on Family Law Court – Minors' Counsel Cost Review. We agreed or partially agreed to the recommendations included in the draft report.

The Court is committed to strengthening controls over minors' counsel costs and will work to implement corrective actions. It is important to note, these costs will be evaluated as part of the April 16, 2019 Board motion which directed Departments responsible for criminal justice to evaluate current fees, fines, and assessments that are barriers for individuals attempting to reintegrate back into their families and communities. This evaluation could result in elimination of the fees and processes in the future.

We appreciate the opportunity to review the report. If you have any questions or require additional information, you may contact Raymond W. Low, Chief Compliance Officer, at rflow@lacourt.org or at (626) 293-2180.

SRC:rl

Attachment

c: Dr. Peter Hughes, Assistant Auditor-Controller
Mike Pirolo, Acting Chief Audit Division

**LOS ANGELES SUPERIOR COURT – MINORS COUNSEL COST REVIEW
SUPERIOR COURT ACTION PLAN/RESPONSE**

ISSUE 1: PAYMENT GUIDELINES	
A/C Recommendation	Superior Court management: a) Request the Family Law Supervising Judge to reestablish payment guidelines for minors' counsel compensation. b) Monitor minors' counsel payments to ensure compliance with the established guidelines and address questionable payments.
Priority	PRIORITY 1
Agree/Disagree	Agree
Superior Court Action Plan¹	Superior Court is in the process of adopting a revised PACE Payment Order issued by the Supervising Judge of Family Law which will establish rates and offer general direction for payment related to appointed minor's counsel while allowing for judicial discretion in appointment of counsel and authorization of hours on a case by case basis based on circumstances relevant in each family law case. Also, the Court is in the process of revisiting the guidelines and will continue to reinforce through training the delicate balance between the need for minor's counsel to protect and serve children, and the need to be fiscally conservative.
Planned Implementation Date	September 2019

ISSUE 2: REVIEWS OF REIMBURSEMENT ORDERS ENTERED IN THE SYSTEM	
A/C Recommendation	Superior Court management: a) Establish a process and frequency for reviewing the accuracy and completeness of all reimbursement orders entered in the Odyssey system. b) Require staff to maintain documentation to support that reimbursement orders entered in the system are reviewed for accuracy and completeness.
Priority	PRIORITY 1
Agree/Disagree	Agree
Superior Court Action Plan¹	The court will work on a collections process and procedure that will include evaluating compliance for a sample of transactions identified from a delinquent accounts report. This will be performed as part of an internal control survey (similar to the County ICCP program) the court is implementing.
Planned Implementation Date	September 2019.

ISSUE 3: NOTIFICATIONS OF PAST DUE AMOUNTS	
A/C Recommendation	Superior Court management implement a process to send formal notifications of past due amounts and collect minors' counsel costs owed by the parties.
Priority	PRIORITY 1
Agree/Disagree	Agree
Superior Court Action Plan¹	The court is currently evaluating implementation of the notices for a pilot court and will expand to all courts after the evaluation.

¹ In this section the Superior Court should only describe the efforts they plan to take to implement the recommendation. Any other information should be included in the Additional Information section below.

ISSUE 3: NOTIFICATIONS OF PAST DUE AMOUNTS	
Planned Implementation Date	September 2019

ISSUE 4: DIRECT PAYMENTS TO COUNSEL	
A/C Recommendation	Superior Court management establish a process to verify that attorneys are billing the correct amount for cases where the parties are ordered to pay directly to counsel.
Priority	PRIORITY 2
Agree/Disagree	Agree
Superior Court Action Plan ¹	The level of resources required to review each minute order to determine if the litigants were ordered to pay the attorney directly is prohibitive. Family Law cases can extend over several years with the potential to have numerous orders regarding Minor's Counsel. However, the Court acknowledged as part of our responses in findings 2 and 3 the need to develop collections procedures; and agrees that a process should be documented and implemented. The court will also document the procedure for entry of orders and reimbursement orders related to minor's counsel.
Planned Implementation Date	September 2019

ISSUE 5: ATTORNEY CLAIMS 90 DAY RULE	
A/C Recommendation	Superior Court management: <ul style="list-style-type: none"> a) Ensure attorneys are submitting minors' counsel claims within 90 days of providing service. b) Comply with the March 2012 Court order requiring the Family Law Supervising Judge to approve minors' counsel claims submitted more than 90 days from the date of service. Or, request the Family Law Supervising Judge to review and revise the March 2012 Court order to clarify approval responsibilities.
Priority	PRIORITY 2
Agree/Disagree	Partially Agree. The Court disagrees with the auditor's interpretation that minor's counsel claims submitted more than 90 days of the date of the services require Supervising Judge approval. The General Order on Minor's Counsel Appointments [Family Code 3153(b)] states "Fees for services or expenses billed more than <u>90 days prior to the date of the application</u> should not be approved for payment without the written consent of the Supervising Judge". The Court will, however, request the Family Law Supervising Judge to review the March 2012 Court Order and clarify approval responsibilities.
Superior Court Action Plan ¹	The Court will review and revise the March 2012 Court order to clarify approval of responsibilities.
Planned Implementation Date	January 2020

¹ In this section the Superior Court should only describe the efforts they plan to take to implement the recommendation. Any other information should be included in the Additional Information section below.

ISSUE 6: POST-CASE REVIEWS	
A/C Recommendation	Superior Court management work with Court Counsel and County Counsel to determine the feasibility of implementing a process to review parties' ability-to-pay at periodic intervals throughout the duration of a case to identify parties who may be able to pay for all or a portion of the minors' counsel fees.
Priority	PRIORITY 2
Agree/Disagree	<p>Partially Agree - The Court disagrees with the Auditor's interpretation that post-case reviews can be conducted. The California Rules of Court section 5.241.b.3, cites two circumstances where a party's ability to pay can be redetermined:</p> <ul style="list-style-type: none"> - On the court's own motion; - At the request of counsel or the parties. <p>Implementing a post-case review to redetermine a party's ability to pay is not feasible in any other instance. The financial positions of the parties and their ability to pay often drive case decisions by Judicial Officers. As such, reviewing financial resources during a case does not appear practical. The Court will, however, review County Counsel's assessment of the feasibility of conducting post-case review or reviews at periodic intervals during a case.</p>
Superior Court Action Plan¹	The Court will refer this finding and work with County Counsel on the assessment of the feasibility conducting post-case reviews or reviews at periodic intervals during a case.
Planned Implementation Date	September 2019

ISSUE 7: STANDARDS AND PROCEDURES	
A/C Recommendation	Superior Court management establish written standards and procedures to adequately guide supervisors and staff in the performance of their duties for all minors' counsel processes (e.g., processing and reporting minors' counsel claims/expenditures, and notifying and collecting minors' counsel fees owed by the parties, etc.).
Priority	PRIORITY 2
Agree/Disagree	Agree
Superior Court Action Plan¹	As part of the business process reengineering effort the Court will establish written standards and procedures to adequately guide management and staff in the performance of their duties for processing and reporting minors' counsel claims/expenditures.
Planned Implementation Date	January 2020

¹ In this section the Superior Court should only describe the efforts they plan to take to implement the recommendation. Any other information should be included in the Additional Information section below.

Attachment
Page 4 of 4

ISSUE 8: MANAGEMENT MONITORING OF INTERNAL CONTROLS	
A/C Recommendation	<p>Superior Court management perform ongoing self-monitoring to ensure the controls over minors' counsel costs are functioning as intended by establishing the following processes:</p> <ul style="list-style-type: none"> a) Examination of process/control activities, such as review of an adequate number of transactions on a regular basis to ensure adherence to Court rules. b) Documenting the monitoring activity and retaining evidence so it can be subsequently validated. c) Elevating material exceptions to management on a timely basis to ensure awareness of relative control risk, and to ensure appropriate corrective actions are implemented.
Priority	PRIORITY 3
Agree/Disagree	Partially Agree
Superior Court Action Plan¹	<ul style="list-style-type: none"> a) Agree. LASC is currently performing a business process re-engineering review to improve workflows and processes that will enable efficient use of resources, reduce claims processing time, and improve internal controls including those specific to Minor's Counsel. The Court is also implementing an internal control survey (similar to the County ICCP program) that will help evaluate internal controls and improve compliance with Court policies and procedures b) Agree. The current business process re-engineering effort will result in development of procedures that will document self-monitoring activities that will allow for validation. Operations will document the procedure for recording orders, reimbursement orders, and collaborate with Finance on a collections process. c) Disagree. Court management and the supervising judge are fully aware of minor counsel costs and the objective of cost containment.
Planned Implementation Date	January 2020

PRIORITY RANKING DEFINITIONS

Auditors use professional judgment to assign rankings to recommendations using the criteria and definitions listed below. The purpose of the rankings is to highlight the relative importance of some recommendations over others based on the likelihood of adverse impacts if corrective action is not taken and the seriousness of the adverse impact. Adverse impacts are situations that have or could potentially undermine or hinder the following:

- a) The quality of services departments provide to the community,
- b) The accuracy and completeness of County books, records, or reports,
- c) The safeguarding of County assets,
- d) The County's compliance with pertinent rules, regulations, or laws,
- e) The achievement of critical programmatic objectives or program outcomes, and/or
- f) The cost-effective and efficient use of resources.

Priority 1 Issues

Priority 1 issues are control weaknesses or compliance lapses that are significant enough to warrant immediate corrective action. Priority 1 recommendations may result from weaknesses in the design or absence of an essential procedure or control, or when personnel fail to adhere to the procedure or control. These may be reoccurring or one-time lapses. Issues in this category may be situations that create actual or potential hindrances to the department's ability to provide quality services to the community, and/or present significant financial, reputational, business, compliance, or safety exposures. Priority 1 recommendations require management's immediate attention and corrective action within 90 days of report issuance, or less if so directed by the Auditor-Controller or the Audit Committee.

Priority 2 Issues

Priority 2 issues are control weaknesses or compliance lapses that are of a serious nature and warrant prompt corrective action. Priority 2 recommendations may result from weaknesses in the design or absence of an essential procedure or control, or when personnel fail to adhere to the procedure or control. These may be reoccurring or one-time lapses. Issues in this category, if not corrected, typically present increasing exposure to financial losses and missed business objectives. Priority 2 recommendations require management's prompt attention and corrective action within 120 days of report issuance, or less if so directed by the Auditor-Controller or the Audit Committee.

Priority 3 Issues

Priority 3 issues are the more common and routine control weaknesses or compliance lapses that warrant timely corrective action. Priority 3 recommendations may result from weaknesses in the design or absence of a procedure or control, or when personnel fail to adhere to the procedure or control. The issues, while less serious than a higher-level category, are nevertheless important to the integrity of the department's operations and must be corrected or more serious exposures could result. Departments must implement Priority 3 recommendations within 180 days of report issuance, or less if so directed by the Auditor-Controller or the Audit Committee.

EXHIBIT I

2019-SJ-007-00

FILED
Superior Court of California
County of Los Angeles

JUN 05 2019

Sherri B. Gager, Executive Officer/Clerk
By *D. Arellano* Deputy
D. Arellano

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

IN RE MINOR'S COUNSEL)
APPOINTMENTS [FAMILY CODE)
SECTION 3153(b)])
THE FAMILY LAW SUPERVISING
JUDGE'S AMENDED STANDING
ORDER RE: APPOINTMENT OF
MINOR'S COUNSEL

Pursuant to California Rule of Court, Rule 10.603, the Presiding Judge has delegated to the Supervising Judge of the Family Law Division authority to establish this court-wide order.

California Family Code Section 3150 permits the Court to appoint counsel to represent the interests of a minor child in a custody or visitation proceeding (Minor's Counsel) under specified circumstances as set forth in the Family Code and California Rule of Court, Rules 5.240, 5.241 and 5.242. Those rules also set forth eligibility requirements for counsel so appointed. The Court is authorized to determine a reasonable sum for compensation and expenses of counsel so appointed under Family Code section 3153.

The Court establishes the following requirements and procedures for minor's counsel accepting or continuing any appointment to represent a minor if the Court determines under the provisions of California Rule of Court, Rule 5.241(b) [determination of ability to pay] that both parents together

AMENDED STANDING ORDER RE MINOR'S COUNSEL APPOINTMENTS

2019-SJ-007-00

1 cannot afford the cost of minor's counsel and that the County of Los Angeles shall pay all or some of
2 the cost of Minor's Counsel:

- 3 1. Minor's Counsel shall not bill in excess of \$125.00 per hour;
- 4 2. The Court shall establish at the time of the appointment an initial ceiling level on the Minor's
5 Counsel fees and costs in each case which the Court may modify from time to time for good
6 cause shown.
- 7 3. Absent further order of court, Minor's Counsel shall not be reimbursed beyond this Court-
8 authorized amount.
- 9 4. The initial ceiling levels are:
 - 10 a. LEVEL ONE: \$3,000.00. This level contemplates that Minor's Counsel will
11 interview the child and parents, and will likely make one court appearance.
 - 12 b. LEVEL TWO: \$4,000.00. This level contemplates that Minor's Counsel will
13 perform the work indicated in Level One but is representing two minor children in
14 the same custody or visitation proceeding and/or there are more than two parties
15 claiming rights of custody or visitation with the minor children.
 - 16 c. LEVEL THREE: \$5,000.00. This level contemplates that Minor's Counsel will
17 perform work materially in excess of Level One by seeking information from other
18 persons or sources and will likely make two or three court appearances.
 - 19 d. LEVEL FOUR: \$6,500.00. This level contemplates that Minor's Counsel will
20 perform the work indicated in Level Three but is representing two minor children in
21 the same custody or visitation proceeding and/or there are more than two parties
22 claiming rights of custody or visitation with the minor children.
 - 23 e. LEVEL FIVE: \$7,500.00. This level contemplates that Minor's Counsel will engage
24 in complex factual investigations and/or complex legal issues and will likely make
25 more than three court appearances.
 - 26 f. LEVEL SIX: For this level, the initial appointment and limit is to be determined by
27 the Court based on the totality of the circumstances. This level applies to cases of
28

AMENDED STANDING ORDER RE MINOR'S COUNSEL APPOINTMENTS

2019-SJ-007-00

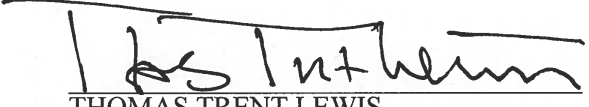
very significant factual and/or legal complexity and/or aggravated allegations of high conflict or abuse, or where a minor otherwise has extraordinary needs.

5. Minor's Counsel shall be compensated through the Professional Appointee Court Expense, ("PACE.") Minor's Counsel shall comply with the rules and procedures of the PACE program [which may be accessed at http://www.lacourt.org/generalinfo/pace/pdf/Instructions_for_All_New_Appointees.pdf].
6. If payment is requested by any Minor's Counsel that exceeds \$125,000 in any fiscal year (July 1 to June 30), PACE will notify the Supervising Judge of the Family Law Division.
7. If payment is requested by any Minor's Counsel who has received compensation for Probate Code 1470 and 1471 appointments (including reappointments) and Family Code section 3153(b) appointments that exceeds \$150,000 in any fiscal year (July 1 to June 30), PACE will notify the Supervising Judge of the Family Law Division.
8. Requests for additional compensation by Court-appointed counsel above the initial ceiling level shall be submitted in writing and must include the total amount previously approved for the attorney on the case, as well as establish good cause for the additional compensation. The Court may award additional compensation upon competent evidence of good cause. Requests for additional fees and costs shall be made on the Request by Court Appointed Counsel or Expert for Payment of or Authorization for Additional Time or Expenses form.
9. Minor's Counsel must inform the Court at every hearing of the status of all fees incurred, whether or not yet billed.

This order supersedes the existing general order dated January 13, 2017.

GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED: 5th June, 2019


THOMAS TRENT LEWIS
Supervising Judge, Family Law Department

AMENDED STANDING ORDER RE MINOR'S COUNSEL APPOINTMENTS