

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

Practice tip – IMPORTANT: Sade C. letter briefs should be e-filed in all divisions.

Practice tip: Sade C. filings should be filed in letter format in all three divisions, unless ADI has preapproved, for special reasons, a formal brief format.

Practice tip: ADI's preapproval is still required before a Sade C. brief is filed. The content of a Sade C. letter brief filing is the same as a brief. See the April 2011 revised news article for a summary of the required contents as mandated by *In re Phoenix H.* (2009) 47 Cal.4th 835, 843.

[Letterhead, with State Bar number]
[Date]

[Mr. / Ms.] *[clerk's name]*
Clerk of the Court/Chief Administrator
Court of Appeal, Fourth Appellate District, Division *[One / Two / Three]*
[Address]

Re: **LETTER BRIEF FILED UNDER *IN RE SADE C.* (1996) 13 Cal.4th 952**
In re [child's initials]
[Specific county and agency] v. *[client initials]*
[mother/father/(specify)]
Superior Court No. *[number]*
Court of Appeal No. *[number]*

Dear [Mr. / Ms.] *[clerk's name]*:

This letter brief is submitted under *In re Sade C.* (1996) 13 Cal.4th 952 and *Anders v. California* (1967) 386 U.S. 738.

I. Statement of Appealability

This appeal is from a judgment made at a *[specific hearing name]* hearing under section *[number]* of the Welfare and Institutions Code and is authorized by section 395.

II. Statement of Case and Facts

[Insert]

III. Discussion

A. Appellant requests this court exercise its discretion to review the entire record on appeal.

[Although counsel must acknowledge that the court has no duty to review a dependency record for issues, the brief may nevertheless urge the court to exercise its discretion to do so and explain why.]

Counsel has thoroughly reviewed the record in this dependency case and consulted with Appellate Defenders, Inc. This brief summarizes the proceedings and facts with citation to the transcript and outlines the issues counsel considered, but urges no specific contentions as grounds for relief. Appellant's counsel raises no specific arguable issues in the present dependency case. Counsel respectfully requests this court exercise its discretion to review the entire record on appeal for arguable issues of error in the court below.

The California Supreme Court has held that the prophylactic requirement of an independent record review by the court after the filing of a no-issue brief, as established in *Anders v. California* (1967) 386 U.S. 738 and *People v. Wende* (1979) 25 Cal.3d 436, does not apply to juvenile dependency cases. (*In re Sade C.* (1996) 13 Cal.4th 952.) The state continues to have an important interest in an accurate and just resolution of a parent's appeal in dependency matters. (*Sade C.*, *supra*, 13 Cal.4th at p.

989.) Therefore appellant requests that this court exercise its discretionary authority to review the entire record on appeal.

B. Counsel calls the court’s attention to the following issues it may wish to consider, along with any others it may discern in reviewing the record.

The following information about issues that counsel considered is provided to assist the court in conducting its independent review of the record. (*Anders v. California, supra*, 386 U.S. 738, 744-745 [brief must refer to “anything in the record that might arguably support the appeal”]; such a brief allows the court to “pursue all the more vigorously its own review because of the ready references not only to the record, but also to the legal authorities as furnished it by counsel”]; *In re Phoenix H.* (2009) 47 Cal.4th 835, 843 [counsel must “file a brief setting out the applicable facts and the law”].) By listing these issues, counsel is not suggesting the court must address them in an opinion, although it has plenary discretion to do so.

[Describe the issues identified but not briefed and include relevant authorities. You should neither urge the issues listed as a ground for relief nor argue against the client by, for example, affirmatively characterizing the issue as frivolous. See ADI Appellate Practice Manual, §§ 1.26 and 4.77.]

1. *[Identify the first Anders issue.]*

2. *[Identify the next Anders issue.]*

Etc.

C. Appellant requests the opportunity to file a pro per supplemental brief and to brief any arguable issue the court identifies.

Appellant’s counsel respectfully requests, in the interests of justice, that this court *[choose applicable option]* [accept the appellant’s own supplemental brief, tendered with this brief] / [provide appellant the opportunity personally to file a supplemental brief within a reasonable time of the filing of this brief]. Although the court is not required to accept a pro per brief, it may exercise its discretion to do so. (*In re Phoenix H., supra*, 47 Cal.4th at p. 844.) Counsel is making the record available to the client for this purpose.

If this court, in reviewing this brief, the record, or any supplemental briefing finds good cause that an arguable issue exists, the court must order *counsel* to brief the issue. (See *Penson v. Ohio* (1988) 488 U.S. 75, 88 [court-sanctioned withdrawal of counsel before court identified arguable issues “left petitioner completely without representation during the appellate court’s actual decisional process”].)

D. Conclusion

For these reasons, *[mother/father/(specify)]* requests that this court in its discretion make an independent evaluation of the record [and any supplemental brief filed by appellant] [, and order this counsel to brief any arguable issue that is found].

Dated: *[date]*

Respectfully submitted,

[Attorney's name]

State Bar No. *[number]*

Attorney for *[Mother/Father/(Other)]*

[Initials]

DECLARATION OF *[ATTORNEY'S NAME]*

I, the undersigned, declare the following:

1. I am currently a licensed attorney in the state of California and my state Bar number is *[number]*.)
2. On *[date]*, I was appointed by the Court of Appeal to represent *[mother/father/(specify)] [client initials]* in Court of Appeal case number *[number]*.
3. I have thoroughly reviewed the record in this case. A staff attorney at Appellate Defenders, Inc., has also reviewed this case.
4. I have advised appellant that a letter brief is being filed under *In re Sade C.* (1996) 13 Cal.4th 952 and *Anders v. California* (1967) 386 U.S. 738. A copy of this letter brief is being provided to appellant.
5. I have further advised appellant that *[he/she]* may request that I withdraw as counsel and with the court's advance approval may file a supplemental pro per brief. I am making the appellate record available to appellant.
6. I hereby move to be relieved as appointed counsel, if appellant so requests.

Executed under penalty of perjury at *[city]*, California, on *[date]*.

[Attorney name]
[State Bar number]

PROOF OF SERVICE

[Practice Tip: Include the client's address on the proof of service. However, if confidentiality is an issue, counsel may include the client's address in a cover letter and request that the information be kept confidential. If the client will be given an opportunity to file a pro per brief, the court may need to notify the client directly.]