

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION _____

In re)
) Court of Appeal No.
A Person Coming under the)
Juvenile Court Law.) Trial Court No.
_____)
Petitioner/Respondent)
)
v.)
)
Objector/Appellant.)
_____)

APPEAL FROM THE JUVENILE COURT OF (COUNTY)
THE HONORABLE XXXXXXXX, JUDGE/REFEREE

**MOTION TO AUGMENT THE RECORD ON APPEAL AND
REQUEST FOR EXTENSION OF TIME WITHIN WHICH
TO FILE BRIEF; MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF COUNSEL AND
PROPOSED ORDER**

Attorney for (Appellant)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION _____

In re _____)
) Court of Appeal No.
A Person Coming under the)
Juvenile Court Law. _____) Trial Court No.
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Petitioner/Respondent)
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Objector/Appellant. _____)

APPEAL FROM THE JUVENILE COURT OF (COUNTY)
THE HONORABLE XXXXXXXX, JUDGE/REFEREE

**MOTION TO AUGMENT THE RECORD ON APPEAL AND
REQUEST FOR EXTENSION OF TIME WITHIN WHICH
TO FILE APPELLANT’S OPENING BRIEF**

Pursuant to the California Rules of Court (Rule) and the Courts of Appeal, Local Rules, Second Appellate District (Local Rules), appellant timely moves this Court for an order augmenting the record in this dependency appeal.

Appellant is (describe appellant’s relationship to the subjects of the dependency action.) The appeal is taken from (identify the order or judgment being appealed).

As explained in the attached Memorandum of Points of Authorities and Declaration of Counsel, the record prepared for this appeal is inadequate for identification, presentation and resolution of the appellate issues.

Specifically, pursuant to Rule 8.410(b)(1) (or, Rule 8.416(d) [appeal from order terminating parental rights]), appellant requests that the reporters' transcripts be augmented to include the following oral proceedings:

(specify hearing dates and court reporter)

(and/or)

Pursuant to Rule 8.410(b)(1) (or Rule 8.416(d)) and Local Rules 2(c), appellant requests that the clerk's transcript be augmented to include the following documents which are attached.

(describe documents)

(or)

Appellant requests that the clerk's transcript be augmented to include the following documents which are not attached for the reasons stated in the Declaration of Counsel. (*Ibid.*)

(describe documents)

Additionally, pursuant to Rule 8.412(c) (or Rule 8.416(f) [appeal from order terminating parental rights], appellant requests that the existing briefing date be extended until 30 days after the filing of the augmented record. The opening brief is currently due (date).

Date: _____

Respectfully submitted,

Attorney for
(Name of Appellant)

MEMORANDUM OF POINTS AND AUTHORITIES

California Rules of Court, rule 8.407 identifies the contents of the normal record on appeal in a dependency action. Where, as here, the matters requested to be included in the appellate record are not prescribed by that rule, appellate counsel is required to file a motion to augment in order to complete the record. (Cal. Rules of Court, rules 8.410(b)(1), 8.416(d); Courts of Appeal, Local Rules Second Appellate District, rule 2.)

Appellate counsel has a duty to insure that there is an adequate record before the appellate court for presentation, consideration and resolution of the issues on their merits. (*People v Barton* (1978) 21 Cal.3d 513, 519-520.) Dependency appeals are governed by the generally applicable rules of appellate procedure. (*In re Zeth S.* (2003) 31 Cal.4th 396, 405.)

As set forth in the attached Declaration of Counsel, this appeal is taken from (specify judgment/order being appealed.) (Explain the relevancy of the requested materials or oral proceedings to the potential issues which are within the scope of the appeal.)

DECLARATION OF COUNSEL

I, _____ declare that:

1. I am an attorney licensed to practice law before all of the courts of the State of California and am counsel of record for (name of appellant). I have personal knowledge of the matters set forth herein.
2. The appeal is taken from the (order/judgment). The record was filed (date).
3. I have reviewed the normal record on appeal. An additional record is necessary. (Specify: reporter's transcript of the oral proceedings on (date); (and/or) (describe document).
4. The existing record (identify the potential issue presented by the record (e.g., a notice issue, an ICWA issue, etc., and explain relevancy of the requested oral proceedings to the potential issues within the scope of the appeal.)
(and/or)

The existing record does not include (identify document) which was received into evidence (or offered into evidence, but refused) (explain relevancy of requested document to the potential issues within the scope of the appeal.)

5. I located the attached document in the juvenile court file, a true and correct copy of which is attached.

(or)

The requested documents are not attached (explain reason for appellate counsel's inability to obtain document).

6. [Fast-track 366.26 appeal.] This motion is timely filed within 15 days after the receipt of the original record. (Cal. Rules of Ct., rule 8.416(d)(2).)

(or)

[Non fast-track appeal.] This motion is timely filed within 30 days after the receipt of the original record.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: _____

Attorney's Signature