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6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF LOS ANGELES - JUVENILE DISTRICT

8 In re C.R. et al.,) Case No. _____
9)
9 Persons Coming Under the Juvenile Court Law) PROPOSED SETTLED
10) STATEMENT OF THE
10 LOS ANGELES COUNTY DEPARTMENT OF) ORAL PROCEEDINGS
11 CHILDREN AND FAMILY SERVICES,) HELD _____
11) PREPARED IN
12) ACCORDANCE WITH
12) RULE 8.137(d)
13)
13 v.)
14)
14 T.H.,) Dept. _____
15)
15 Objector/Appellant) Hon. _____, Judge

16
17 TO: HONORABLE JUDGE _____, COUNTY COUNSEL, AND ALL PARTIES
18 TO THE DEPENDENCY PROCEEDINGS:

19 Pursuant to California Rules of Court, rule 8.137(c) and (d), mother (T.H.), the
20 appellant in Court of Appeal case number _____, submits the following proposed
21 settled statement of the oral proceedings held _____. Pursuant to Rules of Court,
22 rule 8.137(d)(3), a copy of the judgment is attached.

23
24 Dated: _____

Respectfully submitted,

25
26 _____
27 XXXX XXXXX, Attorney for T.H.
28

1 **PROPOSED SETTLED STATEMENT**

2 1. Statement of Points Being Raised on Appeal (Rule 8.137(d)(1).)

3 On appeal, appellant intends to argue that the Department of Children and Family
4 Services (“DCFS”) failed to comply with the notice provisions of the Indian Child
5 Welfare Act. (“ICWA”). (25 U.S.C. § 1912(a); § 224.2, subd. (a).) Specifically, DCFS
6 failed to provide notice of the proceedings to the Cherokee tribes even though mother
7 claimed to have Cherokee ancestry and the juvenile court directed DCFS to provide
8 notice. Appellant will further argue that based on this omission, the order terminating
9 parental rights must be conditionally reversed, and the matter remanded for compliance
10 with the ICWA notice provisions. (See *In re A.B.* (2008) 164 Cal.App.4th 832, 839.)
11

12 2. Condensed Narrative of the Oral Proceedings (Rule 8.137(d)(1).)

13 On _____, the juvenile court conducted a section 366.26 hearing for the
14 children. The mother did not appear. However, Mother was represented by appointed
15 counsel.

16 County Counsel moved into evidence documentary evidence, including a Section
17 366.26 Report and a Last Minute Information for Court, both dated _____. Mother
18 objected to the recommendation to terminate parental rights. Based on the documentary
19 evidence, the juvenile court found that the children were likely to be adopted within a
20 reasonable time and terminated parental rights. The juvenile court designated the
21 children’s caregivers as prospective adoptive parents.

22 The juvenile court did not address whether the children may be Indian children
23 within the meaning of the Indian Child Welfare Act, or whether DCFS complied with
24 ICWA notice provisions. None of the parties addressed the ICWA either.
25
26
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28