

DEPENDENCY CASE
(Welf. & Inst. Code, § 300 et seq.)
NOTICE OF APPEAL

Forms: The attached forms are for use in an appeal in the Court of Appeal, Fourth Appellate District, from a judgment or order in a proceeding under Welfare and Institutions Code section 300, including dependency orders and terminations of parental rights. (Attorneys: Please make copies for future use.) The forms include:

- **Notice of Appeal.** The notice of appeal should be filled out completely and must be signed by either you or your trial counsel. (If counsel signs it, the box indicating the client has authorized the appeal must be checked.)
- **Motion for Appointment of Counsel on Appeal.** If you cannot afford to retain an attorney on appeal, the motion for appointment of counsel at the bottom of the notice of appeal should be filled out and signed by you (preferably) or trial counsel. If you have no income and are not in custody, you must explain how living expenses are met.
- **Instructions for Filling Out Notice of Appeal.**
- **Background Information.** This information helps to ensure that your appeal is processed correctly and that you are properly represented on appeal. Please file with page 1. It is not confidential.
- **Change of Address.** Detach and keep the change of address form for use as needed. It is critical you keep the Court of Appeal, Appellate Defenders, Inc., and your appellate attorney informed of your current address at all times.

When: A notice of appeal must be filed within **60 days** from the date of the judgment or order being appealed.

What: Welfare and Institutions Code section 395 governs appealable orders. These include the judgment (dispositional order) in proceedings under section 300 and all later orders in those proceedings. Note:

An order finding a child to be a dependent of the juvenile court is not appealable until the court decides what the disposition will be. If the court has not yet ordered a disposition, it is too early to appeal.

An order referring the case for a permanency plan hearing under Welfare and Institutions Code section 366.26 is *not appealable*. Such an order requires a *writ* petition under rules 8.450 and 8.452 of the California Rules of Court.

Where: File the notice of appeal in the juvenile court where the order being appealed was made. Note: If the case was transferred to another county for disposition, the notice of appeal must be filed in the court where the *disposition* was ordered, even if on appeal you intend to challenge jurisdictional findings or other rulings in the original county.

The main courthouses handling these cases in each county of the Fourth Appellate District are listed below. (If your case was not at the courthouse listed below, check with your attorney or a court clerk for the filing location.)

SAN DIEGO COUNTY

□ 2851 Meadowlark, San Diego, CA 92123-2792

IMPERIAL COUNTY

□ 939 Main Street, El Centro, CA 92243

ORANGE COUNTY

□ Lamoreaux Justice Center, 341 The City Drive, Suite C-207, Orange, CA 92868-3209

RIVERSIDE COUNTY

□ 9991 County Farm Road, Room 108, Riverside, CA 92503

SAN BERNARDINO COUNTY

□ 860 E. Gilbert St., San Bernardino, CA 92415-0955

INYO COUNTY

□ 168 North Edwards Street, Independence, CA 93526

For assistance, contact Appellate Defenders, Inc., a firm of appellate attorneys that manages the entire system of court-appointed counsel in the Fourth Appellate District Court of Appeal: 555 West Beech Street, Suite 300, San Diego, CA, 92101. Telephone: (619) 696-0282. Website with e-mail contacts, forms, ADI California Criminal Appellate Practice Manual, and multiple other resources: <http://www.adi-sandiego.com>

INSTRUCTIONS FOR FILLING OUT NOTICE OF APPEAL

Please follow these instructions carefully. If you have any questions, ask your trial attorney or Appellate Defenders, Inc., for help.

A notice of appeal must be filed within **60 days** of the dispositional order (or an order after disposition, if that order is being appealed). It is filed with the **county superior court** where the dispositional order (or order after disposition) was made.

A finding that a child is a dependent of the juvenile court may not be appealed until the court decides what the disposition will be. If a dispositional order has not yet been made, it is too early to appeal.

The notice of appeal form is designed to be completed easily by checking boxes or filling in the blanks with your case information. Wherever you see a line like this, _____, fill the blank in with the appropriate information. The numbers below refer to the numbers on the notice of appeal form:

- (1) **Name and other information:** Print your name. Give your address at the time you file the notice of appeal. (Use the change of address form for later changes.) Provide phone number if applicable and date of birth.
- (2) **County:** Show the county where the dispositional order (or order after disposition) in your case was made.
- (3) **Child or children involved:** Print the name and date of birth of the child involved in the appeal. If there are more than one, check the box and list the names and dates of birth of the others.
- (4) **Superior court number:** Show the case number(s) on the notice of appeal form. Ask your attorney if you do not know your superior court number(s). If you were involved in more than one case at the same time, include all of the case numbers you want to appeal.
- (5) **Appellant's relationship to child:** Check the appropriate box showing whether you are the mother or father of the child or children involved. If you have a different relationship, describe.
- (6) **Type of order being appealed:** *One of these boxes must be checked.*
 - **Judgment at a disposition hearing:** Check this box if you are appealing from judgment ordering a disposition after a finding that a minor is a dependent of the juvenile court.
 - **Order at a hearing after disposition:** Check this box if you are appealing an order made at a hearing held after the dispositional order, such as an order at a review hearing or Welfare and Institutions Code section 388 hearing affecting reunification or visitation, or other appealable order. An order for a permanency plan hearing under Welfare and Institutions Code section 366.26, cannot be appealed and requires a writ petition under California Rules of Court, rules 8.450 and 8.452.
 - **Judgment terminating parental rights or establishing a guardianship or long term foster care.** Check this box if you are appealing an order made at a permanency plan hearing under Welfare and Institutions Code section 366.26.
- (7) **Date:** Enter in this blank the date on which the court made the order you are appealing. If you are not sure, check with your attorney or write, "On or about" and the closest date that you can recall.
- (8) **Signature:** Your signature or your attorney's signature is required. If the attorney is signing, the box indicating that the appeal is authorized by the client *must* be checked.
- (9) **Motion for appointment of counsel:** You are entitled to court-appointed counsel on appeal if you do not have the funds to retain an attorney. Fill out the form at the bottom of the notice of appeal.

REMEMBER:

- The notice of appeal must be filed with the superior court no later than **60 days** from the date of the dispositional order or order after disposition being appealed. If possible, keep some proof of mailing or filing.
- Send the notice of appeal to the **superior court** of the county where your case took place. If your case was transferred to another county for disposition, the notice of appeal must be filed in the county where the *disposition* order was made.
- Be sure to complete and file **all sections** of the notice of appeal, motion for appointment of counsel, and background information form.
- Detach and keep the **change of address** form for use as needed. It is critical to keep the Court of Appeal, Appellate Defenders, Inc., and your appellate attorney informed of your current address at all times.

BACKGROUND INFORMATION

To be filed along with Notice of Appeal (page 1)

THE INFORMATION ON THIS FORM WILL BE A PART OF THE PUBLIC RECORD AND IS NOT CONFIDENTIAL.

Name: _____ Date of birth: _____ Superior court no. _____

Current address: _____

City _____ State _____ Zip _____

If applicable: Booking or inmate no.: _____ Phone: _____ A.K.A : _____

*** IMPORTANT: YOU MUST TELL APPELLATE DEFENDERS, INC., THE COURT OF APPEAL, OR YOUR APPELLATE ATTORNEY WHENEVER YOUR ADDRESS CHANGES. IF YOU FAIL TO DO THIS, YOUR CASE MAY BE DELAYED OR LOST. CHANGE OF ADDRESS FORMS ARE ATTACHED.**

Family member or friend who will always know your address:

Name and relationship: _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Trial attorney:

Name: _____ Phone: _____

Address: _____ City _____ State _____ Zip _____

Proceeding appealed from:

- Dispositional order. Order at review hearing, hearing under Welf. & Inst. Code, § 388, other order _____.
- Termination of parental rights or order or guardianship or long term foster care under Welf. & Inst. Code, § 366.26.

Describe basis for findings and nature of order appealed from:

Did you need an interpreter in court? Yes No. If yes, in what language? _____

Do you have now, or have you ever had, any related appeals, writs or other proceedings before this or any other California appellate court? Yes No. If yes, give case title, number, and dates, and describe proceedings:

Names of other parties and their counsel:

Possible issues on appeal (These are only suggestions. The attorney on appeal will make the final decision on which issues to raise.):

Arrangements for counsel on appeal: Have you *hired* an attorney for your appeal? Yes No. If yes:

Name: _____ Address and phone: _____

If you cannot afford to hire an attorney, you may have the right to have the court appoint one for you. Please fill out and sign the request for counsel on the bottom of the notice of appeal (page 1).

NOTIFICATION OF CHANGE OF ADDRESS

– DETACH FROM NOTICE OF APPEAL AND KEEP FOR USE AS NEEDED –

Once a notice of appeal is filed, it is important that the Court of Appeal, your appellate attorney, and Appellate Defenders, Inc., know your current address at all times while the appeal is pending. It is your responsibility to provide your correct address. If you fail to do that, your appeal may be delayed or dismissed.

You do not have to use the forms below, but they may make it easier to provide the information.

CHANGE OF ADDRESS

Appeal Number (if known): _____ Date: _____

Your Name: _____ I.D. # (if in custody): _____

New Address: _____

City

State

Zip

Mail to: Appellate Defenders, Inc.
555 West Beech Street, Suite 300
San Diego, CA 92101-2939

Be sure to notify your attorney, too, if an attorney has been appointed to your case.

(DETACH HERE)

CHANGE OF ADDRESS

Appeal Number (if known): _____ Date: _____

Your Name: _____ I.D. # (if in custody): _____

New Address: _____

City

State

Zip

Mail to: Appellate Defenders, Inc.
555 West Beech Street, Suite 300
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Be sure to notify your attorney, too, if an attorney has been appointed to your case.