



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## Governor signs CAOC-backed guardian rights bill

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

**SACRAMENTO (September 10, 2020)** – In a nod to the shifting nature of the American family, Gov. Gavin Newsom has signed legislation into law that expands the rights of legal guardians to seek justice in civil court when a child dies because of the wrongful actions of another.

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

Reyes wrote the bill after learning of a case in her own district involving a 13-year old boy, Diego Stolz, who was sucker punched by a bully at Landmark Middle School in 2019, fell backwards and smacked his on a pole, suffering a massive brain injury. Nine days later he died.

Moreno Valley Unified School District administrators allegedly ignored repeated pleas for help about the bullying. Just three days before his death, Diego and his cousin asked the school's assistant principal to intercede and were assured the bullies would be suspended. Diego was told he could come to school the following Monday. But no action was taken against his assailants, resulting in the final fatal encounter.

His aunt and uncle, Juana and Felipe Salcedo, had raised Diego as the boy's legal guardians since his parents died when he was just a year old. When they sought to hold the school district accountable in civil court the couple learned they lacked standing to bring a wrongful death action on his behalf because of an antiquated law still on the books in California.

The old law allowed only biological or adopted parents to file wrongful death cases on behalf of a child. Reyes' bill allows legal guardians to pursue wrongful death cases on behalf of minors as if they were the parents, but only when the parents are deceased.

Time was of the essence to secure Newsom's approval. The statute of limitations for Juana and Felipe Salcedo to file a lawsuit is tomorrow, Sept. 11, 2020. AB 2445 won two-thirds approval in both houses of the Legislature and thus went into effect immediately with Newsom's signature.

*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.*

### **For more information:**

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