

*Priscila N.
Garcia v. Escobar*

The conflict between Dependency Court and Family Court jurisdiction has been a source of concerned debate for decades [see, “The Perpetuation of Shattered Hearts: The Disturbing Conflict between Dependency Court and Family Law Jurisdiction,” Los Angeles Lawyer (July/August 1993)]. A mother obtains a restraining order in Dependency Court; when jurisdiction ends in that court and an exit order transfers the case to a pending Family Law proceeding, mother seeks to have the restraining order renewed and extended or made permanent. Family court judge says no, I have no jurisdiction to do so; you must apply for a new order in my court. Is this proper? Here are *Priscila N.* and *Garcia v. Escobar*.

Opinions written by Justice Epstein and Justice Flier are always worthy of study and respect. In reversing the trial court’s narrow view of conflicting statutes, Justice Epstein concludes that “the Legislature has indicated its intention that the Family Code and Welfare and Institutions Code be construed to work together to provide the best protection for domestic violence victims.” Thank goodness, it’s about time. This opinion means that domestic violence victims who obtained their original DVRO in juvenile court will not have to meet the higher evidentiary bar required for an initial order in family court, but allows them to benefit from the lower bar that applies for renewal. The remand ordered the family law trial court to issue a renewal of the Dependency Court restraining order for a term of either five years or permanently, in that court’s discretion.

Interestingly, the same conclusion was reached two weeks earlier in Justice Flier’s opinion in *Garcia v. Escobar*. Here, the family court, which had assumed jurisdiction after the juvenile court terminated its jurisdiction, concluded it did not have jurisdiction to renew the restraining order because it was issued by the juvenile court. The Court of Appeal held that after a juvenile court has terminated its jurisdiction, the family court has proper jurisdiction over domestic violence orders and may properly issue a renewal.

In a 1992 article in Time Magazine, entitled “Corridors of Agony,” the report included the following poignant description of the Juvenile Courts in this Country: “Like the 2500 similar Juvenile Courts across the nation, this is where the battles are being fought against some of America’s toughest problems: drugs, disintegrating families, household violence. As these problems have grown worse over the past two decades, the judicial system designed to deal with them has crumbled. These courts are an indicator of the country’s compassion for families and its commitment to justice, but increasingly they have neither the money nor the personnel to save most of the desperate young souls who pass through their doors. Almost no one seems to care.” [Time Magazine, January 27, 1992, page 48]. That was 27 years ago. Have we made progress in this regard? Perhaps. Let us give thanks to both Justice Epstein and to Justice Flier for these

recent opinions which provide hope that the problems inherent in our justice system are recognized, and that solutions can be fashioned by concerned judicial officers to provide more practical and compassionate results. Amen.

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