

APPENDIX A
STATEMENTS OF INTEREST OF AMICI CURIAE

CALIFORNIA WOMEN’S LAW CENTER

The California Women’s Law Center (CWLC) is a statewide policy and advocacy center dedicated to advancing the civil rights of women and girls. Since its inception, the CWLC has worked to ensure that life opportunities for women and girls are free from unjust social, economic, and political constraints. In addition, the CWLC has worked to ensure safety, equity and economic self-sufficiency for women and their children who are forced to flee domestic violence.

In 1996, the CWLC co-authored an amici curiae brief to this Court in In re Marriage of Burgess, (1996) 13 Cal.4th 25. The amici curiae brief emphasized the importance of relocation to the economic and physical well-being of custodial families, most of which are headed by women. In Burgess, the Court ruled in favor of the custodial mother, establishing that custodial parents have a presumptive right to relocate with their children in good faith. As the CWLC is deeply concerned about the potential in the instant case for eroding the relocation protections afforded to custodial families in Burgess, the CWLC has a compelling interest in this case.

CALIFORNIA WOMEN LAWYERS

California Women Lawyers (CWL) is a statewide organization of attorneys and local women’s bar associations dedicated to promoting justice and equality, with

special emphasis on promoting the rights of women and children. CWL has many family law practitioners who are concerned by the refusal of some trial courts to follow the California Supreme Court holding in In re Marriage of Burgess, (1996) 13 Cal.4th 25, and instead place the burden of proof on the custodial parent seeking to relocate. Given the current slump in the job market, it is imperative that mothers, indeed all parents, not have to chose between earning a living and custody of their children.

COALITION FOR FAMILY EQUITY

The Coalition for Family Equity, founded in 1988, is comprised of organizations and individuals committed to the economic equity in marriage and divorce for women and dependant children. We lobby on behalf of women and children in the legislature on issues such as child custody, child support, and domestic violence. We educate women's organizations and lawmakers on the impact of family law on the lives of women, particularly those with custody of children following divorce. On behalf of its member groups, the Coalition participates in amicus briefs in important family law cases affecting the financial health of women and children.

The Coalition derives its action mandate from the 1987 California Senate Task Force on Family Equity's Final Report, documenting grave injustices in state family

law and judicial rulings having a disproportionate economic impact on women, including:

- Inadequate child and spousal support levels
- Court-imposed joint custody arrangements
- Impairment of custodial parents' right to economic self-sufficiency

In 1996, the Coalition signed on to the California Women's Law Center amicus brief in Burgess v. Burgess, in which the State Supreme Court was asked to reaffirm the custodial parent's right to establish the residence of the child. As part of that brief, two Coalition officers, Dorothy Jonas and Bonnie Sloane, presented evidence (based on personal contact with over 140 custodial parents) of the devastating financial and emotional toll worked on custodial families by protracted relocation disputes.

By ruling on behalf of the custodial parent, the Burgess court recognized that a parent with custody must be able to relocate with her child for good faith reasons (i.e. seeking a better job, continuing her education, keeping the custodial family intact). The Burgess court further affirmed that a relocation per se is not a "change in circumstances" in custody arrangements which should trigger a hearing.

Because the trial court and appellate rulings in LaMusga turn directly on the State Supreme Court's Burgess ruling, the Coalition has a compelling interest in this case.

CALIFORNIA FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN

The California Federation of Business and Professional Women (BPW/CA) has been a leading advocate for working women in the state of California since its origination 80 years ago. In addition to its national affiliation, BPW/CA is also a member of the International Business and Professional Women. BPW/CA extends membership to both men and women who subscribe to its principles.

BPW/CA promotes full participation, equity and economic self-sufficiency for working women in business and the professions, to promote the interest of business and professional women to extend opportunities to them.

BPW/CA's policies and legislative platform support legislation, education and funding to "Ensure equitable family laws, assist the victims of and prevent all forms of violence;" "secure equity in all areas of employment and education;" "Enforce pay equity and implement comparable worth;" and "Eliminate all forms of discrimination."

BPW/CA is most concerned with the move-away cases because of its membership of mothers who are also employers, professional women trying to gain an equal stature with their male colleagues, employees working to climb their career ladders to the maximum of their potential, and as victims of gender bias and domestic violence, all of whom are impacted by court rulings limiting their ability to move for good reason. We support the effort to affirm women's right to relocate with their children in order to secure a better economic future.

CALIFORNIA NATIONAL ORGANIZATION FOR WOMEN

California NOW is part of the nationwide grassroots-based National Organization for Women, whose goal is to bring women into full participation in society on an equal basis with men.

California NOW maintains a fully-staffed office in Sacramento and has over 80,000 members and donors, and chapters throughout the state. California NOW's legislative director works to carry forward NOW's priority issues at the legislative level and to lobby state officials. These issues include: health, child support and custody, affirmative action, welfare rights, violence against women, employment and housing discrimination, prenatal health care for the poor and for immigrants. NOW's work toward the goal of achieving equality for women also focuses on eliminating racism and discrimination against lesbians and gays, as well as fighting for the reproductive rights of all women.

California NOW, founded in 1969, is a nonprofit political organization formed to further women's equality by training and educating individuals in leadership skills, grassroots organizing, and lobbying techniques.

California NOW's legislative agenda has always included bills and policies dealing with custody issues. We recognize that most custodial parents are women who are not usually in an economic position that allows for protracted litigation—if any. We receive many inquiries from women who are custodial parents and who have been discouraged from moving away to further their education out of fear of losing custody of their child(ren). There is an inherent gender bias in a system that refuses to allow

relocation of a custodial parent and child on the grounds that it is in the best interests of the child to have frequent and continuing contact with both parents, but places no burden or restrictions on the relocation of the non-custodial parent.

California NOW was a signer on the California Women's Law Center amicus brief submitted to the Court in Burgess v. Burgess (1996, 13 Cal. 4th 25). In Burgess the Court affirmed Family Code Section 7501, stating that the burden of proof in relocation disputes belongs with the noncustodial parent to show that a change in the child's living situation would be detrimental to the child's best interests. This is a fair and reasonable standard for all parents and protects the rights and well-being of children, and should be upheld.

THE FEMINIST MAJORITY FOUNDATION

The Feminist Majority Foundation was formed for the purpose of furthering equality, promoting non-violence, justice, peace and economic development, enhancing feminist leadership, promoting learning and research for the furtherance of feminist ideas and studies, and providing education and training for feminist activists.

Our interest in the instant case has to do with out concern that the standard affirmed by the Court in Burgess v. Burgess (1996, 13 Cal.4th 25)—i.e. that the burden of proof in relocation disputes is on the noncustodial parent to prove that the relocation is detrimental to the child or the child's best interests—may be undermined or reversed. Such a reversal would force custodial parents, many of whom are women, to

once again face the prospect of losing custody should they relocate for sound economic reasons such as pursuing education or a higher paying job.

As a participant in the California Women's Law Center amica brief in Burgess as well as the current brief, the feminist majority Foundation believes the standard affirmed in Burgess is fair and reasonable to both parents and to children, and essential for the financial health of women and children. It should be upheld by the Court.

CHILDREN NOW

Children Now is a research and action organization dedicated to assuring that children grow up in economically secure families, where parents can go to work confident that their children are supported by quality health coverage, a positive media environment, a good early education, and safe, enriching activities to do after school. Recognized for its expertise in media as a tool for change, Children Now designs its strategies to improve children's lives while at the same time helping America build a sustained commitment to putting children first. Children Now is an independent, nonpartisan organization.

Children Now has been actively involved in initiatives and proposals that specifically relate to providing and maintaining economic security and nurturing environments for California children. Our organization is interested in this matter because unreasonable restrictions on a custodial parent's ability to relocate for job related reasons can place the family in serious financial jeopardy and interfere with a child's economic well being. In California in 2000, approximately one in five children

were poor and 44 percent lived in low-income families, with incomes no greater than 200 percent of the federal poverty level or \$30,000 for a family of three.

Children Now also is concerned that children be protected in remaining in a nurturing environment. It is an emotional hardship and clearly traumatic on children to remove them from the custodial parent's custody merely because the custodial parent needs to relocate. That custodial parent has already been determined by a court to be the parent best capable of raising the children so it is inappropriate for a court to order removal from custody for no reason other than the need to relocate.

CALIFORNIA ALLIANCE AGAINST DOMESTIC VIOLENCE

The California Alliance Against Domestic Violence (CAADV) is a non-profit organization incorporated in the state of California for the purpose of providing advocacy on behalf of battered women and their children. CAADV was formed in 1976 as the state domestic violence coalition, and is the federally recognized domestic violence coalition for the state of California. CAADV has over 100 member programs and a long history of public policy advocacy. In addition, CAADV provides technical assistance and training on domestic violence and related issues throughout the state.

CAADV is concerned about the safety of victims of domestic violence when restrictions are placed on female head of households in relation to relocation needs. It is extremely important that a victim of domestic violence be allowed the freedom to relocate to a safe place if she continues to be in danger of re-assault. We support a

woman's right to relocate with her children in order to secure a safer environment and better economic future.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE

The National Coalition Against Domestic Violence (NCADV) was formed in 1978 to provide a national network for local programs and state coalitions serving battered women and their children. NCADV provides information and referrals, technical assistance, community awareness campaigns, public policy advocacy, and sponsors a national conference every two years.

NCADV is greatly concerned with restrictions placed on females heads of households in relation to relocation needs, particularly when violence has been present in a previous relationship. Victims of domestic violence often must relocate after leaving an abusive relationship, in order to find work, find affordable housing or child care, or to escape continued abusive and violent contact from their batterer.

It is imperative that a victim of domestic violence be given the ability to relocate to a safe place if she continues to be in danger from re-assault. We support the effort to affirm a woman's right to relocate with her children in order to secure a safer environment and a better economic future.

NATIONAL NETWORK TO END DOMESTIC VIOLENCE

The National Network to End Domestic Violence (NNEDV) is a membership and advocacy association made up of forty-eight state domestic violence coalitions

representing more than 2000 local programs. Our mission is to create a social, political and economic environment where violence against women no longer exists. NNEDV members help develop statewide needs assessments for domestic violence services, provide training and technical assistance to member programs and work actively to pass legislation that will enhance the safety of victims of domestic violence and their children.

NNEDV works closely with state coalitions, local domestic violence programs and federal and state policy makers to enhance legislative and policy protections for battered women and their children. NNEDV participates in numerous national committees and task forces examining the impact of domestic violence on children, and makes recommendations to state agencies and legislative bodies regarding custody and visitation arrangements for children affected by domestic violence. NNEDV believes that the ability of nonabusing parents to relocate in order to protect themselves and their children is fundamental to creating a civil and criminal legal system that is centered on victim safety and offender accountability. NNEDV works closely with state domestic violence coalitions and their member programs to implement these recommendations at the local, state and national level.

SAN FRANCISCO WOMEN LAWYER'S ALLIANCE

San Francisco Women Lawyer's Alliance ("SFWLA") is a non-profit organization of approximately 250 lawyers, judges and elected offices and other legal professionals in the San Francisco Bay Area. SFWLA, founded in 1983, works on a

wide range of issues effecting women and children, including family law, child custody and support, the protection and defense of battered women and children, childcare and education, the elimination of gender and racial bias.

QUEEN'S BENCH BAR ASSOCIATION OF THE SAN FRANCISCO BAY AREA

Founded in 1921, Queen's Bench Bar Association of the San Francisco Bay Area ("QB") is a non-profit voluntary membership organization made up of attorneys, judges and law students. QB's mission is to promote equal rights and opportunities for all women by providing an organization for collective action in matters important to women and to further the adoption of legislative and judicial reforms securing the full and equal participation of women in society. QB has an 82 year history of supporting the rights of women and working for gender equality in health care, employment and other areas. QB has a recognized history of working to protect the rights of women and minors. QB established the Juvenile Hall Project, where funds are provided to allow women attorneys to share in interactive learning activities with the young women at Juvenile Hall. In the past several years, QB has participated as amicus curiae in numerous cases, including determining the rights of the biological mother during the legal waiting period for the adoption of her child, and contributing to the challenge to California's 1987 abortion consent law that lead to reaffirming the privacy rights of minor women in California.

WOMEN LAWYERS ASSOCIATION OF LOS ANGELES

Women Lawyers Association of Los Angeles (WLALA) is a nonprofit organization comprised primarily of attorneys and judges in Los Angeles County. Founded in 1919, WLALA is dedicated to promoting the full participation of women lawyers and judges in the legal profession, maintaining the integrity of our legal system by advocating principles of fairness and equality, and improving the status of women in our society. To further these goals, WLALA has joined amicus briefs in cases before this Court having a significant impact on women's rights. WLALA now joins the custodial mother here in urging this Court to affirm the reversal of the family court order which transferred physical custody of her children to her ex-husband if she moved out-of-state with her new family.

WLALA places a high priority on protecting women's rights in the family law area. The cramped interpretation of this Court's decision in Marriage of Burgess (1996) 13 Cal.4th 25 urged by petitioner here would lessen the showing required to overcome a custodial parent's right to relocate with her child in good faith, run counter to bedrock family law principles designed to foster stability and children's best interests, wreak havoc on established parent-child relationships, and threaten custodial mothers' economic welfare and safety.

LAWYERS CLUB OF SAN DIEGO

Lawyers Club of San Diego is a feminist bar association in San Diego. Founded in 1972, our primary mission is to advance the status of women in the law

and in society. Our goal is to eliminate discrimination based on sex and any barriers women encounter in society based on their sex.

One of our primary concerns is the economic equality of women, which is a major issue addressed by the amicus brief filed on behalf of the mother by the California Women's Law Center in the LaMusga appeal. In our mobile society, especially in times of economic uncertainty such as we are now facing, it is often necessary for persons to relocate to another city, county or state in order to obtain adequate employment to support themselves and their families. In San Diego, for example, the cost of housing is extremely high and many single parents simply cannot afford housing in our county. We also have a large military population, which is very mobile. To deny custodial parents the ability to make a move that would better the situation of themselves and their children cannot be in the best interest of the children.

Although not an issue in the LaMusga case, amicus has also briefed the issue of domestic violence. Lawyers Club of San Diego supports the Domestic Violence Prevention Program of the San Diego Volunteer Lawyer Program and also works with SDVLP and the San Diego County Bar Association on presenting an annual Women's Resource Fair for homeless, indigent and/or battered women. We are extremely concerned about the situation of battered women and their children. Preventing such women from moving with their children can place the women and children in an extremely dangerous situation, which is only exacerbated by economic issues. The State of California understands the need of some battered women and their children to

have completely confidential addresses, through the Safe at Home Program. Allowing women to move is often essential to maintain their safety and that of their children.

Lawyers Club of San Diego submits this statement in support of the position of the custodial mother and the amicus brief filed by the California Women's Law Center.

WOMEN FOR:

Women For: is a non-profit, non-partisan organization of 1,500 members in Southern California, which is affiliated with a 300-member chapter located in Orange County. The organization' purpose is to educate on issues and candidates of our choosing in furtherance of *Women For:*'s goals, which include the advancement of human and civil rights, quality education for all, the advancement of peace, the protection of the environment and economic justice.

One of our primary concerns is the economic equity of women, which can be drastically affected by the child custody move-away issue. Since California law currently requires both parents to support the children, women's employment is important not only to women but to their children. In an increasingly mobile society both men and women are forced to move, sometimes to totally new localities, to seek and/or obtain employment or educational opportunities to improve the economic future for their family members. Records indicate the court rarely, if ever, prohibit fathers from moving away from their children, but many custodial mothers face courts that treat their relocation needs much less seriously. This apparent gender bias can

severely impact the custodial mother given California's current economic climate and employment opportunities, which often necessitate custodial parent relocation to continue to adequately provide for their children.

Women For: believes strongly in protecting the best interest of children in divorced families, which includes allowing the custodial parent to provide economic stability for their families. Our concern is that current interpretation of custody laws has resulted in many recent court orders, making it virtually impossible for custodial parents and their children to relocate after divorce if the non-custodial parent objects. Removal of children from a custodial parent breaks up an existing family unit a second time following a divorce.

NATIONAL COUNCIL OF JEWISH WOMEN/LOS ANGELES

The National Council of Jewish Women/Los Angeles (NCJW/LA), is a volunteer organization inspired by Jewish values that works through a program of research, education, advocacy and community service to improve the quality of life for women, children and families and strives to ensure individual and human rights and freedoms for all.

Our National Resolutions state that we work for the elimination of and protection from, all forms of harassment, violence and abuse against women; for laws, policies and employment policies that allow workers to meet both family and work responsibilities; for the enactment and enforcement of laws and regulations that protect

civil rights and individual liberties; and for the recognition and protection of the special needs of children by the legal system.

WOMEN'S EQUAL RIGHTS LEGAL DEFENSE AND EDUCATION FUND

The Women's Equal Rights Legal Defense and Education Fund (WERLDEF) is a California non-profit incorporated in 1978 and dedicated to educating women about their legal rights and assisting them in vindicating their rights by providing access to the courts.

The intent is to help bring women into equal partnership with men in each and every aspect of life and to improve the condition and status of women.

Our goal is equal rights for women under the law.

ASIAN PACIFIC AMERICAN LEGAL CENTER

The Asian Pacific American Legal Center (APALC) is a nonprofit agency providing direct legal services and civil rights advocacy on behalf of the Asian Pacific and other immigrant communities of Los Angeles County. For the past twenty years, APALC has been on the forefront of advocating for the rights of immigrants. A major focus of our work has been serving immigrant victims of domestic violence with family law, immigration, and other legal issues.

Many of our clients have had significant difficulty in securing custody and visitation orders that would ensure the safety of both their children and themselves. Part of the reason for this is due to legal restraints dictated by family law statutes and

case precedents that did not support a custodial parent's right to move her children to another jurisdiction. It was not until the Burgess decision in 1996 that some of these clients were able to escape the abusive atmosphere and threats of their former spouses and batterers. It is for this reason that APALC strongly advocates against the erosion of the right of the custodial parent to relocate the residence of her child.

ARIZONA COALITION AGAINST DOMESTIC VIOLENCE

The Arizona Coalition Against Domestic Violence (AzCADV) was formed in 1980 and has as its current mission: to work toward the empowerment of women and their families who are victims or survivors of domestic violence and the prevention and ultimate elimination of domestic violence. AzCADV has a broad based membership including regional task forces and Coordinated Community Response Teams representing rural and urban communities, domestic violence victim service program providers, affiliated organizations, survivors, and other interested individuals. AzCADV provides leadership and representation on behalf of women who are victims or survivors of domestic violence and AzCADV members. The AzCADV also advocates for the expansion and coordination of domestic violence services. This includes providing training and technical assistance as well as leadership in the development of public policy and systemic responses to reduce and eliminate domestic violence.

AzCADV seeks to support the Amicus Curiae because of important policy questions underlying the case relating to the best interest and safety issues for victims

of violence who have child custody matters before the Court. AzCADV is interested in this case because of the broader implications for decisions in custody cases when violence by a parent is not given the proper weight. Relocation by battered parents with their children is a recurring problem not only in Arizona but throughout the country and must be addressed.

IOWA COALITION AGAINST DOMESTIC VIOLENCE

The Iowa Coalition Against Domestic Violence (ICADV) is a non-profit organization, incorporated in the state of Iowa in 1985. ICADV provides educational and technical assistance to the domestic violence programs across Iowa, and also acts on a statewide and national level to promote public policy and legislative issues on behalf of battered women and their children. ICADV's purpose is to eliminate personal and institutional violence against women through support to programs providing safety and services to battered women and their children. ICADV recognizes that unequal power contributes to violence against women. Therefore, ICADV advocates social change, legal and judicial reform, and the end to all oppression.

MINNESOTA PROGRAM DEVELOPMENT INC.

MPDI, better known as the Duluth Domestic Abuse Intervention Project, is an internationally respected advocacy program that has developed models of effective responses to domestic violence, such as the coordinated community response,

batterer's intervention programs, battered women's groups, and supervised visitation centers. MPDI's national programs include the Battered Women's Justice Project, a resource center on the criminal and civil justice responses to domestic violence, and Mending the Sacred Hoop, which provides technical assistance to tribal grantees of Violence Against Women Act funds. MPDI has been in operation for the past 20 years.

NEW JERSEY COALITION FOR BATTERED WOMEN

The New Jersey Coalition for Battered Women (NJCBW) is a statewide coalition of domestic violence service programs and concerned individuals whose purpose and mission is to end violence in the lives of women. Incorporated in 1979, NJCBW is a private, non-profit corporation whose members include 23 domestic violence programs in New Jersey. NJCBW advocates for battered women with state level governmental and private agencies, the state legislature, judiciary and governor to support legislation and policies that will increase the safety and options of victims of domestic violence. It also provides information, resources, technical assistance and training to domestic violence programs, the public and those agencies, organizations and individuals involved with New Jersey's response to domestic violence.

PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE

The Pennsylvania Coalition Against Domestic Violence, Inc. (PCADV) is a not-for-profit organization incorporated in the Commonwealth of Pennsylvania for the

purpose of providing services and advocacy on behalf of victims of domestic violence and their minor children. PCADV is a membership organization of 64 shelters, hotlines, counseling programs, safe home networks, legal advocacy projects, and transitional housing projects for battered women and their dependent children in the Commonwealth. For over twenty years, PCADV has provided training and technical assistance to domestic violence programs, attorneys, the courts, and law enforcement agencies on issues of domestic violence.

PCADV is deeply concerned about the safety of victims of domestic violence. This concern extends to the detrimental impact upon a victim's ability to become self-sufficient and provide for her family in the instance when relocation restrictions are court-ordered. Further, PCADV understands that victims of domestic violence and their children are at serious increased risk of injury and death when leaving an abusive relationship. To discount the importance of the relocation of victims of domestic violence results in a compromise of the welfare and well-being of the children involved.

PCADV joins the brief of amicus curiae to assist the Supreme Court of California in its consideration of the critical issues surrounding the relocation of battered women and children presented in this appeal.