

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

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

_____ **APPELLATE DISTRICT, DIVISION** _____

In re the Matter of:

_____,
(first name, last initial of subject child or children)

_____,
Petitioner,
(first name, last initial of petitioner)
vs.

SUPERIOR COURT OF _____
COUNTY,
Respondent

_____ COUNTY _____ *(name of applicable social services agency),*
Real Party in Interest.

Court of Appeal
No. _____

Superior Court
No(s). _____

Related Appeal Pending
Appellate Court No. _____

If stay is requested:

STAY REQUESTED

Select one:

Stay of Welf. & Inst. Code, §
366.26 hearing, scheduled for

or

Stay of placement order under
Welf. & Inst. Code, § 366.28

From the Juvenile Court of _____ County
Honorable _____, Judge

PETITION FOR EXTRAORDINARY WRIT
(California Rules of Court, Rule 8.452/ 8.456)

(select applicable rule)

Attorney's name

Address

Phone number

*E-mail address (currently optional
but may become mandatory)*

Attorney for Petitioner _____,
(First name, last initial)

State Bar No. _____

*Cover: Should be **RED** unless form JV-825 is used. (Rule 8.40(b).)*

***When to file:** The petition must be filed and served within **10 days** after the record is filed in the reviewing court. (Rules 8.452(c)(1), 8.456(c)(1).) Short extensions may be available.*

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

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(first name, last initial of petitioner)
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From the Juvenile Court of _____ County
Honorable _____, Judge

PETITION FOR EXTRAORDINARY WRIT
(California Rules of Court, Rule 8.452/ 8.456)
(select applicable rule)

See Judicial Council form JV-825 for additional guidance.
<http://www.courtinfo.ca.gov/forms/documents/jv825.pdf>

1. This *Petition for Extraordinary Writ (Juvenile Dependency)* is filed by petitioner _____. *(first name, last initial)*
2. Petitioner is the _____.
State one of the following: child, mother, father, guardian, de facto parent, or other relationship to child or interest in the case.

3. The *Petition for Extraordinary Writ* pertains to the following child or children:
List the name and age (not birth date unless material to issues) for each of the children.

4. This petition seeks extraordinary relief from the order _____.
Choose from one of the following:
 - *setting a hearing under Welfare and Institutions Code section 366.26 to consider termination of parental rights, guardianship, or another planned permanent living arrangement.*
 - *designating a specific placement after a placement order under Welfare and Institutions Code section 366.28.*
 - *other: (specify).*

5. The challenged order was made on _____. *(date)*

IMPORTANT: *If this is a Welf. & Inst. Code, § 366.26 petition, add the following, required by rule 8.452(a)(1)(C):*

6. The Welfare and Institutions Code section 366.26 hearing is scheduled for _____. *(date)*

7. The order was erroneous on the following grounds, as explained more completely in the attached memorandum of facts and points and authorities: *(specify in concise form).*

8. Supporting documents:
Choose from one of the following:
 - *Supporting documents in addition to the normal record are attached.*
 - *No supporting documents are attached because the prepared record is sufficient for purposes of the petition.*

9. Petitioner requests that this court direct the trial court to:
List all forms of relief that apply.
 - *vacate the order for hearing under section 366.26.*
 - *vacate the order designating a specific placement after termination of parental rights under section 366.28.*
 - *remand for hearing.*
 - *order that reunification services be (1) provided or (2) continued.*
 - *order visitation between the child and petitioner.*
 - *return or grant custody of child to petitioner.*
 - *terminate dependency.*

- other: (specify).

If applicable:

10. Petitioner requests a temporary stay pending the granting or denial of the petition for extraordinary writ.

a. Relevant dates:

Date of hearing now under review: _____ (*must specify*).

If Welf. & Inst. Code, § 366.26 writ:

Scheduled date of Welfare and Institutions Code section 366.26 hearing: _____.

b. Reasons for stay:

Rule 8.452(f) requires an exceptional showing of good cause for a stay in a Welf. & Inst. Code, § 366.26 proceeding.

Rule 8.456(f) requires a showing that implementation of the placement order pending resolution of the writ is likely to cause detriment to the child if the writ is granted.

11. I am the attorney for the petitioner.

I declare under penalty of perjury under the law of the State of California that the foregoing statements and all statements in the attached memorandum are true and correct, except for matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Executed on: _____ at _____, California.

(Signature)

Print name

Attorney for Petitioner _____
(*first name, last initial*)

State Bar Number _____

REQUIRED MEMORANDUM (rules 8.452(a)(2) & (b), 8.456(a)(2) & (b)):

**MEMORANDUM OF FACTS
AND POINTS AND AUTHORITIES
IN SUPPORT OF PETITION FOR EXTRAORDINARY WRIT
(California Rules of Court, Rule 8.452/ 8.456)
*(select applicable rule)***

INTRODUCTION

This section is optional, but highly encouraged.

SUMMARY OF SIGNIFICANT FACTS

This section, required by rules 8.452(b)(1) and 8.456(b)(1), is a combined statement of the relevant procedural and factual background, limited to matters in the record and supported by references to the record.

ARGUMENT

Required by rule 8.452(b) or 8.456(b), as applicable.

Each point must be stated under a separate argument heading or subheading summarizing it.

Each point must be supported by argument and citation of authority.

The argument must support any reference to a matter in the record by a citation to the record and note any disputed aspects of the record.

CONCLUSION

(Summarize points.)

For these reasons, the petition should be granted. *(Or restate the specific relief requested.)*

Dated:

Respectfully submitted,

(Signature)

Printed name

Attorney for Petitioner _____,

(First name, last initial)

Form of proof of service:

*http://www.adi-sandiego.com/PDFs/proof_of_service.wpd
<http://www.courtinfo.ca.gov/forms/fillable/app009.pdf>.*

Who is to be served: *Lists in California Rule of Court, rules 8.452(c)(1) and 8.456(c)(1).*

PROOF OF SERVICE

(Where appropriate to protect confidentiality, use “address of record” and not actual address.)

1. Client.
2. Office of County Counsel.
3. Office of the juvenile court clerk.
4. All counsel of record, including writ and trial counsel for minor and all parties.
5. *In rule 8.456 proceeding:* Any prospective adoptive parent.
6. Any unrepresented party, including the child if the child is 10 years of age or older.
7. Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court as follows:
 - (i) If the sibling is under 10 years of age, on the sibling’s attorney;
 - (ii) If the sibling is 10 years of age or over, on the sibling and the sibling’s attorney. *(If sibling’s address is unknown, child’s copy may be served in care of trial counsel.)*
8. The child’s Court Appointed Special Advocate (CASA) volunteer.
9. Any person currently awarded by the juvenile court the status of the child’s de facto parent.
10. If the court sent the notice of intent to file the writ petition to an Indian custodian, tribe, or Bureau of Indian Affairs, then to that Indian custodian, tribe of the child, or the Bureau of Indian Affairs as required under Welfare and Institutions Code section 224.2.

FORM AND FILING OF PETITION

Form: Although JV-825 may be used, a traditional brief format is preferred. Consult California Rules of Court, rule 8.204(b), for margins, font, line spacing, binding, etc. Follow California Style Manual for citation form.

Cover: **RED** unless form JV-825 is used. (Rule 8.40(b).)

When to file: The petition must be filed and served within **10 days** after the record is filed in the reviewing court. (Rules 8.452(c)(1), 8.456(c)(1).) Short extensions may be available on request with an exceptional showing of good cause.

Filing copies in Court of Appeal: Original and 4 copies. (Rule 8.44(b)(3).)

E-copies: The Fourth District requests an electronically submitted copy, in **addition** to the four paper copies. Program described at: <http://www.courts.ca.gov/9408.htm#tab18464>

GENERAL GUIDANCE: ADI APPELLATE PRACTICE MANUAL

- **Briefing, chapter 5.**
- **California writs, chapter 8.**