



DOMESTIC VIOLENCE CLINIC

Highlighted Project: Amicus Brief to Protect Immigrant Children

In April 2017, the clinic, with co-counsel Mayer Brown, LLP and the Family Violence Law Project, filed an amicus brief in a significant California Supreme Court case involving domestic violence, juvenile immigration status, and child custody. *In re Bianka M.* involves a minor seeking Special Immigrant Juvenile (SIJ) status, a federal immigration status created by Congress to provide protection to undocumented, unaccompanied children who enter the United States after experiencing parental abuse, neglect, or abandonment.

Bianka, an unaccompanied minor, came from Honduras to the United States at age 13. She reported that her father physically abused her mother while she was pregnant with Bianka, including beating her mother with a machete. He abandoned the family before Bianka was born. Bianka requested that her mother be granted sole custody of her in California and that the court certify her SIJ status. The lower court denied her requests, finding that because Bianka's purported father was in Honduras, Bianka or her mother would have to solicit cooperation from him for the California court to exercise jurisdiction.

The amicus brief discusses how this decision, if allowed to stand, would broadly impact the ability of abused, neglected, and abandoned children to obtain SIJ status findings necessary to escape abuse. The lower court's ruling places abused children, children of abused parents, and survivors of abuse in the dangerous position of having to bargain with the abusive parent in order to be protected from that parent. The brief points out the lower court decision contradicts fundamental principles of California family and domestic violence laws, which prioritize the child's interests and require courts to lessen (rather than enhance) an abuser's power over a survivor of domestic violence. Oral argument is expected to occur in fall 2017.

Domestic Violence Clinic

Clinic Director:



Jane Stoever
Clinical Professor of Law
Director, UCI Initiative to End
Family Violence

Phone: (949) 824-3418

Fax: (949) 824-2747

401 East Peltason Drive
Irvine, CA 92697-8000

Additional Faculty:

Patty Cyr
Adjunct Clinical Professor
Area of expertise: Family Law

Law students in the Domestic Violence Clinic provide transformative representation to abuse survivors and their children to help them achieve freedom from violence. Students learn to be client-centered, culturally sensitive, and reflective advocates while honing their trial and lawyering skills, engaging in community education and policy advocacy to create broader systemic change, and helping clients secure safety. The Domestic Violence Clinic serves clients in crisis in comprehensive ways, and clients and students alike report extraordinary results from their clinic involvement.