

Parts in blue print are instructions to user, not to be included in filed document unless so noted.

Practice tip: See the ADI February 4, 2011, Panel News Alert at http://www.adi-sandiego.com/news_alerts/index.asp for timing of augment requests in criminal, delinquency, and dependency appeals. See also "Extensions, Augmentations, and Corrections" on the [Fourth Appellate District Practice page](#).

If the request is beyond the specified time limit, this form, with an explanation for the late augment request, should be included.

Practice tip: This topic is covered in chapter 3 of the ADI Appellate Practice Manual.

*[Attorney's name, bar number
Address and telephone number
Email address and fax number if available]*

Attorney for Appellant *[Name]*

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION *[NUMBER]*

In re <i>[CHILD'S INITIALS]</i>,	) COURT OF APPEAL
	) No. <i>[Number]</i>
[A] Person[s] Coming Under)
The Juvenile Court Law	) SUPERIOR COURT
_____	) No. <i>[Number]</i>
)
<i>[SPECIFIC COUNTY & AGENCY</i>)
<i>TITLE]</i>,	) [APPELLANT'S REQUEST
	) FOR RELIEF FROM
Plaintiff and Respondent,	) DEFAULT.] MOTION TO
	) [COMPLETE/AUGMENT]
	) RECORD ON APPEAL.
v.	) APPLICATION TO EXTEND
	) TIME FOR FILING
<i>[PARENT'S INITIALS]</i> [Mother/Father],	) OPENING BRIEF
)
Objector and Appellant.)
_____)

TO THE HONORABLE [*NAME*], PRESIDING JUSTICE, AND
HONORABLE ASSOCIATE JUSTICES OF THE FOURTH DISTRICT
COURT OF APPEAL, DIVISION [*NUMBER*]:

[[If request is late:] Appellant [mother/father], [*parent's name & last initial*], respectfully submits this request for relief from default for failure to file this request for [correction/augmentation] within 15 days. *[If a fast-track case under rule 8.416, add citation: (Cal. Rules of Court, rule 8.416(d).)]* Appellant [further] asks to augment the record on appeal under rules 8.410(b) and 8.155(a) and (c) and to extend time to file the appellant's opening brief.

I.

**REQUEST FOR RELIEF FROM DEFAULT
FOR LATE AUGMENT REQUEST**

Appellant's counsel received the record on _____ *[date]*.

This court's augmentation policy under normal circumstances requires appellant to "serve and file any request for augmentation or correction within 15 days after receiving the record." (See rule 8.416(d).) Under the circumstances of this case appellant has been unable to comply with this policy. *[Describe the circumstances (e.g., long record, requested item was not apparent from initial review).]*

Appellant is aware of the need to expedite juvenile matters and does not believe that any party will be prejudiced by the requested augmentation. Indeed, all parties will benefit from having the material.

II.

REQUEST FOR MISSING PARTS OF THE RECORD

As required by California Rules of Court, rules 8.410 / 8.416(d), appellant requests the following items be transmitted to the Court of Appeal with copies to appellate counsel. These items are part of the normal appellate record under rule 8.407. They must be included to permit a thorough appellate review for possible issues. A “complete and adequate” appellate record is essential to a meaningful, effective presentation of claims. (*People v. Barton* (1978) 21 Cal.3d 513, 518.)

A. Clerk's transcript

[Enumerate any missing parts, with citations to record as needed.]

California Rules of Court, rule 8.407(a), provides that the normal clerk’s transcript on appeal must contain these matters. *[Specify appropriate rule subdivisions. Provide all known details, including filing date, title and description of document, etc.]*

[If feasible:] The requested document is attached to this motion, as provided by rule 8.155(a)(2).

This record is important to appellate counsel's identification of issues on appeal. *[Briefly explain relevance to appeal.]*

B. Reporter's transcript

California Rules of Court, rule 8.407(b), provides that the normal reporter's transcript on appeal must contain *[specify missing parts listed in the applicable rule, with citations to record and appropriate rule subdivision]*.

This record is important to appellate counsel's identification of issues on appeal. *[Briefly explain relevance to appeal.]*

III.

REQUEST TO AUGMENT RECORD ON APPEAL

Under rules 8.155(a), 8.410, and 8.416(d) of the California Rules of Court, appellant requests an order augmenting the record on appeal as specified below. Appellate counsel must exercise diligence in investigating all potential arguably meritorious issues suggested by the record on appeal and to augment that record based on suggestions of appellant and inferences contained in the appellate record. This request is necessary to discharge that duty. (See *People v. Johnson* (1981) 123 Cal.App.3d 106, 109; *In re L.B.* (2003) 110 Cal.App.4th 1420, 1424.)

A. Clerk’s transcript

[Enumerate documents requested, with citations to record as needed. Provide all known details, including filing date, title and description of document, etc.]

[Because the material is not part of the normal record, counsel should demonstrate the requested material’s relevance to a potential issue on appeal. E.g., ICWA, paternity, etc.]

B. Reporter’s transcript

[Enumerate proceedings for which a reporter’s transcript is requested, with citations to record and applicable rules as needed. Provide all known details – dates and times, judge’s name and department, reporter’s name and CSR number, etc., to help identify exact proceeding.]

[Because the material is not part of the normal record, counsel should demonstrate the requested material’s relevance to a potential issue on appeal. E.g., ICWA, paternity, etc.]

IV.

LIST OF REQUESTED ADDITIONS TO THE RECORD

1. *[Enumerate, with identifying details.]*
2. * * *

V.

**APPLICATION FOR EXTENSION OF TIME
TO FILE APPELLANT’S OPENING BRIEF**

I request that the time to file appellant’s opening brief be extended by thirty days after the filing of the augmented record.

Present due date:	Notice under rule 8.412(d)/ 8.416(g): <i>[date or N/A]</i>
Date appointed:	Record filed:
Record length:	Sentence:

I need more time for the following reasons:

Appellate counsel has completed a review of the record and made every effort to expedite the filing of this augmentation request. Granting an extension of time to file appellant’s opening brief following the augmentation of the record will create no harm and permit appellate counsel time to represent appellant’s interests adequately by raising all arguably meritorious issues before this court. (*People v. Barton* (1978) 21 Cal.3d 513, 518-520; *In re Smith* (1970) 3 Cal.3d 192, 202-203.)

I declare under penalty of perjury under the laws of the state of California that this statement and the attached pages are true and correct.

Dated: *[date]*

Respectfully submitted,

[Attorney’s name]
State Bar No. *[number]*
Attorney for Appellant *[name]*

PROOF OF SERVICE