S271265

IN THE SUPREME COURT OF CALIFORNIA

GUARDIANSHIP OF S.H.R.

S.H.R.,
Petitioner and Appellant,

v.

JESUS RIVAS ET AL.,
Real Parties in Interest.

AFTER A DECISION BY THE COURT OF APPEAL
SECOND APPELLATE DISTRICT, DIVISION ONE
CASE NO. B308440

APPLICATION TO FILE AMICUS CURIAE BRIEF & BRIEF OF AMICUS CURIAE PUBLIC COUNSEL SUPPORTING PETITIONER

CALIFORNIA APPELLATE LAW GROUP LLP
Rex S. Heinke* (No. 66163) | rex.heinke@calapplaw.com
Jessica Weisel (No. 174809) | jessica.weisel@calapplaw.com
811 Wilshire Blvd., 17th Floor, Los Angeles, CA 90017
(213) 878-0404 • Fax: (415) 726-2527

ATTORNEYS FOR AMICUS CURIAE
PUBLIC COUNSEL

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Application to File Brief of Amicus Curiae Public Counsel Supporting Petitioner

Public Counsel respectfully applies for leave to file the accompanying amicus curiae brief supporting petitioner S.H.R. pursuant to rule 8.520(f) of the California Rules of Court. Amicus is familiar with the content of the parties' briefs.

Public Counsel is the largest pro bono law firm in the nation, with seventy-one attorneys, fifty support staff, five social workers, and over five thousand volunteer lawyers, law students, and legal professionals who assist over thirty thousand children, youth, families, and community organizations every year. Founded in 1970, Public Counsel is the public interest law firm of the Los Angeles County and Beverly Hills Bar Associations, is the Southern California affiliate of the Lawyers' Committee for Civil Rights Under Law, and has received a four-star rating from

Charity Navigator, the largest and most-utilized independent evaluator of charities in the United States.

Public Counsel's activities are far-ranging and affect a broad spectrum of people who live at or below the poverty level. Hundreds of Public Counsel's clients are youth like S.H.R. ("Saul") who apply for special immigrant juvenile status ("SIJS") from the United States Citizenship and Immigration Services ("USCIS"). SIJS is a humanitarian immigration provision for youth under 21 that allows them to seek lawful permanent residence in the United States.

In 2019, Public Counsel represented a class of thousands of SIJS petitioners under age 21 and over age 18 in a federal class action that challenged a USCIS SIJS requirement that effectively denied SIJS to petitioners who were placed in California's post-18 guardianships when they were 18, 19, and 20. (*J.L. v. Cuccinelli* (N.D. Cal. 2019) 18-CV-4914.) The case led to a settlement where the USCIS agreed to remove this requirement and prohibit denials and adverse decisions based on a SIJS petitioner's age at the time they secured the required special immigrant juvenile findings ("SIJ findings").[1]

Public Counsel also was trial counsel and co-counsel on appeal in *O.C. v. Superior Court* (2019) 44 Cal.App.5th 76, the first published opinion of the Court of Appeal to hold that

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[1] During the same year as the *J.L.* settlement, the Southern District of New York granted a motion for summary judgment brought by a class of SIJS petitioners whose petitions were denied on the ground that the state court lacked the authority to reunify the post-18 petitioners with their parents. (*R.F.M. v. Nielson* (S.D.N.Y. 2019) 365 F.Supp.3d 350, 375-783.)

California superior courts must make SIJ findings based on state law. The Opinion in *S.H.R. v. Rivas* conflicts directly with *O.C.* and, as petitioner Saul maintains, applied the wrong legal test for when a trial court must issue SIJ findings. (Opening Brief on the Merits at 24-26.)

Given its experience with SIJ-related litigation and its frequent representation of SIJS petitioners, Public Counsel has a special interest in ensuring that the Court has the benefit of its expertise in fully understanding the importance of the issues raised in this case. Public Counsel's amicus brief addresses the lower courts' treatment of petitioner Saul's guardianship petition. The trial court and the appellate courts mistakenly suggested that immigrants 18 or older cannot meet the standards for SIJS and rejected the guardianship petition, ignoring a statutory mandate that requires a trial court to decide such petitions and makes them available to youth between the ages of 18-21. As detailed more fully in the proposed Brief of Amicus Curiae, guardianships provide substantial benefits to immigrant youth separate and apart from the role they play in SIJS petitions.

No party or counsel for a party authored the proposed amicus brief in whole or in part, or made any monetary contribution intended to fund the preparation or submission of the brief. No person or entity other than the amicus curiae, its members, or its counsel in the pending appeal funded the preparation and submission of the proposed amicus brief. (Cal. Rules of Court, rule 8.520(f)(4)(A).)

Respectfully Submitted,

March 21, 2022

California Appellate Law Group LLP
Rex S. Heinke
Jessica M. Weisel

By /s/ *Rex S. Heinke*
Rex S. Heinke

Attorneys for Amicus Curiae Public Counsel

Brief of Amicus Curiae Public Counsel Supporting Petitioner

Introduction

Special immigrant juvenile status ("SIJS") is a critical component of immigration law that provides a pathway to citizenship for undocumented immigrant youth. Federal law provides that U.S. Citizenship and Immigration Services ("USCIS") may grant SIJS to immigrant youth who seek it before the age of 21. (8 U.S.C. § 1101, subd. (a)(27)(J).) As a prerequisite to SIJS, a state court must make three findings ("SIJ findings") under state law: (1) that the youth is a dependent of the court or placed under the custody of a court-appointed guardian; (2) the youth cannot reunify with one or both parents "because of abuse, neglect, abandonment, or a similar basis pursuant to California law"; and (3) it is not in the youth's "best interest" to be returned to his or her country of origin. (Code Civ. Proc., § 155, subd. (b)(1).)

Despite the importance of SIJS to immigrant youth, California courts have often struggled with these requirements. (See, e.g., *Leslie H. v. Superior Court* (2014) 224 Cal.App.4th 340; *O.C. v. Superior Court* (2019) 44 Cal.App.5th 76.) Like those cases, the courts in this action failed to understand the purpose and intent of California's statutory scheme governing SIJS. Public Counsel agrees with Petitioner S.H.R. ("Saul") that the Court of Appeal adopted the wrong evidentiary standard that trial courts should apply when making SIJ findings and that the

Superior Court applied the wrong standard for neglect in SIJ proceedings.

However, they also made significant errors concerning the availability of SIJ findings for youth between the ages of 18 and 21 and Saul's petition for guardianship. Those errors are the focus of this amicus brief.

First, both courts made statements suggesting that petitioners for SIJ findings cannot satisfy the requirements for those findings once they reach age 18. But the Legislature specifically enacted Probate Code section 1510.1 ("Section 1510.1") to ensure that youths between the ages of 18 and 21 can obtain the findings necessary for SIJS. This Court should ensure that the lower courts understand that a petitioner's age should not be grounds for rejecting SIJ findings.

Second, both courts wrongly refused to decide the guardianship petition that Saul requested in the trial court. Although their specific reasoning was different, both courts effectively concluded that they did not need to reach the guardianship issue because they rejected the request for SIJ findings. However, the plain language of Section 1510.1 and Code of Civil Procedure section 155 ("Section 155") requires trial courts to make findings on *all* of the SIJS factors. That requirement is bolstered by the legislative history, which also recognizes that guardianships for youth between the ages of 18 and 21 serve important purposes beyond being one of the three SIJS factors.

Accordingly, Public Counsel urges this Court to not only reverse the decisions below, but also to hold that trial courts must make SIJ findings for petitioners under 21 and must decide guardianship petitions.

Discussion

I. SIJ Findings Are Appropriate for Youth Under 21, and Denials Cannot Be Based on the Fact that a Youth Has Turned 18.

Both the trial court and the Court of Appeal mistakenly suggest that SIJ findings are inappropriate for immigrant youths who have reached the age of 18. The Superior Court reasoned that, because "[a]ll of the facts alleged by Saul have dealt with issues that arose while he was a minor[,]" the fact that he no longer is a minor meant "the Court cannot conclude that those issues will continue to exist." (Exhibits Supporting Petition for Writ of Mandate ("Petn. Exhs.") at pp. 169-170.) The Court of Appeal did not affirm on that ground, but independently suggested that a court cannot render SIJ findings, because only a minor can be the subject of reunification. (*Guardianship of S.H.R.* (2021) 68 Cal.App.5th 563, 581, fn. 13 ("*S.H.R.*"), as modified on denial of reh'g (Sept. 28, 2021).) Both statements improperly considered Saul's age despite the clear mandate of the federal and state statutory schemes that SIJ findings should be made on behalf of youth between 18 and 21.

California law is clear that SIJ findings are appropriate for youth under age 21. The California Probate Code states that a trial court may appoint a guardian "for an unmarried individual who is 18 years of age or older, but who has not yet attained 21

years of age, in connection with a petition to make the necessary findings regarding [SIJS] pursuant to [Code Civ. Proc., § 155, subd. (b)]." (Prob. Code, § 1510.1, subd. (a)(1).) The Legislature clearly intended to allow SIJ findings for youth under age 21, regardless of whether a youth is over 18.

Federal law is also clear that SIJ findings are appropriate for youth under 21. In 2008, Congress amended the Trafficking Victims Protection Reauthorization Act ("TVPRA") to add age-out protections for SIJS classification so that a SIJS petitioner would not be denied on the basis of age if under 21 on the date of filing. (8 U.S.C. § 1232, subd. (d)(6).) Subsequent litigation on behalf of post-18 youth shows the commitment of federal courts—and the recent agreement of the government—to not treat SIJS petitions differently simply because a petitioner is over 18.

In 2019, Public Counsel represented thousands of SIJS petitioners under 21 and over 18 in a federal class action that challenged the USCIS's SIJS requirement that a state court have authority to place a petitioner in parental custody before making SIJ findings regarding parental reunification. (*J.L. v. Cuccinelli* (N.D. Cal. 2019) 18-CV-4914.) This requirement, Public Counsel argued, resulted in denying SIJS for petitioners who were placed in California's post-18 guardianships when they were 18, 19, and 20. The case led to a settlement where the USCIS agreed to remove this requirement and prohibit denials and adverse decisions based on a SIJS petitioner's age.

That same year, the Southern District of New York granted a motion for summary judgment brought by a class of SIJS

petitioners whose petitions were denied on the ground that the state court lacked the authority to reunify the post-18 petitioners with their parents. (*R.F.M. v. Nielson* (S.D.N.Y. 2019) 365 F.Supp.3d 350, 375-383.) In entering a final judgment against the USCIS, the court stated that "Defendants' conclusion that the New York Family Court lacks the jurisdiction and authority to enter [Special Findings Orders] for juvenile immigrants between their eighteenth and twenty-first birthdays [violates the SIJ statute]." (Case No. 1:18-cv-05068-JGK, Dkt. 148 at 3.)

In the wake of the *J.L.* settlement and the judgment in *R.F.M.*, the USCIS Administrative Appeals Office ("AAO") adopted and published a decision that affirmed that "[the] USCIS does not require that the juvenile court had jurisdiction to place the juvenile in the custody of the unfit parent(s) in order to make a qualifying determination regarding the viability of parental reunification." (*Matter of D-Y-S-C-*, Adopted Decision 2019-02, 6, fn. 4 (AAO Oct. 11, 2019).)[2] This affirmed the USCIS's recognition of the right of those over 18 to access SIJS, which USCIS recently reaffirmed in final rules governing SIJS. (Comment on Parental Reunification Determination (87 Fed. Reg. 13079-13080 (Mar. 8, 2022).) In light of the governing law and policy, this Court should direct the lower courts to consider SIJS petitioners' claims without regard to their being between 18 and 21.

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[2] *Available at* https://www.uscis.gov/sites/default/files/document/memos/Matter_of_D-Y-S-C-_Adopted_Decision_2019-02_AAO_Oct._11_2019.pdf.

II. Petitions for Post-18 Guardianships Must Be Decided Separately from Petitions for SIJ Findings.

The Court of Appeal held that once the SIJS petition was denied, the guardianship was no longer "connected" to a SIJS petition and, thus, moot.[3] (*S.H.R.*, *supra*, 68 Cal.App.5th at p. 583.) This was incorrect. Although guardianship relates to one required SIJ finding, petitions for guardianship and SIJ findings are independent. Courts must decide the guardianship petitions when presented and must review them separately on their merits.

A. California's Statutory Scheme for SIJS Requires the Trial Court to Decide the Guardianship Petition.

Section 1510.1(a) guardianships are distinct from others because they must be requested "in connection" with a petition for SIJ findings and the child must consent to the appointment of the guardian. In affirming the Superior Court's denial of the guardianship petition, the Court of Appeal held that once the SIJS petition was denied, the guardianship was no longer "connected" to a SIJS petition. This was error, because the statute requires the guardianship petition to be determined regardless of how it decides the other SIJS factors.

The Court of Appeal based its analysis on Probate Code section 1510.1, subdivision (a), which provides:

> With the consent of the proposed ward, the court may appoint a guardian of the person for an unmarried

[3] The Superior Court also denied the petition for guardianship on the grounds that it was moot after the court denied the petition for SIJ findings. (Petn. Exhs. at p. 164.)

> individual who is 18 years of age or older, but who has not yet attained 21 years of age, *in connection with* a petition to make the necessary findings regarding special immigrant juvenile status pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure.

(Emphasis added.) Citing this provision and a legislative statement that also used the "in connection with" language, the court held that the statute's plain language and legislative intent rendered the guardianship moot once the SIJS petition was denied. (*S.H.R.*, *supra*, 68 Cal.App.5th at p. 583.)

The Court of Appeal's plain language analysis was wrong. It overlooked a key provision in the statute: the trial court must make findings "pursuant to subdivision (b) of Section 155 of the Code of Civil Procedure." (Prob. Code, § 1510.1, subd. (a)(1).) Section 155, in turn, states that if the petitioner requests SIJ findings and offers evidence to support the findings, the trial court "*shall* include *all* of the following findings," including: (A) whether the child was placed "under the custody of . . . an individual . . . appointed by the court" and "*shall* indicate the date on which the dependency, commitment, or custody was ordered"; (B) whether reunification is possible; or (C) that it is not in the child's best interest to return to the other country. (Code Civ. Proc., § 155, subd. (b)(1), emphasis added.)

"Ordinarily, the term 'shall' is interpreted as mandatory and not permissive. Indeed, 'the presumption [is] that the word "shall" in a statute is ordinarily deemed mandatory[.]' " (*People v. Standish* (2006) 38 Cal.4th 858, 869; see also *Conservatorship of Whitley* (2007) 155 Cal.App.4th 1447, 1463 ["When used in a

statute, 'shall' has been found to have 'a peremptory meaning, and it is generally imperative or mandatory.' "], quoting *Shealor v. City of Lodi* (1944) 23 Cal.2d 647, 656 (dis. opn. of Curtis, J.).)

Not only does Section 155 use the mandatory "shall," it also instructs the trial court to make "*all*" of the findings. That, too, is plain and unambiguous language that deciding all three issues – guardianship, reunification, and best interests – is a statutory requirement.

The legislative history bears this out. The Legislative Counsel's Digest for the statute that added the SIJS language provision to Section 155 states: "The bill would require the superior court to make an order containing the necessary findings regarding special immigrant juvenile status pursuant to federal law, if there is evidence to support those findings." (Exhibits to Request for Judicial Notice ("RJN") p. 4 [Legislative Counsel's Digest, SB 873 (2014)].) Similar language was set forth in the Senate and Assembly Floor Analyses. (RJN p. 42 [Senate Floor Analysis of SB 873 (Aug. 29, 2014)], p. 46 [Assembly Floor Analysis of SB 873 (Aug. 28, 2014)].)

The legislative history of Probate Code section 1510.1, which was enacted a year after the amendments to Code of Civil Procedure section 155, confirms that the Legislature intended for the SIJ findings to be mandatory. The Senate Floor Analysis for Assembly Bill No. 900 ("AB 900") states that "[e]xisting law . . . requires the superior court to make an order containing the necessary findings regarding SIJS pursuant to federal law, if there is evidence to support those findings." (RJN pp. 49-50

[Senate Floor Analysis of AB 900 (Aug. 30, 2015)].) The same description of the existing law is detailed in the Assembly Floor Analysis and committee reports on AB 900. (RJN pp. 57-58 [Assembly Floor Analysis of AB 900 (Sept. 2, 2015)], p. 63 [Senate Judiciary Committee Analysis of AB 900 (July 13, 2015)], p. 70 [Assembly Committee on Judiciary (Apr. 25, 2015)].)

The plain language and these legislative history materials establish that a trial court must decide all three SIJS factors based on the evidence presented. Therefore, it may not disregard the requirement that it consider guardianship as moot because it has rejected another SIJS factor.

B. Even if the SIJS Petition is Denied, Guardianships Serve Purposes Independent of SIJS Petitions.

California's guardianships for youth over 18 and under 21 provide critical protections and benefits to these vulnerable youth apart from enabling SIJS petitions. They are valid guardianships that play a vital role in their beneficiaries' lives, and they satisfy the federal SIJS requirement that the petitioner has been "legally committed to, or placed under the custody of . . . an individual or entity appointed by a State or juvenile court. . . ." (8 U.S.C. § 1101(a)(27)(J)(i).)

On its face, AB 900's legislative findings recognize that guardianships for youth between the age of 18 and 21 serve an important purpose independent of being a step for SIJS:

> Given the recent influx of unaccompanied immigrant children arriving to the United States, many of whom have been released to family members and other

> adults in California and have experienced parental abuse, neglect, or abandonment, it is necessary to provide an avenue for these unaccompanied children to petition the probate courts to have a guardian of the person appointed beyond reaching 18 years of age. This is particularly necessary in light of the vulnerability of this class of unaccompanied youth, and their need for a custodial relationship with a responsible adult as they adjust to a new cultural context, language, and education system, and recover from the trauma of abuse, neglect, or abandonment. These custodial arrangements promote permanency and the long-term well-being of immigrant children present in the United States who have experienced abuse, neglect, or abandonment.

(AB 900, § 1, subd. (a)(6).) That purpose is set out separately from the Legislature's intent that courts should order 18-21 guardianships to facilitate SIJS petitions. (E.g., AB 900, § 1, subd. (a)(1)-(5), (b).)

The legislative history confirms that the Legislature intended for 18-21 guardianships to serve this purpose. As the Assembly Floor Analysis recognizes, though "this bill allows for the necessary state court finding to help these youth become legal residents of California[,] . . . . this bill does much more for this very vulnerable population." (RJN p. 59 [Assembly Floor Analysis of AB 900 (Sept. 2, 2015)].) The bill's legislative findings explain:

> [T]hese guardianships connect immigrant youth who have been abused, neglected or abandoned with a caring adult "as they adjust to a new cultural context, language, and education system, and recover from the trauma of abuse, neglect or abandonment. These custodial arrangements promote permanency and the long-term well-being of immigrant children present

> in the United States who have experienced abuse, neglect, or abandonment."

(RJN p. 59 [Assembly Floor Analysis of AB 900 (Sept. 2, 2015)]; see also RJN p. 70 [Assembly Committee on Judiciary Analysis of AB 900 (Apr. 25, 2015)] [stating 18-21 guardianships provide immigrant youth "the opportunity to have a custodial relationship with a responsible adult as they adjust to a new cultural context, language and education system, and recover from the trauma of abuse, neglect and abandonment, in order to promote permanency and long-term well-being of these youth"].) Similarly, the Senate Floor Analysis quotes the author of AB 900:

> The purpose of this bill is two-fold. First, this bill will provide immigrant youth a better opportunity to adjust to life in California by allowing them to have an adult guardian present in their lives. Second, this bill will increase access to immigration relief through Special Immigrant Juvenile Status (SIJS). Under federal immigration law, children who cannot be reunified with one or both parents because of abuse, neglect or abandonment and who are unmarried and under the age of 21 may obtain immigration relief through SIJS.

(RJN p. 53 [Senate Floor Analysis of AB 900 (Aug. 30, 2015)].) Or, to put it simply, in addition to "providing access to" SIJS, AB 900 "will provide immigrant youth a better opportunity to adjust to life in California by allowing them to have an adult guardian present in their lives." (RJN p. 64 [Senate Judiciary Committee Analysis of AB 900 (July 13, 2015)].)

The California lawmakers who authored AB 900 confirm that the statute had a dual purpose. Section 1510.1(a)'s requirement that a guardianship request be made in connection

with a SIJS petition "was not intended to limit the guardianship to serving only SIJS purposes" and that "the Legislature did not intend that guardianships for SIJS-eligible youth aged 18 to 20 be treated differently than those for wards under the age of 18." (RJN p. 84 [Declaration of authors of AB 900: Assemblymember Marc Levine, Senate President Pro Tempore Kevin De Leon, Assembly Speaker Emeritus Toni Atkins, and Senator Ricardo Lara], ¶ 12.) The authors further note that AB 900 "directs the courts to apply the same standards for [appointing a guardian for SIJS-eligible youth aged 18 to 20] as they do for wards under the age of 18," and that AB 900 "makes clear that all of the rights, responsibilities, and duties of a traditional guardian attach to a guardian for a youth aged 18 to 20." (RJN p. 84, ¶ 11.)

The protections and benefits provided by a Section 1510.1(a) guardianship cannot be overstated. For post-18, under-21 immigrant youth, these guardianships enable a safe and stable transition into adulthood. According to a Public Counsel social worker with over twenty-six years of experience:

> An AB 900 child over age 18 who has been awarded a legal guardian is on a very important trajectory toward healing after a childhood full of harm and trauma. A permanent relationship filled with unconditional commitment to an AB 900 child is proven by research to be a treatment for complex trauma. A young person learns the important value of trust and learns that despite their earlier trauma, they are worthy and can heal. Oftentimes, for the first time in their lives, they have a sense of safety in the world with a secure and certain relationship to fall back on. These relationships are the sounding boards from where a child enters a successful adulthood. A legal guardian often provides a space in

> which a child can consider attending college, applying for a new job or medical insurance, and seek mental health care for the first time.
>
> ***
>
> Children denied SIJS will lose their invaluable relationship with their guardian. These relationships are the most important aspect of their trauma healing, and being ripped from their guardians places them at great risk of suffering, depression, anxiety, suicidality and other pain.
>
> [As a result of being denied guardianship], AB 900 children are thwarted from continuing their lives, their educational, professional, and mental health goals. They also face the grave and likely prospect of being returned to their country of origin where they face certain exposure to continued abuse, violence, harm, and potential loss of life.

(RJN pp. 88-89 [Declaration of Beth Tsoulos], ¶¶ 9, 15-16.)

AB 900 was intended "to ensure that immigrant youth, including those aged 18 to 20, who have endured abuse, abandonment, and neglect are able to access California probate courts and the positive benefits that flow from the appointment of a legal guardian and [SIJS] protection." (RJN p. 81, ¶ 6.) These positive benefits include "the same protections available to youth who are under the age of 18." (RJN pp. 82-83, ¶¶ 8-9.) In light of the trauma suffered by these youth, the authors recognized a "special need for custodial relationships that foster stability, recovery, and long-term well-being," and that "the appointment of a legal guardian formally charged with making important decision in the youths' best interest" would "promote[] greater

resiliency and integration into our society and result[] in better educational and emotional outcomes." (RJN pp. 83-84, ¶ 10.)

Saul requested the guardianship of Mr. Rivas. From the time Saul was released from the custody of the Office of Refugee Resettlement, Mr. Rivas has provided him with a safe and stable home, including health care, shelter, food, and education. (Petn. Exhs. at pp. 56, 59, ¶¶ 2, 17.) For the first time in Saul's life, his only responsibility "is focusing on [his] education." (Petn. Exhs. at p. 59, ¶ 17.) Appointing Mr. Rivas as Saul's legal guardian would undoubtedly provide Saul with a "safe and secure relationship to fall back on," and—as AB 900's authors intended—"promote[] greater resiliency and integration into [] society" and "result[] in better educational and emotional outcomes" for Saul. (RJN pp. 83-84, ¶ 10.)

Public Counsel recognizes the potential of a legal guardianship to improve Saul's life because Public Counsel has represented other vulnerable post-18 youth for whom guardianship has been critical. For example, after one client's grandmother was appointed her guardian, she was able to secure financial aid, excel in college, and safely live with the only caregiver who had ever shown her love. Another client depended heavily on her guardian for health insurance and assistance with the client's cancer and depression.

Public policy and common sense support providing benefits like these regardless of how a trial court decides the other SIJS factors. Federal immigration proceedings may last for years

while an immigrant youth lives in California.[4] Or, as here, the youth may remain in the state while the appeal winds its way through the judicial system. Depriving immigrant youth of the benefits of guardianship during the pendency of such proceedings defies logic.

Given the value of post-18 guardianships to vulnerable youth like Saul, it is essential for a trial court to consider the merits of every petition regardless of the merits or outcome of the SIJ-related requests with which it may be associated. Such a petition is not dependent upon post-18 SIJ findings, and the Superior Court erred when it denied Saul's guardianship petition as "moot" in light of its denial of Saul's SIJ findings petition. The Court should direct the Superior Court to separately review Saul's post-18 guardianship petition based on the evidence presented, without regard to Saul's age, and appoint Mr. Rivas as his guardian.

Conclusion

Accordingly, the Court should reverse the decision of the Court of Appeal and direct the Superior Court to make all of the SIJ findings, including appointing Mr. Rivas as Saul's guardian.

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[4] Seeking SIJS does not prevent an immigrant youth from seeking to avoid deportation on other grounds. For instance, they could seek relief on the grounds that they must care for a sick child in the United States (8 U.S.C. § 1292, subd. (b)) or face torture if returned to their country of origin (8 U.S.C. § 1231, subd. (b)(3)(A)).

Respectfully Submitted,

March 21, 2022

California Appellate Law Group LLP
Rex S. Heinke
Jessica M. Weisel

By /s/ *Rex S. Heinke*
Rex S. Heinke

Attorneys for Amicus Curiae Public Counsel

Certificate of Word Count

(California Rules of Court, rule 8.520(c)(1))

The text of this brief consists of 3,839 words as counted by the Microsoft Word program used to generate this brief.

Dated: March 21, 2022

/s/ *Rex S. Heinke*
Rex S. Heinke

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

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Case Number: **S271265**
Lower Court Case Number: **B308440**

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Rex Heinke California Appellate Law Group 66163	rex.heinke@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Munmeeth Soni Disability Rights California 254854	meeth.soni@disabilityrightsca.org	e-Serve	3/21/2022 2:01:05 PM
Paula Herndon Greines Martin Stein & Richland LLP	pherndon@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
J. Rosen Munger, Tolles & Olsonm LLP 310789	max.rosen@mto.com	e-Serve	3/21/2022 2:01:05 PM
Matt Kintz California Appellate Law Group LLP	matt.kintz@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Jeffrey Raskin Greines, Martin, Stein & Richland LLP 223608	jraskin@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
Christopher Hu Horvitz & Levy LLP 176008	chu@horvitzlevy.com	e-Serve	3/21/2022 2:01:05 PM
Stefan Love Greines, Martin, Stein & Richland LLP 329312	slove@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
Jessica Weisel CALIFORNIA APPELLATE LAW GROUP LLP 174809	jessica.weisel@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Chris Yates Latham & Watkins LLP	chris.yates@lw.com	e-Serve	3/21/2022 2:01:05 PM

161273			
Sonia Hernandez Horvitz & Levy LLP	shernandez@horvitzlevy.com	e-Serve	3/21/2022 2:01:05 PM
Elizabeth Deeley Latham & Watkins LLP 230798	elizabeth.deeley@lw.com	e-Serve	3/21/2022 2:01:05 PM
David Ettinger Horvitz & Levy LLP 93800	dettinger@horvitzlevy.com	e-Serve	3/21/2022 2:01:05 PM
Marion Donovan-Kaloust Immigrant Defenders Law Center	mickey@immdef.org	e-Serve	3/21/2022 2:01:05 PM
Kathryn Parker California Appellate Law Group LLP	kathryn.parker@calapplaw.com	e-Serve	3/21/2022 2:01:05 PM
Chris Hsu Greines Martin Stein & Richland LLP	chsu@gmsr.com	e-Serve	3/21/2022 2:01:05 PM
Stephany Arzaga Legal Services for Children 314925	stephany@lsc-sf.org	e-Serve	3/21/2022 2:01:05 PM
Nina Rabin UCLA School of Law, Immigrant Family Legal Clinic 229403	rabin@law.ucla.edu	e-Serve	3/21/2022 2:01:05 PM
Sean Selegue Arnold & Porter LLP 155249	sean.selegue@aporter.com	e-Serve	3/21/2022 2:01:05 PM

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3/21/2022

Date

/s/Matt Kintz

Signature

Heinke, Rex (66163)

Last Name, First Name (PNum)

California Appellate Law Group LLP

Law Firm