



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC-backed bill addresses changing nature of family

AB 2445 expands guardian legal rights when a child dies of wrongful actions by another

SACRAMENTO (May 27, 2020) – Addressing the shifting nature of the American family, the Assembly Judiciary Committee today approved legislation that expands the rights of legal guardians to seek justice in civil court when a child dies because of the wrongful actions of another.

AB 2445 by Asm. Eloise Reyes (D-San Bernardino) and backed by Consumer Attorneys of California would close a loophole in the law that currently prohibits legal guardians from exercising such a right in the aftermath of a tragedy involving a child they raised.

Reyes was inspired to author the bill after learning of a case in her own district involving a 13-year old boy, Diego, who was killed as a result of bullying and physical assault at a middle school in 2019. Moreno Valley Unified School District administrators had allegedly ignored complaints from the child's family.

His aunt and uncle, who had raised Diego as the boy's legal guardians after his parents died when he was a one-year-old, did not have standing to bring a wrongful death action on his behalf. AB 2445, which is also supported by the National Center for Lesbian Rights, now moves to the Assembly floor.

The Assembly Judiciary Committee also approved a second CAOC-backed bill, AB 3366, to give the state chief justice power during future statewide emergencies – war, acts of terrorism, natural disasters, and epidemics – to expedite actions to keep the wheels of justice turning.

It was spurred by delays during the early days of the COVID-19 pandemic, as courthouses around the state shut down to prevent the spread of the coronavirus. It took an emergency order by Gov. Gavin Newsom to give Chief Justice Tani Cantil-Sakauye power to take needed statewide actions. AB 3366 will allow the chief justice to act more expeditiously during future emergencies. It now goes to the Assembly floor for a vote.

“This is absolutely essential,” said CAOC CEO Nancy Drabble. “Going forward we think it is imperative for the chief justice to have statewide authority to deal with a statewide emergency.”

Consumer Attorneys of California is a professional organization of plaintiffs' attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.

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