

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SPR19-__

Title

Appellate Procedure, Juvenile Law: Access to Juvenile Case Files in Appellate Court Proceedings

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 8.400, 8.401, 8.405, 8.407–8.410, 8.412, 8.416, 8.450, 8.452, 8.454, and 8.456; approve form JV-291-INFO; revise forms JV-285, JV-290, JV-295, JV-321, JV-325, JV-570, JV-800, JV-820, and JV-822

Proposed by

Appellate Advisory Committee
Hon. Louis R. Mauro, Chair
Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Action Requested

Review and submit comments by June 10, 2019

Proposed Effective Date

January 1, 2020

Contact

Christy Simons, 415-865-7694
christy.simons@jud.ca.gov
Daniel Richardson, 415-865-7619
Daniel.richardson@jud.ca.gov

Executive Summary and Origin

The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee propose amended rules and new and revised forms to implement recent Judicial Council–sponsored legislation amending the statute that specifies who may access and copy records in a juvenile case file in an appeal or writ proceeding challenging a juvenile court order. The statutory amendment clarified that people who are entitled to seek review of certain orders in juvenile proceedings or who are respondents or real parties in interest in such appellate proceedings may, for purposes of those appellate proceedings, access and copy those records to which they were previously given access by the juvenile court. This proposal would implement the legislation by updating the rules relating to juvenile appeals to include provisions relating to persons with limited access to the juvenile case file and the limited record that must be prepared and provided to these persons. The committees also propose a new information sheet and a

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

notice on certain forms regarding the requirement to seek authorization from the juvenile court to access records in the case file before commencing an appeal.

Background

The confidentiality of juvenile case files is established by Welfare and Institutions Code section 827.¹ This confidentiality is intended to protect the privacy rights of the child who is the subject of the juvenile court proceedings. Subdivision (a)(1) of this statute identifies those who may inspect and receive copies of a juvenile court case file, including the child who is the subject of the proceeding, the child's parent or guardian, the attorneys for the parties, the petitioning agency in a dependency action, or the district attorney, city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law.

Ordinarily, to help resolve these matters as quickly as possible, when an appeal or petition is filed challenging a judgment or order in a juvenile proceeding, the record for that appellate proceeding is prepared and sent to the Court of Appeal and the parties very quickly. The items that must be included in the record on appeal or for certain writ proceedings are listed in California Rules of Court, rules 8.407, 8.450, and 8.454. The trial court is required to begin preparing the record in these proceedings as soon as a notice of appeal or notice of intent to file a writ petition is filed. A premise of this practice seems to be that all the parties to the appellate proceeding are entitled under section 827 to inspect and receive copies of the records in the juvenile case file.

However, some individuals who are authorized to participate in juvenile proceedings and have the right to seek review of certain orders in those proceedings or who have a right to respond to an appeal or petition seeking such review are not entitled under section 827 to inspect or copy any records in a juvenile case file. This situation occurs, for example, when the appellant is a family member or other person who files a petition seeking de facto parent status and is appealing the denial of that petition or who files a petition under section 388 to change, modify, or set aside a juvenile court order on grounds of change of circumstance or new evidence and is appealing the denial of that petition. In those cases, before the recent legislation, the juvenile courts and Courts of Appeal followed various procedures to decide, on a case-by-case basis, what records the parties to the appellate proceeding could receive. Doing so took time and resources of the juvenile court, the Court of Appeal, and the persons seeking review or the respondents in such proceedings. It also resulted in delays and, particularly when the appellant or petitioner was self-represented, procedural dismissals of these appeals without consideration of their merit.

In 2017, the Appellate Advisory Committee, in consultation with the Family and Juvenile Law Advisory Committee, recommended that the Judicial Council sponsor legislation to address this

¹ All further unspecified statutory references are to the Welfare and Institutions Code, and all rule references are to the California Rules of Court. You can access the full text of this statute at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=827.&lawCode=WIC.

situation. The legislation, Assembly Bill 1617, which added new paragraph (a)(6) to section 827, took effect on January 1, 2019. The new paragraph provides that a person who is not otherwise authorized to access the case file under section 827(a)(1)(A)–(P) and files a notice of appeal or petition challenging a juvenile court order or who is a respondent or real party in interest in such an appellate proceeding may, for purposes of the appellate proceeding, access and copy those records to which they have been given access by the juvenile court. New paragraph (a)(6) also requires the Judicial Council to adopt rules to implement the new provision.

The Proposal

Rule amendments

To implement the new legislation, the committees are proposing amendments to the juvenile appellate rules in title 8 to include provisions regarding parties to appellate proceedings who have been granted access to records by the juvenile court and the limited record that must be prepared for such parties. The amendments include new terms and definitions for ease of reference to these parties (“designated persons”) and the record (“limited record”) to which they are entitled. The amendments also provide guidance to juvenile court clerks who must prepare and send both the record and the limited record for appellate court proceedings.

The committees believe that these proposed rule amendments appropriately balance the policy considerations favoring confidentiality of juvenile case files against designated persons’ need for access to these records to effectuate their right to participate in appellate proceedings in these cases. Because these individuals were already privy to the records in the juvenile court proceedings, the proposal would not dilute the confidentiality protections of the child. By eliminating the necessity for special procedures to authorize the individuals’ access to these records, the proposal would reduce barriers to their access to justice, delays in these proceedings, and time and expenses for the parties and the courts.

General provisions

Rule 8.400, Application. The proposed amendments add “and definitions” to the title and a new subdivision (b) containing definitions of “designated person” and “limited record.” New subdivision (b) also clarifies that a “juvenile case file” includes the records listed in rule 5.552(a).

Rule 8.401, Confidentiality. The proposed amendment adds a new paragraph to subdivision (b) to specify that designated persons may receive only the limited record.

Appeals

Rule 8.405, Filing the appeal. A proposed new paragraph in subdivision (a) provides that an appellant who is aware that a party to the appeal is not authorized to access the juvenile case file without an approved petition must indicate so on the notice of appeal. Amendments to subdivision (b) regarding the clerk’s duties address notifying the court reporter to prepare the reporter’s transcript for a limited record and identifying, in the notification of the filing of the notice of appeal, any party who is a designated person.

Rule 8.407, Record on appeal. The proposed amendment adds subdivision (f) regarding a limited record for designated persons. This subdivision will specify that the limited record for a designated person must contain only those records to which the designated person has been granted access by the juvenile court. It will also provide that, to apply for additions to the limited record, the designated person must petition the juvenile court.

Rule 8.408, Record in multiple appeals in the same case. The proposed amendment provides that in cases involving more than one appeal, a limited record must be prepared for any party who is a designated person.

Rule 8.409, Preparing and sending the record. The proposed amendments to subdivision (b) provide that the clerk's and reporter's transcripts for a limited record must be prepared and paginated separately from the transcripts for the normal record on appeal. This change reflects the committee's determination, based on feedback from juvenile court clerks, that separate transcripts, rather than redacted versions of transcripts in the normal record, were the better form of the limited record to propose.

The committees also propose adding new subdivision (f) to this rule to present rules for preparing and certifying transcripts in a limited record and sending the limited record. A proposed new advisory committee comment for this subdivision clarifies that if a party not otherwise authorized to access the juvenile case file has not been granted access to records in the juvenile case file, there is no limited record to be prepared, and to obtain access, the party must file a petition in the juvenile court.

Rule 8.410, Augmenting and correcting the record in the reviewing court. The amendment adds language to include a limited record. Augmentation or correction of a limited record by a reviewing court can include only documents or transcripts to which the designated person has been granted access by the juvenile court.

Rule 8.412, Briefs by parties and amici curiae. New paragraph (a)(4) clarifies that a designated person's brief must include citations to the limited record. This requirement mirrors a provision in rule 8.204 that applies to parties using the normal record. New paragraph (a)(5) provides that, in an appeal involving a designated person, if another party's brief references material in the normal record to which the designated person has not previously been granted access, the designated person may seek such access by filing a petition in the juvenile court.

Rule 8.416, Appeals from all terminations of parental rights; dependency appeals in Orange, Imperial, and San Diego Counties and in other counties by local rule. The proposed amendments include provisions for designated persons and limited records.

Writs

Rule 8.450, Notice of intent to file writ petition to review order setting hearing under Welfare and Institutions Code section 366.26. The proposed amendments add provisions for identifying a party who is a designated person and attaching to the notice of intent a copy of the juvenile

court's order granting access to records, preparing the limited record for a designated person, and sending the limited record.

Rule 8.452, Writ petition to review order setting hearing under Welfare and Institutions Code section 366.26. New paragraph (b)(2) requires that if the petitioner is a designated person, the summary of facts in the memorandum is limited to matters in the limited record and must be supported by citations to the limited record.

Rule 8.454, Notice of intent to file writ petition under Welfare and Institutions Code section 366.28 to review order designating specific placement of a dependent child after termination of parental rights. These amendments mirror those proposed for rule 8.450.

Rule 8.456, Writ petition under Welfare and Institutions Code section 366.28 to review order designating or denying specific placement of a dependent child after termination of parental rights. These amendments mirror those proposed for rule 8.452.

New and revised forms

The committees also propose a new form and revisions to existing forms. The form revisions are intended to assist the juvenile court and potential designated persons in addressing access to the juvenile case file before an appeal or writ. The new form is an information sheet for potential designated persons regarding the right to appeal and the requirement to seek access to records in the juvenile case file for purposes of an appeal.

Proposed information sheet

Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records (form JV-291-INFO) would provide information on the right to appeal, for nonparties such as relatives and de facto parents, and the requirement to request access to the juvenile case file through a petition under section 827(a)(1)(Q). The form emphasizes that nonparties to a dependency or delinquency case have a right to appeal only in limited circumstances.

Notice to potential designated persons through JV forms

The committees anticipate that potential designated persons in appellate proceedings often may be unaware of the requirement to petition for access, and thus would not file such a petition for access to records in the juvenile case file until after the appellate proceeding has begun. This situation could cause delays and difficulties for litigants and the courts—problems the legislation was intended to solve. The committees propose adding a short notice explaining the right to appeal for nonparties to the juvenile court proceeding, and including a reference to the new information sheet (form JV-291-INFO) to forms typically used by nonparties in dependency and delinquency cases. The notice would read as follows:

“If you are not the child, the child’s parent, or the child’s legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a*

Nonparty's Right to Seek Review and the Requirement to Request Access to Records (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.”

The committees propose adding the notice to the following forms:

- *Relative Information* (form JV-285)
- *Caregiver Information Form* (form JV-290)
- *De Facto Parent Request* (form JV-295)
- *Request for Prospective Adoptive Parent Designation* (form JV-321)
- *Objection to Removal* (form JV-325)
- *Notice of Appeal—Juvenile* (form JV-800)
- *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26* (form JV-820)
- *Notice of Intent to File Writ Petition and Request for Record to Review Order Designating or Denying Specific Placement of a Dependent Child After Termination of Parental Rights* (form JV-(822))

Revise Request for Disclosure of Juvenile Case File (form JV-570)

Form JV-570 is the mandatory form used to request disclosure of (i.e., petition for access to) the juvenile case file. It requires the petitioner to describe in detail the records that are sought and why the records are needed. The committees propose revising the item on the form that requires the petitioner to indicate the reason for the requested records. Revised item 6 adds the option that access to records is being sought for purposes of an appeal or writ petition and provides space for the petitioner to list the relevant hearing dates.

Alternatives Considered

The committees never considered proposing *no* rule changes because AB 1617 specifically requires the Judicial Council to adopt rules to implement the legislation.

The committees considered making no changes to the JV forms, but rejected this option. Because of the likelihood that individuals who are not authorized to access the juvenile case file but who are involved in appellate proceedings may be unaware of the requirement to petition for access to records in the juvenile case file, the committees chose to develop a new information sheet and include a notice on certain forms.

The committees also considered two alternatives for a limited record: (1) creating a limited record that would be a separate citable document provided to all parties, and (2) redacting copies of the normal record. The committees sought input from juvenile court clerks² who preferred the

² The committees sought feedback from court clerks who will be preparing these records as to which option they would prefer. Fourteen counties responded, with 10 preferring option one and 4 preferring option two. Most of the clerks thought that redacting the record would be too burdensome and preferred to prepare a separate limited record.

first alternative because redacting would be too time-consuming. Rule 8.409(f), therefore, requires the juvenile court clerk to prepare a separate limited record.

Finally, the committees considered alternatives to identifying parties as designated persons at the outset of an appeal or writ proceeding for purposes of timely preparing and sending the limited record, including requiring the appellant or petitioner to identify any designated persons on the notice of appeal or notice of intent, respectively, and requiring the juvenile court clerk to determine whether any party is a designated person. The proposal reflects a combination of these alternatives.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal adequately address the stated purpose?
- What is the most effective way to communicate that people should request access to records in the juvenile case file *before* the commencement of appellate court proceedings?
- What is the best way to alert the clerk that the appeal or writ proceeding involves a limited record, particularly when the limited record is required for a party who is not the appellant or the petitioner?
- Should other rules apply to preparing, sending, and using a limited record?
- Should the rules further address the situation of a designated person responding to a brief or memorandum by a party who is using the normal record and referring to matters in documents to which the designated person has not been granted access?
- Does the proposed notice on the JV forms adequately alert individuals of the requirement to request access to records in the juvenile case file by filing a petition under section 827(a)(1)(Q)? Should the notice be included on forms that may not typically relate to an appeal, such as *Relative Information* (form JV-285) and *Caregiver Information Form* (form JV-290)?
- Does the proposed information sheet, form JV-291-INFO, provide the information necessary for an individual to understand the right to appeal and the process for requesting access to records in the juvenile case file? Should other information be included? Should other scenarios be listed in item 1 to describe when someone not entitled to access the juvenile case file would have a right to appeal?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

Attachments and Links

1. Cal. Rules of Court, rules 8.400–8.456, at pages 9–22
2. Forms JV-285, JV-290, JV-291-INFO, JV-295, JV-321, JV-325, JV-800, JV-820, and JV-822, at pages 23–40

Rules 8.400, 8.401, 8.405, 8.407–8.410, 8.412, 8.416, 8.450, 8.452, 8.454, and 8.456 of the California Rules of Court are amended, effective January 1, 2020, to read:

1 **Rule 8.400. Application and definitions**

2
3 **(a) Application**

4
5 The rules in this chapter govern:

6
7 (1) Appeals from judgments or appealable orders in:

8
9 (A) Cases under Welfare and Institutions Code sections 300, 601, and 602;
10 and

11
12 (B) Actions to free a child from parental custody and control under Family
13 Code section 7800 et seq. and Probate Code section 1516.5;

14
15 (2) Appeals or orders requiring or dispensing with an alleged father’s consent for
16 the adoption of a child under Family Code section 7662 et seq.; and

17
18 (3) Writ petitions under Welfare and Institutions Code section 366.26 and 366.28.

19
20 **(b) Definitions**

21
22 In addition to the definitions and use of terms in rule 8.10, the following definitions
23 and use of terms apply to the rules in this chapter:

24
25 (1) “Designated person” means a party to the appeal or writ proceeding who is
26 not otherwise authorized to access the juvenile case file under Welfare and
27 Institutions Code section 827 and who has been granted access to inspect and
28 copy specified records in a juvenile case file by order of the juvenile court
29 after filing a petition under section 827(a)(1)(Q).

30
31 (2) “Limited record” means the record prepared for a designated person for
32 purposes of the appeal or writ proceeding and containing the records in the
33 juvenile case file to which the designated person has been granted access by
34 order of the juvenile court under Welfare and Institutions Code section
35 827(a)(1)(Q).

36
37 (3) “Juvenile case file” includes the records listed in rule 5.552(a).
38

1 **Rule 8.401. Confidentiality**

2
3 (a) * * *

4
5 (b) **Access to filed documents**

6
7 (1) Except as provided in (2)–~~(3)~~(4), the record on appeal and documents filed by
8 the parties in proceedings under this chapter may be inspected only by the
9 reviewing court and appellate project personnel, the parties, ~~or including~~ their
10 attorneys, and other persons the court may designate.

11
12 (2) A designated person may inspect and copy only the limited record on appeal.

13
14 ~~(2)~~(3) Filed documents that protect anonymity as required by (a) may be inspected
15 by any person or entity that is considering filing an amicus curiae brief.

16
17 ~~(3)~~(4) Access to records that are sealed or confidential under authority other than
18 Welfare and Institutions Code section 827 is governed by rules 8.45–8.47 and
19 the applicable statute, rule, sealing order, or other authority.

20
21 (c) * * *

22
23 **Rule 8.405. Filing the appeal**

24
25 (a) **Notice of appeal**

26
27 (1)–(2) * * *

28
29 (3) If the appellant is aware that a party to the appeal is an individual not
30 authorized to access the juvenile case file without an approved petition under
31 Welfare and Institutions Code section 827(a)(1)(Q), the appellant must
32 indicate so on the notice of appeal and is encouraged to attach a copy of any
33 order granting access to specified records under section 827(a)(1)(Q).

34
35 ~~(3)~~(4) The notice of appeal must be liberally construed, and is sufficient if it
36 identifies the particular judgment or order being appealed. The notice need
37 not specify the court to which the appeal is taken; the appeal will be treated
38 as taken to the Court of Appeal for the district in which the superior court is
39 located.

40
41 (b) **Superior court clerk’s duties**

42
43 (1) When a notice of appeal is filed, the superior court clerk must immediately:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

(A) * * *

(B) Notify the reporter by telephone and in writing to prepare a reporter’s transcript and any limited reporter’s transcript and deliver it or them to the clerk within 20 days after the notice of appeal is filed.

(2) * * *

(3) The notification must also identify any party to the appeal who is not authorized under Welfare and Institutions Code section 827(a)(1)(A)–(P) to access the juvenile case file. If such party is a designated person, a copy of the juvenile court order under section 827(a)(1)(Q) granting access to specified records in the juvenile case file, if available, must be included.

~~(3)~~(4) The notification to the reviewing court clerk must also include a copy of the notice of appeal and any sequential list of reporters made under rule 2.950.

~~(4)~~(5) A copy of the notice of appeal is sufficient notification if the required information is on the copy or is added by the superior court clerk.

~~(5)~~(6) The mailing of a notification is a sufficient performance of the clerk’s duty despite the discharge, disqualification, suspension, disbarment, or death of the attorney.

~~(6)~~(7) Failure to comply with any provision of this subdivision does not affect the validity of the notice of appeal.

Rule 8.407. Record on appeal

(a)–(e) * * *

(f) Limited record for designated persons

(1) A limited record must contain only those records in a juvenile case file to which the designated person has been granted access by the juvenile court under Welfare and Institutions Code section 827(a)(1)(Q). A designated person as defined in rule 8.400(b)(1) is authorized to receive only the limited record.

(2) To apply for additions to the limited record, a designated person must petition the juvenile court by filing *Request for Disclosure of Juvenile Case File* (form JV-570).

1
2 **Rule 8.408. Record in multiple appeals in the same case**

3
4 If more than one appeal is taken from the same judgment or related order, only one
5 appellate record need be prepared, which must be filed within the time allowed for filing
6 the record in the latest appeal. If an appeal involves a designated person, a limited record
7 must also be prepared, as provided in rule 8.409(f).
8

9 **Rule 8.409. Preparing and sending the record**

10
11 **(a)** * * *

12
13 **(b) Form of record**

14
15 (1) The clerk’s and reporter’s transcripts must comply with rules 8.45–8.47,
16 relating to sealed and confidential records, and with rule 8.144. An electronic
17 clerk’s transcript must also comply with rule 8.74.

18
19 (2) The clerk’s and reporter’s transcripts for a limited record must be produced
20 and paginated separately from the transcripts for the normal record, and must
21 be designated as limited clerk’s transcript and limited reporter’s transcript.
22

23 **(c) Preparing and certifying the transcripts**

24
25 Except as provided in (f), within 20 days after the notice of appeal is filed:

26
27 (1)–(2) * * *

28
29 **(d)** * * *

30
31 **(e) Sending the record**

32
33 (1) Except as provided in (f), when the transcripts are certified as correct, the
34 court clerk must immediately send:

35
36 (A)–(B) * * *

37
38 (2)–(3) * * *

39
40 **(f) Limited record**

41
42 (1) Application
43

1 If the appellant or the respondent is a designated person as defined in
2 8.400(b)(1), the clerk and the reporter must prepare, and the clerk must send,
3 a separate limited record, as defined in 8.400(b)(2), that includes only those
4 records and transcripts in the juvenile case file to which the designated
5 person has been granted access by the juvenile court under Welfare and
6 Institutions Code section 827(a)(1)(Q). A designated person may receive a
7 copy of the limited record only, and may not receive a copy of any records to
8 which the designated person has not been granted access by the juvenile
9 court.

10
11 (2) Preparing and certifying the transcripts in a limited record

12
13 Within 20 days after the notice of appeal is filed:

14
15 (A) The clerk must prepare, in compliance with rules 8.74 and 8.144, and
16 certify as correct an original of the clerk's transcript for a limited
17 record and one copy each for the appellant, the respondent, the child's
18 Indian tribe if the tribe has intervened, and the child if the child is
19 represented by counsel on appeal or if a recommendation has been
20 made to the Court of Appeal for appointment of counsel for the child
21 under rule 8.403(b)(2) and that recommendation is either pending with
22 or has been approved by the Court of Appeal but counsel has not yet
23 been appointed; and

24
25 (B) The reporter must prepare, certify as correct, and deliver to the clerk an
26 original of the reporter's transcript for a limited record and the same
27 number of copies as (A) requires of the clerk's transcript.

28
29 (3) Sending the limited record

30
31 (A) When the transcripts for a limited record are certified as correct, the
32 court clerk must immediately send:

33
34 (i) The original transcripts for a limited record to the reviewing
35 court, noting the sending date on each original; and

36
37 (ii) One copy of each transcript for a limited record to the appellate
38 counsel for the following, if they have appellate counsel:

39
40 a. The appellant;

41
42 b. The respondent;

43

1 c. The child’s Indian tribe, if the tribe has intervened; and

2
3 d. The child.

4
5 (B) If appellate counsel has not yet been retained or appointed for the
6 appellant or the respondent, or if a recommendation has been made to
7 the Court of Appeal for appointment of counsel for the child under rule
8 8.403(b)(2) and that recommendation is either pending with or has been
9 approved by the Court of Appeal but counsel has not yet been
10 appointed, when the transcripts for a limited record are certified as
11 correct, the clerk must send that counsel’s copy of the transcripts for a
12 limited record to the district appellate project. If a tribe that has
13 intervened is not represented by counsel when the transcripts are
14 certified as correct, the clerk must send that counsel’s copy of the
15 transcripts for a limited record to the tribe.

16
17 (C) The clerk must not send a copy of the transcripts for a limited record to
18 the Attorney General or the district attorney unless that office
19 represents a party.

20
21 **Advisory Committee Comment**

22
23 **Subdivision (a).** * * *

24
25 **Subdivision (b).** * * *

26
27 **Subdivision (e).** * * *

28
29 **Subdivision (f).** If a party is not otherwise authorized to access records in the juvenile case file
30 under Welfare and Institutions Code section 827, and has not been granted access to any records
31 in the juvenile case file by the juvenile court under section 827(a)(1)(Q) at the time the record on
32 appeal is being prepared, there is no limited record to be prepared. To obtain access to records,
33 and thus meet the definition of a designated person, the party must petition the juvenile court by
34 filing *Request for Disclosure of Juvenile Case File* (form JV-570).

35
36 **Rule 8.410. Augmenting and correcting the record in the reviewing court**

37
38 **(a) Omissions**

39
40 If, after the record is certified, the superior court clerk or the reporter learns that the
41 record or the limited record omits a document or transcript that any rule or order
42 requires to be included, without the need for a motion or court order, the clerk must
43 promptly copy and certify the document or the reporter must promptly prepare and

1 certify the transcript and the clerk must promptly send the document or transcript—
2 as an augmentation of the record—to all those who are listed under 8.409(e), except
3 as provided in rule 8.409(f).
4

5 **(b) Augmentation or correction by the reviewing court**
6

7 (1) Except as provided in (3), on motion of a party or on its own motion, the
8 reviewing court may order the record augmented or corrected as provided in
9 rule 8.155(a) and (c).
10

11 (2) If, after the record is certified, the trial court amends or recalls the judgment
12 or makes any other order in the case, the trial court clerk must notify each
13 entity and person to whom the record is sent under rule 8.409(e) and (f).
14

15 (3) The reviewing court may order a limited record augmented or corrected only
16 to include records to which the designated person has been granted access by
17 the juvenile court under Welfare and Institutions Code section 827(a)(1)(Q).
18

19 **Rule 8.412. Briefs by parties and amici curiae**
20

21 **(a) Contents, form, and length**
22

23 (1) * * *
24

25 (2) Except as provided in (3) and (4), rules 8.74 and 8.204 governs the form and
26 contents of briefs. Rule 8.216 also applies in appeals in which a party is both
27 appellant and respondent.
28

29 (3) * * *
30

31 (4) Any reference to a matter in the limited record must be supported by a
32 citation to the limited record, including a limited clerk’s transcript,
33 abbreviated as “LCT,” and a limited reporter’s transcript, abbreviated as
34 “LRT,” where the matter appears.
35

36 (5) If an appeal involves a designated person, and the brief of a party who is not
37 a designated person refers to juvenile case records that are not in the limited
38 record, the designated person may petition the juvenile court for access to
39 those records and may request an extension of time from the reviewing court
40 under subdivision (c).
41

42 **(b)–(e) * * ***
43

1 **Rule 8.416. Appeals from all terminations of parental rights; dependency appeals in**
2 **Orange, Imperial, and San Diego Counties and in other counties by local rule**

3
4 **(a) * * ***

5
6 **(b) Form of record**

7
8 (1) The clerk's and reporter's transcripts and any transcripts for a limited record
9 must comply with rules 8.45–8.47, relating to sealed and confidential records,
10 and, except as provided in (2) and (3), with rule 8.144. An electronic clerk's
11 transcript and any electronic limited clerk's transcript must also comply with
12 rule 8.74.

13
14 (2)–(3) * * *

15
16 **(c) Preparing, certifying, and sending the record**

17
18 (1) Within 20 days after the notice of appeal is filed:

19
20 (A) Except as provided in (C), the clerk must prepare and certify as correct
21 an original of the clerk's transcript and one copy each for the appellant,
22 the respondent, the district appellate project, the child's Indian tribe if
23 the tribe has intervened, and the child if the child is represented by
24 counsel on appeal or if a recommendation has been made to the Court
25 of Appeal for appointment of counsel for the child under rule
26 8.403(b)(2) and that recommendation is either pending with or has been
27 approved by the Court of Appeal but counsel has not yet been
28 appointed; and

29
30 (B) Except as provided in (C), the reporter must prepare, certify as correct,
31 and deliver to the clerk an original of the reporter's transcript and the
32 same number of copies as (A) requires of the clerk's transcript.

33
34 (C) If the appellant or the respondent is a designated person as defined in
35 rule 8.400(b)(1), the clerk and the reporter must prepare and certify as
36 correct separate transcripts for a limited record, as provided in rule
37 8.409(f), that includes only those records and transcripts in the juvenile
38 case file to which the designated person has been granted access by the
39 juvenile court. Originals and copies of a limited clerk's transcript and a
40 limited reporter's transcript must be prepared and delivered as provided
41 in (A) and (B).
42

1 (2) When the clerk's and reporter's transcripts are certified as correct, the clerk
2 must immediately send:

3
4 (A) The original transcripts, including any transcripts for a limited record,
5 to the reviewing court by the most expeditious method, noting the
6 sending date on each original; and

7
8 (B) Except as provided in (C), one copy of each transcript to the district
9 appellate project and to the appellate counsel for the following, if they
10 have appellate counsel, by any method as fast as United States Postal
11 Service express mail:

12
13 (i)–(iv) * * *

14
15 (C) One copy of the transcripts for a limited record, if any, to the
16 designated person and the parties identified in (B). A designated person
17 may receive a copy of the limited record only, and may not receive a
18 copy of any records to which the designated person has not been
19 granted access by the juvenile court.

20
21 (3) * * *

22
23 (d)–(h) * * *

24
25 **Rule 8.450. Notice of intent to file writ petition to review order setting hearing**
26 **under Welfare and Institutions Code section 366.26**

27
28 (a)–(d) * * *

29
30 (e) **Notice of intent**

31
32 (1) A party seeking writ review under rules 8.450–8.452 must file in the superior
33 court a notice of intent to file a writ petition and a request for the record. If the
34 party seeking writ review is aware that a party to the writ proceeding is an
35 individual not authorized to access the juvenile case file without an approved
36 petition under Welfare and Institutions Code section 827(a)(1)(Q), the party
37 seeking writ review must indicate so on the notice of intent to file a writ
38 petition.

39
40 (2)–(4) * * *

41
42 (f)–(g) * * *

1 **(h) Preparing the record**

2
3 When the notice of intent is filed, the superior court clerk must:

4
5 (1) Immediately notify each court reporter by telephone and in writing to prepare
6 a reporter's transcript of the oral proceedings at each session of the hearing
7 that resulted in the order under review and to deliver the transcript to the
8 clerk within 12 calendar days after the notice of intent is filed; ~~and~~

9
10 (2) If any party is a designated person, immediately notify each court reporter by
11 telephone and in writing to prepare a separate reporter's transcript for a
12 limited record of the oral proceedings at each session of the hearing that
13 resulted in the order under review, and to which the designated person has
14 been granted access by the juvenile court under Welfare and Institutions
15 Code section 827(a)(1)(Q), and deliver the transcript to the clerk within 12
16 calendar days after the notice of intent is filed;

17
18 (2)(3) Within 20 days after the notice of intent is filed, prepare a clerk's transcript
19 that includes the notice of intent, proof of service, and all items listed in rule
20 8.407(a); and

21
22 (4) If any party is a designated person, within 20 days after the notice of intent is
23 filed, prepare a separate clerk's transcript for a limited record that includes
24 only those records in the juvenile case file to which the designated person has
25 been granted access by the juvenile court under Welfare and Institutions
26 Code section 827(a)(1)(Q).

27
28 **(i) Sending the record**

29
30 When the transcripts are certified as correct, the superior court clerk must
31 immediately send:

32
33 (1) The original transcripts, including any transcripts for a limited record, to the
34 reviewing court by the most expeditious method, noting the sending date on
35 each original; ~~and~~

36
37 (2) Except as provided in (3), one copy of each transcript, including any
38 transcripts for a limited record, to each counsel of record and any
39 unrepresented party by any means as fast as United States Postal Service
40 express mail; and

41
42 (3) One copy of the transcripts for a limited record to any party who is a
43 designated person. A designated person may receive a copy of the limited

1 record only, and may not receive a copy of any records to which the
2 designated person has not been granted access by the juvenile court under
3 Welfare and Institutions Code section 827(a)(1)(Q).
4

5 (j) * * *

6
7 **Rule 8.452. Writ petition to review order setting hearing under Welfare and**
8 **Institutions Code section 366.26**

9
10 (a) * * *

11
12 (b) **Contents of the memorandum**

13
14 (1) Except as provided in (2), the memorandum must:

15
16 ~~(1)(A) The memorandum must~~ Provide a summary of the significant facts,
17 limited to matters in the record;

18
19 ~~(2)(B) The memorandum must~~ State each point under a separate heading or
20 subheading summarizing the point and support each point by argument
21 and citation of authority; and

22
23 ~~(3)(C) The memorandum must~~ Support any reference to a matter in the
24 record by a citation to the record. The memorandum should explain the
25 significance of any cited portion of the record and note any disputed
26 aspects of the record.

27
28 (2) If the petitioner is a designated person, the summary of significant facts in the
29 memorandum is limited to matters in the limited record. The memorandum
30 must support any reference to a matter in the limited record by a citation to
31 the limited record, including a limited clerk’s transcript, abbreviated as
32 “LCT,” and a limited reporter’s transcript, abbreviated as “LRT.”

33
34 (c)–(i) * * *

35
36 **Rule 8.454. Notice of intent to file writ petition under Welfare and Institutions Code**
37 **section 366.28 to review order designating specific placement of a dependent**
38 **child after termination of parental rights**

39
40 (a)–(d) * * *

41
42 (e) **Notice of intent**

43

1 (1) A party seeking writ review under rules 8.454–8.456 must file in the superior
2 court a notice of intent to file a writ petition and a request for the record. If
3 the party seeking writ review is aware that a party to the writ proceeding is an
4 individual not authorized to access the juvenile case file without an approved
5 petition under Welfare and Institutions Code section 827(a)(1)(Q), the party
6 seeking writ review must indicate so on the notice of intent to file a writ
7 petition.

8
9 (2)–(5) * * *

10
11 (f)–(g) * * *

12
13 **(h) Preparing the record**

14
15 When the notice of intent is filed, the superior court clerk must:

16
17 (1) Immediately notify each court reporter by telephone and in writing to prepare
18 a reporter’s transcript of the oral proceedings at each session of the hearing
19 that resulted in the order under review and to deliver the transcript to the
20 clerk within 12 calendar days after the notice of intent is filed; ~~and~~

21
22 (2) If any party is a designated person, immediately notify each court reporter by
23 telephone and in writing to prepare a separate reporter’s transcript for a
24 limited record of the oral proceedings at each session of the hearing that
25 resulted in the order under review, and to which the designated person has
26 been granted access by the juvenile court under Welfare and Institutions
27 Code section 827(a)(1)(Q), and to deliver the transcript to the clerk within 12
28 calendar days after the notice of intent is filed;

29
30 ~~(2)~~(3) Within 20 days after the notice of intent is filed, prepare a clerk’s transcript
31 that includes the notice of intent, proof of service, and all items listed in rule
32 8.407(a); and

33
34 (4) If any party is a designated person, within 20 days after the notice of intent is
35 filed, prepare a separate clerk’s transcript for a limited record that includes
36 only those records in the juvenile case file to which the designated person has
37 been granted access by the juvenile court under Welfare and Institutions
38 Code section 827(a)(1)(Q).

39
40 **(i) Sending the record**

41
42 When the transcripts are certified as correct, the superior court clerk must
43 immediately send:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

- (1) The original transcripts, including any transcripts for a limited record, to the reviewing court by the most expeditious method, noting the sending date on each original; ~~and~~
- (2) Except as provided in (3), one copy of each transcript, including any transcripts for a limited record, to each counsel of record and any unrepresented party and unrepresented custodian of the dependent child by any means as fast as United States Postal Service express mail-; and
- (3) One copy of the transcripts for a limited record to any party who is a designated person. A designated person may receive a copy of the limited record only, and may not receive a copy of any records to which the designated person has not been granted access by the juvenile court under Welfare and Institutions Code section 827(a)(1)(Q).

(j) * * *

Rule 8.456. Writ petition under Welfare and Institutions Code section 366.28 to review order designating or denying specific placement of a dependent child after termination of parental rights

(a) * * *

(b) Contents of memorandum

- (1) Except as provided in (2), the memorandum must:
 - ~~(1)(A) The memorandum must~~ Provide a summary of the significant facts, limited to matters in the record;
 - ~~(2)(B) The memorandum must~~ State each point under a separate heading or subheading summarizing the point and support each point by argument and citation of authority; and
 - ~~(3)(C) The memorandum must~~ Support any reference to a matter in the record by a citation to the record. The memorandum should explain the significance of any cited portion of the record and note any disputed aspects of the record.
- (2) If the petitioner is a designated person, the summary of significant facts in the memorandum is limited to matters in the limited record. The memorandum must support any reference to a matter in the limited record by a citation to

1 the limited record, including a limited clerk’s transcript, abbreviated as
2 “LCT,” and a limited reporter’s transcript, abbreviated as “LRT.”

3

4 **(c)–(i)** * * *

Clerk stamps date here when form is filed.

As the relative of a child who has been removed from the home, you may give written information to the court about the child at any time on this form or in a letter. After filling out this form, give it to the clerk of the court.

Please note that other people involved in the case, including the parents, will see your answers on this form. If you prefer to keep your contact information private, fill out *Confidential Information* (form JV-287) and do not write your address or telephone number below.

DRAFT
Not approved by
the Judicial Council

Social worker fills in court name and street address.

Superior Court of California, County of

Social worker fills in child's name and date of birth.

Child's Name:

Date of Birth:

Social worker fills in case number.

Case Number:

① Your name: _____

Your Address: _____

Your telephone number: _____

Check here if contact information is confidential and form JV-287 is attached.

② Your relation to the child: maternal paternal

grandparent brother/sister aunt/uncle cousin

family friend

tribal extended family member

other (*specify*): _____

③ Child's name: _____

④ I would like to talk to the judge at the next court hearing.

Please fill in as much of the following information as you know. If you need more space to respond to any section on this form, attach additional pages as needed and check the box at item 12.

⑤ Information about the child's medical, dental, and general physical health:

⑥ Information about the child's emotional and behavioral health:

⑦ Information about the child's education:

⑧ Other information that might be helpful to the court:



Child's name: _____

Case Number: _____

Below are some things you might do to help the child. You can pick some or none of the things listed below. It is up to the social worker and the court whether you will be asked to do these things.

- 9 I want to
- | | |
|---|---|
| <input type="checkbox"/> telephone the child. | <input type="checkbox"/> take the child to visits with parents. |
| <input type="checkbox"/> write letters to the child. | <input type="checkbox"/> take the child to medical appointments. |
| <input type="checkbox"/> take the child on outings. | <input type="checkbox"/> supervise the child during visits with brothers and sisters. |
| <input type="checkbox"/> take the child to/from school. | <input type="checkbox"/> watch the child after school. |
| <input type="checkbox"/> take the child to visits with brothers or sisters. | <input type="checkbox"/> have the child live with me. |
| <input type="checkbox"/> take the child to therapy. | <input type="checkbox"/> other (describe): _____ |
| <input type="checkbox"/> take the child to family gatherings. | _____ |
| <input type="checkbox"/> help the social worker make a case plan for the child. | _____ |

You can also help the parents. For example, you might help with transportation, housing, visits, or child care. It is up to the social worker and the court whether you will be asked to do these things.

- 10 I want to help the father mother
 (Describe): _____

- 11 Other relatives who might be able to help the child:
- a. Name: _____ Relationship to child: _____
 Contact information: _____
 or I want to keep the contact information confidential and ask that the child's social worker get this information from me.
- b. Name: _____ Relationship to child: _____
 Contact information: _____
 or I want to keep the contact information confidential and ask that the child's social worker get this information from me.
- c. Name: _____ Relationship to child: _____
 Contact information: _____
 or I want to keep the contact information confidential and ask that the child's social worker get this information from me.

- 12 If you need more space to respond to any section on this form, please check this box and attach additional pages.
 Number of pages attached: _____

NOTICE

If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

Date: _____

 Type or print your name

▶

 Sign your name

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

- 6. Child's Special Education Status**
- a. The child is a special education student. Date of last Individualized Education Plan (IEP):
 - b. The child is not a special education student.
 - c. I do not know the child's special education status.

- 7. Current Status of Child's Adjustment to Living Arrangement**
- a. There is no new or additional information since the last court hearing.
 - b. There is new or additional information since the last court hearing, as follows:

- 8. Current Status of Child's Social Skills and Peer Relationships**
- a. There is no new or additional information since the last court hearing.
 - b. There is new or additional information since the last court hearing, as follows:

- 9. Current Status of Child's Special Interests and Activities**
- a. There is no new or additional information since the last court hearing.
 - b. There is new or additional information since the last court hearing, as follows:

- 10. Other Helpful Information**
- a. There is no new or additional information since the last court hearing.
 - b. There is new or additional information since the last court hearing, as follows:

- 11. Recommendation for Disposition (Outcome)**
- a. I have no recommendation for disposition (*outcome*).
 - b. I am recommending the following disposition (*outcome*).

12. If you need more space to respond to any section on this form, please check this box and attach additional pages.
 Number of pages attached:

NOTICE

If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF CAREGIVER OR FACILITY/AGENCY STAFF PERSON WHO HAS COMPLETED THIS FORM)

Under very limited circumstances, a person who is not the child, parent, or guardian in a dependency or delinquency case has the right to seek review of decisions made by the juvenile court by filing an appeal or writ petition in the Court of Appeal. These individuals, however, are not entitled to access records in the juvenile court case file for purposes of an appeal or writ proceeding unless they get approval from the juvenile court. The purpose of this information sheet is to inform those individuals who are not the child, parent, or guardian, and who may have the right to seek review, of the requirement to request access to records in the juvenile court case file by filing a *Request for Disclosure of Juvenile Case File* (form JV-570).

① **When would I have the right to seek review?**

To have a right to seek review, you must be harmed by an order or judgment of the juvenile court. In the vast majority of cases, only the child, parent, or guardian will have the right to file an appeal or a writ petition challenging a juvenile court ruling. However, the law also protects those individuals who have a compelling relationship to the child in certain situations.

You might have a right to appeal or file a writ petition if you are:

- The child's relative, who requested placement of the child but the placing agency did not assess the home for placement before a hearing to terminate parental rights.
- Someone who cared for the child and requested de facto parent status, which was denied.
- Someone who requested a change of court order through a section 388 petition (JV-180), which was denied.
- The child's sibling, who requested visitation or an exception to adoption based on preserving the sibling relationship, which was denied.
- A prospective adoptive parent challenging the juvenile court's decision to remove the child from the home.

② **If I want to file an appeal or writ petition, what additional steps must I take?**

To have access to records in the juvenile case file for an appeal or writ proceeding, you must request access from the juvenile court. To make this request, you must file *Request for Disclosure of Juvenile Case File* (form JV-570). You will need to serve a copy of this form on all interested parties to the case if you know their names and addresses, including the child, parents, and social worker.

On the request form, you will need to identify which specific records you are requesting. Be sure to indicate the dates of the hearings that relate to the decision you are challenging. As the basis for the request, you may indicate the appeal or writ proceeding in the Court of Appeal. You will also need to explain why you are requesting the records. Your explanation should show how the records, including any transcripts, relate to the decision you are challenging (for example, a report or court order following a hearing on your issue).

When you file a notice of appeal or a notice of intent to file a writ petition, you will need to attach the juvenile court's order indicating the records to which the court has granted you access. Doing so will alert the clerk that you are authorized to access records in the case file and will ensure that a record will be prepared for you. The court's order is made on *Order After Judicial Review* (form JV-574).

It is recommended that you consult with an attorney when considering whether you should file an appeal or a writ petition and request access to the juvenile court record.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

The address of any licensed foster family home must remain confidential unless the judge or the foster parent authorizes release of the address. Court clerks should not send this page to the parties without a court order or authorization of the foster parent. (Welf. & Inst. Code, § 308(a).)

① My/Our name(s): _____

Fill in court name and street address:

Superior Court of California, County of

My/Our address: _____

City: _____ State: _____ Zip: _____

My/Our phone #: _____

② I am/We are asking that I/we be appointed de facto parent(s) of
(Child's name): _____

Court fills in case number when form is filed.

Case Number:

Date: _____
Type or print your name

Signature of person requesting de facto parent status

Date: _____
Type or print your name

Signature of person requesting de facto parent status

Date: _____
Type or print attorney's name

Signature of attorney (if applicable)

Attorney's address: _____

City: _____ State: _____ Zip: _____

Attorney's phone #: _____

NOTICE

If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

After filling out this form, bring it to the clerk of the court. If you want to keep an address or telephone number confidential, do not write the information on this form. Instead, fill out Confidential Information—Prospective Adoptive Parent (form JV-322).

DRAFT
Not approved by
the Judicial Council

① Information about the person or persons you want to be designated as prospective adoptive parents:

- a. Name: _____
 b. Name: _____
 c. Street address: _____
 d. City: _____ State: _____ Zip: _____
 e. Telephone number: _____

Fill in court name and street address:

Superior Court of California, County of

② If you are not a person in ①, fill out below.

- a. Name: _____
 b. I am the child child's attorney other
 (specify role): _____
 c. Street address: _____
 d. City: _____ State: _____ Zip: _____
 e. Telephone number: _____

Fill in child's name and date of birth:

Child's Name:

Date of Birth:

Fill in case number:

Case Number:

③ If you are not the child's attorney and you know who the child's attorney is, fill out below.

- a. Name of child's attorney: _____
 b. Street address of child's attorney: _____
 c. City: _____ State: _____ Zip: _____
 d. Telephone number of child's attorney: _____

④ The child is 10 years of age or older. Child's telephonenumber: _____
 or Telephone number is confidential.

⑤ The child has lived with the person from (date): _____ to the present.
 In order for the person in ① to become a prospective adoptive parent, the child must be living with that person now.

⑥ Date of Welfare and Institutions Code section 366.26 hearing: _____
 The person in ① should not file this form with the court until a Welfare and Institutions Code section 366.26 hearing has been scheduled.

⑦ The person in ① is committed to adopting the child.



Child's name: _____

Case Number: _____

- 8 The person in 1 has (check all that apply):
- a. Applied for an adoptive home study.
 - b. In a case in which tribal customary adoption is the permanent plan, been identified by the Indian child's tribe as the prospective adoptive parent.
 - c. Cooperated with an adoptive home study.
 - d. Signed an adoptive placement agreement.
 - e. Requested de facto parent status.
 - f. Been designated by the juvenile court or the licensed adoption agency as the adoptive parent.
 - g. Discussed a postadoption contact agreement with the social worker, child's attorney, child's Court Appointed Special Advocate (CASA) volunteer, adoption agency, or court.
 - h. Worked to overcome any impediments that have been identified by the California Department of Social Services or the licensed adoption agency.
 - i. Attended any of the classes required of prospective adoptive parent.
 - j. Taken other steps toward adopting the child (explain): _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

If you need more space, attach a sheet of paper and write "JV-321, Item 8—Steps Toward Adoption" at the top. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information in items 1 through 8 is true and correct, which means if I lie on this form, I am committing a crime.

Date: _____

Type or print your name

▶ _____
Sign your name

Type or print your name

▶ _____
Sign your name

NOTICE

If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

Clerk stamps date here when form is filed.

If you do not agree with the removal, you can request a court hearing by filling out this form. The following people can object to removal: a current caregiver, the child’s attorney, the child (if 10 years of age or older), the child’s identified Indian tribe or custodian, and the child’s CASA program. Bring this form to the clerk of the court. If you want to keep an address or a phone number confidential, fill out Confidential Information—Prospective Adoptive Parent (form JV-322), and do not write the address or phone number on this form.

If you are a caregiver or the child and you requested the hearing, the clerk will provide notice of the hearing to you and any other participants.

If you are the child’s attorney and you requested the hearing, you must provide notice of the hearing to all other participants.

DRAFT
Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name and date of birth:

Child's Name:
Date of Birth:

Fill in case number:

Case Number:

1 Information about the caregiver or caregivers:

- a. Name: _____
- b. Name: _____
- c. Address: _____
- d. Phone number: _____

2 If you (the person objecting to the removal) are not the caregiver, fill out below.

- a. Name: _____
- b. I am the child child’s attorney child’s identified Indian tribe
 child’s identified Indian custodian child’s CASA program

- c. Address: _____
- d. Phone number: _____

3 If you are not the child’s attorney and you know who the child’s attorney is, fill out below.

- a. Name of child’s attorney: _____
- b. Address of child’s attorney: _____
- c. Phone number of child’s attorney: _____

4 The child is 10 years of age or older. Child’s telephonenumber: _____
 Confidential phone number in court file

5 The child has an identified Indian tribe (specify tribe): _____
Phone number of tribe: _____

6 The child has a Court Appointed Special Advocate (CASA) volunteer.
Phone number of CASA program, if known: _____

7 The caregiver or caregivers have been designated by the judge as the child’s prospective adoptive parent or parents.



Child's name: _____

Case Number: _____

8 The caregiver or caregivers may meet the definition of prospective adoptive parent or parents. *Request for Prospective Adoptive Parent Designation* (form JV-321), will be filed with this objection and request for hearing.

9 The social worker should not remove the child from the caregiver's home because (*give reasons*):

If you need more space, attach a sheet of paper and write "JV-325, Item 9—Reasons to Not Remove Child" at the top. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the information on this form is true and correct, which means that if I lie on this form, I am committing a crime.

Date:

Type or print your name

Sign your name

NOTICE

If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

What if I am deaf or hard of hearing?



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the proceeding. Contact the clerk's office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

Clerk stamps date here when form is filed.

If you are requesting a court order to obtain the juvenile case file of a child who is alive, fill out all items on this form, and file it with the court. You must also fill out and file Proof of Service—Request for Disclosure (form JV-569).

If you are a member of the public requesting the juvenile case file of a child who is deceased, you can:

a. *Fill out items 1–4 and 7 on this form and file it with the court. You must then provide a copy of this form to the Custodian of Records of the county child welfare agency, who will then provide notice of this request.*

Or

b. *Do not complete the form and request the juvenile case file from the child welfare agency under Welfare and Institutions Code section 10850.4.*

**DRAFT
Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number, if known:

Case Number:

① Your name: _____
 Relationship to child (if any): _____
 Street address: _____
 City: _____ State: _____ Zip: _____
 Telephone number: _____
 Lawyer (if any) (name, address, telephone numbers, and State Bar number): _____

② Name of child (if known): _____

③ Child's date of birth (if known): _____

④ a. A petition regarding the child in ② has been filed under
 Welfare and Institutions Code section 300
 Welfare and Institutions Code section 601
 Welfare and Institutions Code section 602 or

b. I believe the child in ② died as a result of abuse or neglect. Approximate date of death: _____

Note: You must provide a copy of this form to all interested parties if you know their names and addresses.



Your name: _____

Case Number: _____

5 The records I want are: *(Describe in detail. Attach more pages if you need more space. For a nonparty seeking review in an appellate court, specify the request is for transcripts and evidence considered by the juvenile court at hearings related to the appeal or writ proceeding.)*

Continued on Attachment 5.

6 The reasons for this request are:

a. Civil court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____

b. Criminal court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____

c. Juvenile court case pending in *(name of county)*: _____
Case number: _____ Hearing date: _____

d. Appellate court case by a nonparty.
Case number *(if applicable)*: _____
Hearing dates related to the juvenile court order being challenged or to be challenged on appeal or by writ: _____

e. Other *(specify)*: _____
Case number: _____ Hearing date: _____

7 I need the records because: *(Describe in detail. Attach more pages if you need more space.)*

Continued on Attachment 7.

8 I declare under penalty of perjury under the laws of the State of California that the information in this form is true and correct. This means that if I lie on this form, I am guilty of a crime.

Date:

Type or print your name

 _____
Sign your name

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
NOTICE OF APPEAL—JUVENILE	CASE NUMBER:

— NOTICE —

- You or your attorney **must** fill in items 1 and 2 and sign this form at the bottom of the page. If possible, to help process your appeal, fill in items 6–8 on the reverse of this form.
- Rule 8.406 says that to appeal from an order or judgment, you must file a written notice of appeal within **60** days after rendition of the judgment or the making of the order being appealed or, in matters heard by a referee, within **60** days after the order of the referee becomes final.
- You are advised that if you wish to file an appeal of the order for transfer to a tribal court, you (1) may ask the juvenile court to stay (delay the effective date of) the transfer order and (2) must file the appeal before the transfer to tribal jurisdiction is finalized. Read rule 5.483 and the advisory committee comment.
- If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

1. I appeal from the findings and orders of the court (specify date of order or describe order):

2. This appeal is filed by

- a. Appellant (name):
- b. Address: c. Phone number:
- d. Name, address, and phone number of person to be contacted (if different from appellant):

- e. (1) Appellant is not the department, child, parent, or legal guardian.
- (2) Appellant has been granted access to specified records in the juvenile case file, and the court's order under Welfare and Institutions Code section 827(a)(1)(Q) on form JV-574 *Order after Judicial Review*, if available, is attached.

3. I request that the court appoint an attorney on appeal. I was was not represented by an appointed attorney in the superior court.

4. The appeal involves a respondent who is not the department, child, parent, or legal guardian. This individual may require the preparation of a limited record as defined in rule 8.400(b)(2).

Date: _____

SIGNATURE OF
 APPELLANT
 ATTORNEY

5. Items 6 through 8 on the reverse are completed not completed.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

6. Appellant is the

- a. child.
- b. mother.
- c. father.
- d. guardian.
- e. de facto parent.
- f. county welfare department.
- g. district attorney.
- h. child's tribe.
- i. other (state relationship to child or interest in the case):

7. This notice of appeal pertains to the following child or children (specify number of children included):

- a. Name of child: _____
Child's date of birth: _____
- b. Name of child: _____
Child's date of birth: _____
- c. Name of child: _____
Child's date of birth: _____
- d. Name of child: _____
Child's date of birth: _____
 Continued in Attachment 5.

8. The order appealed from was made under Welfare and Institutions Code (check all that apply)

- a. **Section 305.5** (transfer to tribal court)
 Granting transfer to tribal court
- b. **Section 360** (declaration of dependency) Removal of custody from parent or guardian Other orders
 with review of section 300 jurisdictional findings
Dates of hearing (specify): _____
- c. **Section 366.26** (selection and implementation of permanent plan in which a petition for extraordinary writ review that substantively addressed the specific issues to be challenged was timely filed and summarily denied or otherwise not decided on the merits)
 Termination of parental rights Appointment of guardian Planned permanent living arrangement
Dates of hearing (specify): _____
- d. **Section 366.28** (order designating a specific placement after termination of parental rights in which a petition for extraordinary writ review that substantively addressed the specific issues to be challenged was timely filed and summarily denied or otherwise not decided on the merits)
Dates of hearing (specify): _____
- e. Other appealable orders relating to dependency (specify): _____
Dates of hearing (specify): _____
- f. **Section 725** (declaration of wardship and other orders)
 with review of section 601 jurisdictional findings
 with review of section 602 jurisdictional findings
Dates of hearing (specify): _____
- g. Other appealable orders relating to wardship (specify): _____
Dates of hearing (specify): _____
- h. Other (specify): _____

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: ATTORNEY FOR (name): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD TO REVIEW ORDER SETTING A HEARING UNDER WELFARE AND INSTITUTIONS CODE SECTION 366.26 (California Rules of Court, Rule 8.450)	CASE NUMBER:

NOTICE

The juvenile court has decided it will make a permanent plan for this child that may result in the termination of your parental rights and adoption of the child. If you want an appeals court to review the juvenile court's decision, you must first tell the juvenile court by filing a Notice of Intent. You may use this form as your Notice of Intent. In most cases, you have only 7 days from the court's decision to file a Notice of Intent. Please see page 2 for your specific deadline for filing this form.

If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

1. Petitioner's name: _____
2. Petitioner's address: _____
3. Petitioner's phone number: _____
4. Petitioner is
 - a. parent (name): _____
 - b. guardian.
 - c. County welfare agency.
 - d. child.
 - e. other (state relationship to child or interest in the case): _____
5. Child's name: _____ Child's date of birth: _____
6. a. On (date): _____ the juvenile court made an order setting a hearing under Welfare and Institutions Code section 366.26. Petitioner intends to file a writ petition to challenge the findings and orders made by the court on that date and requests that the clerk assemble the record.
 b. List all known dates of the hearing that resulted in the order: _____
7. The hearing under Welfare and Institutions Code section 366.26 is set for (date, if known): _____
8. a. Petitioner is not the department, child, parent, or legal guardian.
 b. Petitioner has been granted access to specified records in the juvenile case file, and the court's order under Welfare and Institutions Code section 827(a)(1)(Q) on form *Order after Judicial Review* (form JV-574), if available, is attached.
9. The writ involves a respondent who is not the department, child, parent, or legal guardian. This individual may require the preparation of a limited record as defined in rule 8.400(b)(2).

Date: _____

SIGNATURE OF
 PETITIONER
 ATTORNEY

The *Notice of Intent to File Writ Petition* must be signed by the person who intends to file the writ petition or by the attorney of record.

PLEASE READ THE BACK OF THIS FORM FOR IMPORTANT INFORMATION AND DEADLINES

APPELLATE CASE TITLE:	APPELLATE CASE NUMBER:
-----------------------	------------------------

WHAT WILL HAPPEN AT THE HEARING TO MAKE A PERMANENT PLAN?

- The court may order the termination of parental rights and adoption of the child.
- The court may order a legal guardianship for the child.
- The court may order a permanent plan of placement of the child with a fit and willing relative.
- The court may order a permanent plan of placement of the child in a foster home.

The above options are listed in the normal order of preference, because the main goal is to give the child a stable and permanent living situation.

SEE WELF. & INST. CODE, § 366.26 FOR MORE INFORMATION

HOW DO I CHALLENGE THE COURT'S DECISION TO SET A HEARING TO MAKE A PERMANENT PLAN?

- File this Notice of Intent to File Writ Petition and Request for Record in the juvenile court within the time specified below in the next box. This will let the court know you intend to file a writ petition, and the court will prepare the record.
- You will be notified after the record is filed in the Court of Appeal, and you will get copies of the record. **You have 10 days after the record is filed in the Court of Appeal to file and serve your writ petition.**
- You may use the optional Judicial Council form JV-825 to complete your writ petition, or, if you have an attorney, your attorney can write the writ petition for you.
- After you file a writ petition in the Court of Appeal, you must send copies of the petition to all of the parties in the case, to the child's CASA volunteer, to the child's present caregiver, and to any de facto parent who has standing to participate in the juvenile court proceedings. With your writ petition, you must file a Proof of Service confirming you have sent a copy of the petition to these people.

SEE WELF. & INST. CODE, § 366.26(I); CAL. RULES OF COURT, RULES 8.450–8.452

WHEN DO I HAVE TO FILE MY NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD?

- If you were present when the court set the hearing to make a permanent plan, you must file the Notice of Intent within 7 days from the date the court set the hearing.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live in California, you must file the Notice of Intent within 12 days from the date the clerk mailed the notification.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live in a state other than California, you must file the Notice of Intent within 17 days from the date the clerk mailed the notification.
- If you were not present in court but were given notice by mail of the court's decision to set a hearing to make a permanent plan and you live outside the United States, you must file the Notice of Intent within 27 days from the date the clerk mailed the notification.
- If you are a party in a custodial institution you must give the Notice of Intent to custodial officials for mailing within the time specified in this box.

SEE CAL. RULES OF COURT, RULES 8.450, 5.540(c)

- If the order setting the hearing was made by a referee not acting as a temporary judge, you have an additional 10 days to file the Notice of Intent.

SEE WELF. & INST. CODE, §§ 248–252; CAL. RULES OF COURT, RULES 5.538, 5.540

SIGNATURE ON NOTICE OF INTENT

- Must be signed by the person who intends to file the writ petition, or
- By the attorney of record

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD TO REVIEW ORDER DESIGNATING OR DENYING SPECIFIC PLACEMENT OF A DEPENDENT CHILD AFTER TERMINATION OF PARENTAL RIGHTS (California Rules of Court, Rule 8.454)	CASE NUMBER:

NOTICE

The juvenile court has ordered or denied a specific placement for this child. If you want an appeals court to review the juvenile court's decision, you must first tell the juvenile court by filing a Notice of Intent. You may use this form as your Notice of Intent. In most cases, you have only 7 days from the court's placement decision to file a Notice of Intent. Please see page 2 for your specific deadline for filing this form.

If you are not the child, the child's parent, or the child's legal guardian, you may have a right to challenge a decision by the juvenile court, but only in very limited circumstances. You may also need a court order granting you access to records in the juvenile case file. For more information, please see *Information on a Nonparty's Right to Seek Review and the Requirement to Request Access to Records* (form JV-291-INFO). You can get form JV-291-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.

1. Petitioner's name:
2. Petitioner's address:
3. Petitioner's phone number:
4. Petitioner is
 - a. child's caretaker (specify dates in your care):
 - b. child.
 - c. county welfare department.
 - d. legal guardian.
 - e. other (state relationship to child or interest in the case):
5. Child's name: _____ Child's date of birth: _____
6. a. On (date): _____ the juvenile court terminated parental rights under Welfare and Institutions Code section 366.26.
- b. On (date): _____ the court made a specific placement order or denied a specific placement request that the dependent child is to reside in, be retained in, or be removed from a specific placement. Petitioner intends to file a writ petition to challenge the specific placement order or the denial of a specific placement request made by the court on that date and requests that the clerk assemble the record.
7. a. Petitioner is not the department, child, parent, or legal guardian.
- b. Petitioner has been granted access to specified records in the juvenile case file, and the court's order under Welfare and Institutions Code section 827(a)(1)(Q) on *Order after Judicial Review* (form JV-574), if available, is attached.

PLEASE READ THE BACK OF THIS FORM FOR IMPORTANT INFORMATION AND DEADLINES

8. The writ involves a respondent who is not the department, child, parent, or legal guardian. This individual may require the preparation of a limited record as defined in rule 8.400(b)(2).

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PETITIONER CHILD'S ATTORNEY)

The *Notice of Intent to File Writ Petition* must be signed by the person intending to file the writ petition or, if it is to be filed on behalf of the child, by the child's attorney of record. See the back of this form for more information.

HOW DO I CHALLENGE THE COURT'S PLACEMENT DECISION AFTER TERMINATION OF PARENTAL RIGHTS?

- File this *Notice of Intent to File Writ Petition and Request for Record* in the juvenile court within the time listed below in the next box. This will let the court know you intend to file a writ petition, and the court will prepare the record.
- You will be notified after the record is filed in the Court of Appeal, and you will get a copy of the record. **You have 10 days after the record is filed in the Court of Appeal to file and serve your writ petition.**
- You may use the optional Judicial Council form JV-825 to complete your writ petition, or, if you have an attorney, your attorney can write the writ petition for you.
- After you file a writ petition in the Court of Appeal you must send a copy of the petition to all of the parties in the case, to the child's CASA volunteer, to the child's present caregiver, and to any de facto parent who has standing to participate in the juvenile court proceedings.

SEE CAL. RULES OF COURT, RULES 8.454–8.456

WHEN DO I HAVE TO FILE MY NOTICE OF INTENT TO FILE WRIT PETITION AND REQUEST FOR RECORD?

- If you were present when the court granted or denied the specified placement, you must file the *Notice of Intent* within 7 days from the date the court granted or denied the specified placement.
- If you were not present in court but were given notice by mail of the court's decision to grant or deny the specified placement, you must file the *Notice of Intent* within 12 days from the date the clerk mailed the notification.
- If the order granting or denying the specific placement was made by a referee not acting as a temporary judge, you must file the *Notice of Intent* within 17 days from the date the court set the hearing.

SIGNATURE ON NOTICE OF INTENT

- Must be signed by the person who intends to file the writ petition, *or*
- If petition will be filed on behalf of a child, by the child's attorney, *or*
- The reviewing court may waive this requirement for good cause on the basis of a declaration by the attorney of record explaining why the party could not sign the notice. (Cal. Rules of Court, rule 8.450(e)(3).)