D073450 & D073568

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION ONE

SEELEEVIA YOUSIF,
Respondent, Petitioner, and Appellant,

v.

SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO,
Respondent.

OMAR MATTI
Real Party in Interest

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO | CASE NO. DS59250
SHARON L. KALEMKIARIAN, JUDGE | DEPARTMENT SB-17 | TEL. NO. (619) 746-6017

APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF AND AMICI CURIAE BRIEF IN SUPPORT OF RESPONDENT, PETITIONER, AND APPELLANT SEELEEVIA YOUSIF

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TO BE FILED IN THE COURT OF APPEAL

APP-008

COURT OF APPEAL FOURTH APPELLATE DISTRICT, DIVISION ONE	COURT OF APPEAL CASE NUMBER: D073450 / D073568
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APPELLANT/ PETITIONER: Seeleevia Yousif RESPONDENT/ REAL PARTY IN INTEREST: Omar Matti	

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

(*Check one*): [X] INITIAL CERTIFICATE [ ] SUPPLEMENTAL CERTIFICATE

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1. This form is being submitted on behalf of the following party (*name*): Amici Curiae American Civil Liberties Union of Southern California; and Asian Americans Advancing Justice - Los Angeles

2. a. [X] There are no interested entities or persons that must be listed in this certificate under rule 8.208.

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(2)		
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[ ] Continued on attachment 2.

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Date: June 18, 2018

Michael V. Mancini
(TYPE OR PRINT NAME)

Mi V. Mancini
(SIGNATURE OF APPELLANT OR ATTORNEY)

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CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

California Rules of Court

Constitutional Provisions

California Family Code

Other Statutes

Other Authorities

D073450 & D073568

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APPLICATION TO FILE AMICI CURIAE BRIEF IN SUPPORT OF RESPONDENT, PETITIONER, AND APPELLANT SEELEEVIA YOUSIF

I.

INTRODUCTION AND PROCEDURAL SUMMARY

Pursuant to Rule 8.200(c) of the California Rules of Court, the American Civil Liberties Union of Southern California ("ACLU SoCal") and Asian Americans Advancing Justice - LA ("Advancing Justice - LA," hereinafter referred to together with ACLU SoCal as "Amici") respectfully request leave to submit the within amici curiae brief in support of Respondent, Petitioner, and Appellant Seeleevia Yousif ("Yousif").

On October 12, 2017, a San Diego County family court entered an order granting real party in interest Omar Matti ("Matti") legal and de facto joint physical custody of Yousif and Matti's three-year-old child, "A." Remarkably, despite finding Matti had perpetrated domestic violence against Yousif and then finding as a statutorily-required result that awarding custody of A. to Matti was presumed to be contrary to A.'s best interests, the family court *still* awarded partial custody to Matti on the unconstitutional, prohibited, and irrelevant basis that "the Court does believe that father has rebutted the presumption against joint legal custody in the following ways . . . *the evidence indicates that father's English language is more fluent*." (Exh. 14, p. 495:19-496:3 (emphasis added).)

Yousif filed both a petition for writ of mandate (appeal number D073450) and a notice of appeal (appeal number D073568) in response to that order, arguing in part that consideration of and/or preference for Matti's superior English-language proficiency in an adverse custody determination violated California Family Code § 3044(a); the Equal Protection Clause; the First Amendment; and the Civil Rights Act of 1964. This court summarily denied Yousif's petition for writ of mandate on February 6, 2018.

Yousif thereafter sought review in the California Supreme Court, and on March 16, 2018, ACLU SoCal submitted an amicus curiae letter urging the California Supreme Court to grant review and transfer this

matter back to this court for a decision on the merits. On April 11, 2018, the California Supreme Court did grant review and transferred the matter back to this court.

This court then issued an order giving Matti until May 14, 2018, to file a return, and Yousif until May 29, 2018 to file a reply. Next, Yousif filed her opening brief on May 3, 2018. Yousif then filed a motion to consolidate or coordinate D073450 and D073568. This court granted that motion in part, declining to consolidate the two cases but ordering the two cases considered together and assigned to the same merits panel. This court also revised the briefing schedule so that the return and respondent's brief were both due to be filed by June 4, 2018, with Yousif to file a reply in both cases within 20 days of the return and/or respondent's brief.

Matti did not file a return or respondent's brief. Accordingly, given that there will apparently be no written opposition to Yousif's briefing herein, this application is timely made well prior to "14 days after the last appellant's reply brief could have been filed under rule 8.212." (Cal. Rules of Court, rule 8.200(c)(1).)

II.

THE NATURE OF AMICI'S INTEREST

ACLU SoCal is an affiliate of the American Civil Liberties Union ("ACLU"), a national, nonprofit, nonpartisan civil liberties organization with more than 1,000,000 members dedicated to the principles of liberty

and equality embodied in both the United States and California Constitutions and in our nation's civil rights laws. Since their founding, both the national ACLU and ACLU SoCal have had an abiding interest in promoting the guarantees of liberty and individual rights embodied in the federal and state Constitutions, including the rights of free expression, due process, and equal protection of law.

Asian Americans Advancing Justice - LA ("Advancing Justice – LA") builds upon the legacy of the Asian Pacific American Legal Center and has grown to be the nation's largest legal and civil rights organization for Asian Americans, Native Hawaiians, and Pacific Islanders. Since 1983, Advancing Justice - LA has consistently provided pro bono legal services to immigrant survivors of domestic violence, particularly those who are low-income and have limited English-language proficiency.

Amici are committed to protecting the rights of immigrants and Californians of all backgrounds, and to ensuring that individuals are not punished or discriminated against because of their national origin or language ability. Because this case presents the Court with the question whether California's lower courts may award custody of children to parents who have committed domestic abuse on the basis of the victim parent having inferior English-language proficiency– despite the statutory presumption that doing so is contrary to the best interest of such children (Cal. Fam. Code § 3044(a)) – this case has the potential to significantly

impact an especially vulnerable population: limited English-language proficient survivors of domestic violence who are likely to lack adequate resources to advocate for their individual rights without the assistance of organizations like ACLU SoCal and Advancing Justice - LA.

Amici have a deep interest in advising this court about this fundamental issue. Amici and their counsel of record are not only familiar with the issues in, and history of, this specific case, but Amici have considerable experience litigating civil rights issues, including where rights of equal protection and/or free expression may have been violated. As regional organizations with considerable pertinent experience, Amici believe themselves able to provide important perspective on the issues before the Court and believe themselves natural advocates for the fundamental rights and interests imperiled by the underlying custody order. Indeed, ACLU SoCal's prior submission of an amicus curiae letter to the California Supreme Court in this matter demonstrates ACLU SoCal and its counsel of record's familiarity with this matter

If permission to file the accompanying brief is granted, Amici will analyze case law demonstrating that the underlying order violates the Equal Protection Clause and the First Amendment of the United States Constitution, address federal guidance prohibiting English-language preferences in custody determinations, and address powerful public policy

considerations that require reversal of the family court's discriminatory and erroneous custody order.

Pursuant to Rule 8.200(c)(3) of the California Rules of Court, this application and the within brief were authored by Amici and their counsel of record and were not authored in whole or in part by counsel for any party. No one other than Amici and their counsel of record has made any monetary or pro bono contribution to the preparation or submission of this application or the within brief.

III.

CONCLUSION

For the foregoing reasons, Amici respectfully request permission to file the accompanying amici curiae brief in support of Yousif.

Respectfully submitted,

MANCINI SHENK LLP

Dated: June 18, 2018

By: 

Michael V. Mancini
John W. Shenk

Attorneys for Amici Curiae
AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA AND ASIAN AMERICANS ADVANCING JUSTICE - LA

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AMICI CURIAE BRIEF IN SUPPORT OF RESPONDENT, PETITIONER, AND APPELLANT SEELEEVIA YOUSIF

I.

INTRODUCTION

In the underlying custody dispute a San Diego County family court awarded partial custody of three-year-old "A." to the child's father, real party in interest Omar Matti ("Matti"), who strangled and smacked A.'s mother, Respondent, Petitioner, and Appellant Seeleevia Yousif ("Yousif"), before kicking her and A. out of the house while Yousif held A. in her arms. Despite making an explicit finding that Matti had perpetrated domestic violence, the family court reached this dangerous result on the

basis, in part, that Matti's English-language proficiency was superior to Yousif's. The family court's error is best summarized in its own words: "despite the Court's finding that there was domestic violence . . . the Court does believe that father has rebutted the presumption against joint legal custody in the following ways . . . *the evidence indicates that father's English language is more fluent*." (Exh. 14, p. 495:19-496:3 (emphasis added).)

California's courts may not lawfully consider a parent's limited English-language proficiency (sometimes referred to hereinafter as "LEP") when applying the rebuttable presumption that "an award of sole or joint physical or legal custody of a child to a person who has perpetrated domestic violence is detrimental to the best interest of the child." Cal. Fam. Code § 3044(a). As Yousif's opening brief explains, a parent's English-language ability is not one of the factors enumerated by statute tending to rebut the presumption; therefore, it was a per se abuse of discretion for the court to consider Yousif's limited English-language proficiency. Cal. Fam. Code § 3044(b)(1)-(7); *In re Marriage of Fajota* (2014) 230 Cal.App.4th 1487, 1497 ("A court also abuses its discretion *if it applies improper criteria or makes incorrect legal assumptions*" (emphasis in original).) For that reason alone, the underlying custody order must be reversed.

But not only should the underlying custody order be reversed because it was a clear abuse of discretion as a matter of law, it should also

be reversed because the court's consideration of Yousif's limited English-language proficiency and/or preference for fluent English was a striking violation of the Equal Protection Clause, the First Amendment, the Civil Rights Act of 1964, and governing public policy. If not reversed, the family court's decision sets a dangerous precedent: LEP victims of domestic violence will be discouraged from seeking protection in California's courts because, despite the beneficial presumption provided by California Family Code § 3044, case law will threaten to punish LEP domestic violence victims by awarding custody of their beloved children to their English-speaking domestic abusers. That result is a perversion of the purpose of California's courts, which is to provide justice rather than to perpetuate discrimination and domestic violence.

Decades ago, the United States Supreme Court reversed a similar discriminatory "child custody decision [] not ordinarily a likely candidate for review" in order to reaffirm "the Constitution's commitment to eradicating discrimination based on race" (*Palmore v. Sidoti* (1984) 466 U.S. 429, 431-32 [104 S.Ct. 1879, 80 L.Ed.2d. 421]). In *Palmore*, The Supreme Court reversed the underlying custody decision to root out the pernicious (if unconscious) bias that infected that determination but *purported* to serve the child's best interest. The comparison is not just apt but controlling herein because, as addressed further below, national origin and language preference are proxies for race. *Hernandez v. New York*

(1991) 500 U.S. 352, 371 [111 S.Ct. 1859, 114 L.Ed.2d 395]. Thus, as the Supreme Court did in *Palmore*, this court should reverse the underlying custody order to guard against both explicit and unconscious national origin and language discrimination in custody determinations, and thereby ensure LEP victims of domestic violence and their children equal protection of law in California.

II.

THE CUSTODY AWARD VIOLATES THE EQUAL PROTECTION CLAUSE AND TITLE VI OF THE CIVIL RIGHTS ACT

A. The Custody Order is Unconstitutional

The family court's reliance on Yousif's English-language ability violates the Equal Protection Clause. It is a violation of the Fourteenth Amendment for any court to "deny to any person within its jurisdiction the equal protection of the laws." U.S. Const., 14th Amend., § 1. Because language is so often a proxy for race or national origin, language preference falls within the Clause's protection: "It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis." *Hernandez*, 500 U.S. at 371 (1991).

Both the United States Supreme Court and the California Supreme Court have held that state action premised on language proficiency or language preference may violate the Equal Protection Clause. For example,

the California Supreme Court held that the Equal Protection Clause was violated by a California constitutional provision that conditioned the right to vote upon English literacy and thereby disenfranchised individuals literate in Spanish but not in English. *Castro v. State of Cal.* (1970) 2 Cal.3d 223. Similarly, in *Katzenbach v. Morgan*, the United States Supreme Court held that a New York State law that denied LEP Puerto Rican immigrants the right to vote by enforcing an English-language literacy test was inconsistent with the Voting Rights Act of 1965, which Act was itself a valid Congressional enforcement of the Fourteenth Amendment. *Katzenbach v. Morgan* (1966) 384 U.S. 641 [86 S.Ct. 1717, 16 L.Ed.2d 828]; see also *Yu Cong Eng v. Trinidad,* 271 U.S. (1926) 500, 528 (statute prohibiting maintaining books of businesses in any language other than English or Spanish denies equal protection of law to Chinese merchants). And, in *Meyer v. Nebraska*, a law prohibiting the teaching of languages other than English in Nebraska's schools was held unconstitutional because it violated the Fourteenth Amendment. *Meyer v. Nebraska* (1923) 262 U.S. 390 [43 S.Ct. 625, 67 L.Ed. 1042]. There, the Supreme Court broadly held that "[t]he protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue. Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, *but this cannot be coerced by methods which conflict with the Constitution – a desirable end cannot be*

promoted by prohibited means." *Id.* at 401 (emphasis added). The same principles should have constrained the family court in this case.

Setting aside the question whether speaking English at home is desirable for children in California, the family court's aggressively unconstitutional means of effectuating that result is prohibited. It cannot be that the Equal Protection Clause protects the voting rights of LEP individuals or the education of individuals in languages other than English, but simultaneously tolerates violation of the fundamental right to parent one's own child via the separation of LEP parents from children on the basis that such parents do not presently speak fluent English. See *Troxel v. Granville* (2000) 530 U.S. 57, 65 [120 S.Ct. 2054, 147 L.Ed.2d 49] ("the interest of parents in the care, custody, and control of their children" is a fundamental right).

B. The Custody Order is Prohibited by Prevailing Federal Civil Rights Guidance

The family court's custody determination also contravenes federal statute and prevailing federal guidance. Title VI of the Civil Rights Act of 1964 provides that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving [f]ederal financial assistance." 42 U.S.C. § 2000(d). As Yousif's opening brief explains, the United States Department of Justice

and Department of Health and Human Services have issued joint guidance prohibiting exactly this result and establishing that English-language preferences in custody determinations are per se violations of Title VI of the Civil Rights Act of 1964. See Depts. of Health and Human Services and Justice, *Joint Guidance on Child Welfare and Title VI* (2016) <https://www.justice.gov/opa/file/903996/download> [as of June 18, 2018]. The Joint Guidance provides that:

> "Title VI's prohibition against national origin discrimination includes discrimination based on a person's birthplace, ethnicity, ancestry, culture related to national origin, or ability to speak English. This means that people cannot be subjected to discrimination because English is not their primary language . . . Prohibited treatment under Title VI, for example, could include the removal of a newborn from a limited English proficient (LEP) mother. . . ."

Id. at p. 4. "Recipients of federal financial assistance [including California's courts] may not discriminate on the basis of national origin, which includes discriminating against LEP individuals, who have a limited ability to speak, read, write, or understand English." *Id.* at 7.

This guidance confirms and is in accord with case law establishing that national origin and language discrimination violate the Equal Protection Clause and Title VI. See, e.g., *Lau v. Nichols* (1974) 414 U.S.

563, 566-569 [94 S.Ct. 786, 39 L.Ed.2d 1] (recognizing Title VI right to English-language education for LEP Chinese students who were otherwise "effectively foreclosed from any meaningful education"); *Asian American Bus. Group v. City of Pomona* (C.D. Cal. 1989) 716 F. Supp 1328, 1332 (law restricting use of non-English alphabetical characters discriminates on basis of national origin).

Scholarly work confirms the prevalence of language discrimination in United States history, and that such discrimination often serves as the functional equivalent of forbidden national origin discrimination. See, e.g., Antonio J. Califa, *Declaring English the Official Language: Prejudice Spoken Here,* 24 Harv. C.R.-C.L. L. Rev. 293, 325, 328 n. 225 (1989) ("Language is an automatic signaling system, second only to race in identifying targets for possible privilege or discrimination" (citing Karl W. Deutsch, *The Political Significance of Linguistic Conflicts,* Les Etats Multilingues 7 (1975)); see also Juan F. Perea, *Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English*, 77 Min. L. Rev. 269, 328-50 (1992) (documenting English language preferences in United States history).)

The custody order sanctions discrimination in square contradiction of the federal guidance promulgated by the United States Department of Justice and Department of Health and Human Services. It must be reversed.

C. The Custody Order Injects Prohibited Unconscious Bias into Family Code § 3044 Custody Determinations, and Violates the Equal Protection Clause for that Separate Reason

Consideration of English-language proficiency in California Family Code § 3044 custody determinations also constitutes a more amorphous, but no less pernicious, violation of fundamental rights: injecting unconscious bias into custody determinations.

The United States Supreme Court has already rejected consideration of unconscious biases in custody determinations as a violation of the Equal Protection Clause. In *Palmore,* 446 U.S. at 431, a Florida trial court that awarded custody of a child to the father because the mother married an African American man was reversed. The Florida trial court found, in a passage that echoes the family court's bias in this case, that "despite the strides that have been made in bettering relations between the races in this country, it is inevitable that [the child] will, if allowed to remain [with her mother] . . . suffer from the social stigmatization that is sure to come." *Id.* The Florida trial court's reliance upon its own biases and predictions of harm based upon society's discriminatory views was held to be a violation of the Equal Protection Clause. *Id.* at 433.

In a detailed opinion squarely applicable herein, the United States Supreme Court held that "[t]he Constitution cannot control such prejudices

but neither can it tolerate them . . . the law cannot, directly or indirectly, give them effect." *Id*. Thus, the unconscious or private biases that the Florida trial court sought to protect the child from, and itself relied on, were not "permissible considerations for removal of an infant from the custody of its natural mother." *Id*.

Similarly, in Yousif's case the family court reinforced societal biases against LEP parents when it determined – despite Matti perpetrating domestic violence against Yousif, and despite acknowledging that Matti's custody of A. is presumed detrimental to A. as a matter of law – that Yousif's limited English proficiency tended to rebut the presumption that joint custody is detrimental to her son. Cal. Fam. Code § 3044(a). For the same reasons set forth in *Palmore*, it is a violation of the Equal Protection Clause to make California Family Code § 3044 determinations adverse to LEP victims because of societal – or judicial – biases in favor of English speaking parents. The custody order must be reversed to cure the family court's unconstitutional order.

III.

THE CUSTODY AWARD VIOLATES THE FIRST AMENDMENT AND REQUIRES APPLICATION OF STRICT SCRUTINY

The First Amendment protects all LEP individuals' rights to express themselves in their native tongues, or in the languages of their choice: "Speech in any language is still speech, and the decision to speak in another

language is a decision involving speech alone." *Yniguez v. Arizonans for Official English* (9th Cir. 1995) 69 F.3d 920, 936 (vacated for lack of standing by *Arizonans for Official English* (1997) 520 U.S. 43 [117 S.Ct. 1055, 137 L.Ed.2d 170]); see also *Meyer*, *supra*, at 401-403. "Choice of language is a form of expression as real as the textual message conveyed. It is an expression of culture." *Asian American Bus. Group.*, 716 F.Supp. at 1330. Because a person's choice of language conveys meaning, government conduct that draws distinctions based on that choice imposes a facially content-based restriction that is automatically subject to strict scrutiny. *Reed v. Town of Gilbert, Ariz.* (2015) ___ U.S. ___ [135 S.Ct. 2218, 2228, 192 L.Ed.2d 236] (citing *City of Cincinnati v. Discovery Network, Inc.* (1993) 507 U.S. 410, 429 [113 S.Ct. 1505, 123 L.Ed.2d 99]). Accordingly, this Court should apply strict scrutiny to the family court's custody order. In conducting that review there is "no need" for this court "to consider the [family court's] justifications or purposes." *Reed*, 135 S.Ct. at 2227.

Here, strict scrutiny applies to the custody order because the family court explicitly encouraged and congratulated mom for working on her English, but nonetheless awarded partial custody of A. to Matti because "*the evidence indicates that father's English language is more fluent*." (Exh. 14, p. 496:2-3 (emphasis added).) The family court weighed against Yousif not the manner of her communication, but rather the language used

for expression – the *content* – of her speech.[1] California's courts cannot threaten diminished custody of children and thereby compel LEP domestic violence victims to express themselves in English without being subjected to strict scrutiny.

The custody order fails strict scrutiny, in part, because reasonable minds can and indeed do differ from the family court's apparent opinion that it is beneficial for a child to speak English at home. See, e.g., Victoria Marian and Anthony Shook, *The Cognitive Benefits of Being Bilingual*, Cerebrum, Oct. 31, 2012, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3583091/> [as of June 18, 2018]. The family court's award of partial custody of A. to Matti, a person with a history of domestic violence, because of Yousif's language preference or ability is a direct violation of her First Amendment right to speak in her native tongue or in the language of her choice, and a punishment for her speech that reaches the core of the maternal relationship and within her own home. More broadly, the family court's application of an English-language preference threatens the First Amendment right of all

[1] Amici are not advocating the position that California's family courts can *never* consider the content of parental speech in making custody determinations. For example, content-based consideration of violent, threatening, and/or obscene parental communication might survive strict scrutiny. Rather, Amici are advocating the position that California's family courts cannot favor one parental language over another when making custody determinations without such language favoritism satisfying strict scrutiny.

LEP parents to express themselves in their native tongues.[2] The custody order should be reversed to protect LEP parents' First Amendment rights.

IV.

THE CUSTODY ORDER IS CONTRARY TO ESTABLISHED PUBLIC POLICY

Superior English-language proficiency can serve as a tool to abuse and control LEP domestic violence victims. See Nat. Center on Domestic and Sexual Violence, *Immigrant Power and Control Wheel* <https://goo.gl/i4F8Qi> [as of June 18, 2018] (listing, *inter alia*, "Not allowing her to speak English" and "Isolating her from friends, family, or anyone who speaks her language" as tools of abuse). The custody order should be reversed because it reinforces those mechanisms of abuse and control, and thereby transforms the below court into an instrumentality of discrimination and continuing domestic abuse.

If the family court's custody order is not corrected on appeal, LEP parents may rightly fear that California's courts will award custody of their children to an abusive parent on the basis of their own limited English-

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[2] The result is also detrimental to California's interest in a multilingual citizenry. As the Ninth Circuit discussed in *Yniguez, supra*, a diversity of viewpoints and a diversity of speech is "not a sign of weakness but of strength." *Yniguez*, 69 F.3d at 936 (citing *Cohen v .California* (1971) 403 U.S. 15, 25 [91 S.Ct. 1780, 29 L.Ed.2d 284]). Similarly, the Supreme Court has regarded multilingualism as "helpful and desirable." *Meyer*, 262 U.S. 400. This Court should affirm that enlightened position.

language proficiency. Indeed, if not reversed, the lesson taught to Californians by the underlying custody order is that Yousif should never have sought protection from California's courts without being fluent in English. LEP parents may actively avoid California's courts to protect their children from abusive English-speaking partners. As a further result, English-proficient parents may infer that there are less severe consequences for abusing LEP victims than for abusing English-speaking victims.

This is anathema to the statutory goal of preventing domestic violence, and a terrifying violation of fundamental rights. In fact, preventing recurrent acts of domestic violence *is* the specific purpose of the Domestic Abuse Prevention Act. *Quintana v. Guijosa* (2003) 107 Cal.App.4th 1077, 1079. It is also the policy behind the rebuttable presumption that awarding even joint custody to a person with a history of domestic abuse is detrimental to a child. Cal. Fam. Code § 3044(a); *see also* § 3020(a)-(c) (prioritizing safety over joint parenting). Accordingly, California's courts should *reinforce* recourse to the law, especially for the most vulnerable. If the custody order stands, it will be an indictment of the ability and willingness of California's courts to serve the interests of justice or to protect LEP individuals. It must be reversed.

V.

CONCLUSION

For the reasons set forth herein, Amici respectfully urge this court to reverse the custody order and publish an opinion confirming that LEP parents enjoy the full protections of the Equal Protection Clause, Civil Rights Act of 1964, First Amendment, and California law.

Respectfully submitted,

MANCINI SHENK LLP

Dated: June 18, 2018

By: 

Michael V. Mancini
John W. Shenk

Attorneys for Amici Curiae
AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA AND ASIAN AMERICANS ADVANCING JUSTICE - LA

CERTIFICATE OF WORD COUNT

Counsel for amici curiae American Civil Liberties Union of Southern California and Asian Americans Advancing Justice – Los Angeles certifies that the Application for Leave to File Amici Curiae Brief contains 1,071 words and the Amici Curiae Brief in Support of Respondent, Petitioner, and Appellant Seeleevia Yousif contains 3,072 words, including footnotes, for a total of 4,143 words as measured by the Microsoft Office Word 365 word processing software used in the preparation of the application and the brief.

Respectfully submitted,

MANCINI SHENK LLP

Dated: June 18, 2018

By: Mi V. Mancini

Michael V. Mancini
John W. Shenk

Attorneys for Amici Curiae
AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA AND ASIAN AMERICANS ADVANCING JUSTICE LA

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 10250 Constellation Blvd., Suite 100, Los Angeles, California 90067.

On June 18, 2018, I served true copies of the following document(s) described as **APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF AND AMICI CURIAE BRIEF IN SUPPORT OF RESPONDENT, PETITIONER, AND APPELLANT SEELEEVIA YOUSIF** and **CERTIFICATE OF INTERESTED ENTITIES OR PERSONS** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST.

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to Honorable Sharon L. Kalemkiarian at the address listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Mancini Shenk LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 18, 2018, at Los Angeles, California.

Michael V. Mancini

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Matti v. Yousif
Court of Appeal Case Nos. D073450 / D073568

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