

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR15-27

Title	Action Requested
Family and Juvenile Law: Transfers to Tribal Court under Indian Child Welfare Act	Review and submit comments by June 17, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 5.483, 5.590, and 8.406; adopt Cal. Rules of Court, rule 8.418; revise <i>Order on Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction</i> (form ICWA-060) and <i>Notice of Appeal—Juvenile</i> (form JV-800)	January 1, 2016
	Contact
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Proposed by
Family and Juvenile Law Advisory
Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Tribal Court–State Court Forum
Hon. Richard C. Blake, Cochair
Hon. Dennis M. Perluss, Cochair

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee (committee) and Tribal Court-State Court Forum (forum) propose amendments to the California Rules of Court and revisions to Judicial Council forms in response to provisions of Senate Bill 1460 (Stats. 2014, ch. 772), which amended section 305.5 of the Welfare and Institutions Code and added sections 381 and 827.15 concerning the transfer of juvenile court proceedings involving an Indian child from the jurisdiction of the juvenile court to a tribal court. The proposed rule amendments and form revisions are also in response to the decision of the Court of Appeal, First Appellate District in *In re M.M.* (2007) 154 Cal.App.4th 897, which implicates an objecting party's right to appeal a decision granting a transfer to a tribal court.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Background

Federal and state law mandate that upon application, certain state “child custody proceedings” involving an “Indian child” be transferred from state court to tribal court unless there is a finding of “good cause” not to transfer.¹ According to federal law and section 177 of the Family Code, section 1459.5 of the Probate Code, and rules 5.480 and 7.1015 of the California Rules of Court, the Indian Child Welfare Act (ICWA) rules 5.480 through 5.487 apply to “child custody proceedings” involving an Indian child which arise in family and probate proceedings. As a result, no specific amendments are proposed to probate or family rules or forms to address the *In re. M.M.* decision in those case types because the amendments being made to the ICWA rules will apply. In 2008, as part of a comprehensive rules and forms proposal dealing with ICWA matters following the passage of SB 678 (Stats. 2006, ch. 838), state legislation implementing ICWA in California, the Judicial Council enacted California Rules of Court, rule 5.483 governing transfers of child custody proceedings involving an Indian child to tribal court and approved *Order on Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction* (form ICWA-060) as an optional form.²

In 2007, the Court of Appeal, First Appellate District held that once a transfer from state court to tribal court is finalized, the decision to transfer is not appealable because the California Court of Appeal has no power over the tribal court to which the case has been transferred.³

The Legislature recently enacted Senate Bill 1460 (Stats. 2014, ch. 772), which amended section 305.5 of the Welfare and Institutions Code and added sections 381 and 827.15 concerning the transfer of juvenile court proceedings involving an Indian child from the jurisdiction of the juvenile court to a tribal court. In particular, SB 1460 sets out certain requirements concerning the contents of orders and the information which must be provided when a child’s case is transferred from a California juvenile court to a tribal court. This change brings California law into alignment with federal requirements under Title IV-E of the Social Security Act designed to ensure continuity of Title IV-E eligibility when a case transfers from state juvenile court to tribal court.

The Proposal

The Tribal Court–State Court Forum (forum) and the Family and Juvenile Law Advisory Committee (committee) propose the following amendments to the California Rules of Court and revisions to the following Judicial Council forms:

- Amend rule 5.483 by:
 - Adding the following as subsection (3) under what is currently (g):

¹ See the federal Indian Child Welfare Act (25 U.S.C. §§ 1901–1963 at § 1911(b)) and the California Welf. & Inst. Code, § 305.5.

² See Item A27 for Judicial Council meeting held October 26, 2007, available at: <http://www.courts.ca.gov/documents/age102607.pdf>

³ *In re. M.M.* (2007) 154 Cal.App.4th 897.

The dismissal and order transferring physical custody will not be issued under subsection (i) until 12 court days after service of a copy of the order granting the transfer petition.

This subsection is being added in response to the decision of the court in *In re M.M.* (2007) 154 Cal.App.4th 897, which held that once a transfer of a child custody proceeding to a tribal court has been finalized, it deprives California courts of jurisdiction over the case and, thus, precludes any appeal from the transfer order.

The intent of this provision, together with other provisions in the proposal, is to ensure that an objecting party does not inadvertently lose the right to appeal as a result of the transfer being finalized before the expiration of the normal appellate period as was the case in *In re M.M.*. At the same time, we do not want to unduly delay the finalization of proceedings concerning child welfare matters. This provision would set a specific time period before which the transfer process would not be finalized, creating a short window within which the state courts would retain jurisdiction to consider an appeal. The proposal would also require that any appeal to the order granting transfer be filed within seven days (see proposed rule 8.418). The court would be required to advise the parties of this time frame (see proposed amendment to rule 5.590).

Although the *In re M.M.* case involved a juvenile dependency proceeding being transferred from state to tribal court, the forum and committee believe that this provision should apply to all Indian Child Welfare Act matters including those in juvenile, probate, and family court.

- Adding a provision to what is currently subsection (g) stipulating that an order transferring a proceeding from a juvenile court to a tribal court must include (1) all of the findings and orders or modifications of orders that have been made in the case, (2) the name and address of the tribe to which jurisdiction is being transferred, (3) directions to the agency to release the child case file to the tribe having jurisdiction pursuant to section 827.15 of the Welfare and Institutions Code, and (4) directions that all papers contained in the court file be transferred to the tribal court and copies retained by the transferring court.

These provisions are required by subsection (b) of Welfare and Institutions Code section 381, added by section 12 of SB 1460, and would apply only to proceedings being transferred from a juvenile court; they would not apply to proceedings being transferred from a probate or family court.

- Adding a new subdivision (f) specifying that rule 8.418 governs appellate review of an order granting transfer of a child custody matter involving an Indian child from a superior court to a tribal court.
- Amend rule 5.590 which governs the advisement of rights to appellate review in juvenile cases to include subsection (c), which would provide an advisement concerning the timing for filing a notice of appeal when the court grants a petition to transfer an ICWA case to tribal court. This subsection is added in response to the *In re M.M.* decision.
- Amend rule 8.406 which governs time to appeal in juvenile cases to include a reference to the timing requirements of filing a notice of appeal when the court grants a petition to transfer an ICWA case to tribal court. This subsection is added in response to the *In re M.M.* decision.
- Adopt rule 8.418 to address the time to appeal in juvenile cases to include references to the timing requirements of filing a notice of appeal when the court grants a petition to transfer an ICWA case to tribal court. This proposed rule would also require the appellant to file a request for a stay and a petition for supersedeas with the reviewing court at the same time as they file the notice of appeal. This rule is added in response to the *In re M.M.* decision.
- Revise Judicial Council *Order on Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction* (form ICWA-060) by:
 - Making it a mandatory rather than optional form to ensure that the necessary advisements and information concerning appeals—and the information which must be provided to the tribal court—are part of the order.
 - Adding subparts to item 5 on the form to indicate that:
 - If the case is being transferred from a juvenile court, all of the findings and orders or modifications of order that have been made in the case are attached;
 - When the case is being transferred from a juvenile court, the county agency is directed to release its case file to the tribe under section 827.15 of the Welfare and Institutions Code; and
 - When the case is being transferred from a juvenile court, the court file must be transferred to the tribal court with copies maintained by the transferring court.

These are added to comply with the requirements of Welfare and Institutions Code section 381(b) added by section 12 of SB 1460.

- Adding an advisement in item 6 that any party wishing to appeal a decision to transfer must file a notice of appeal within seven days after service of a copy of the order.

- Revise Judicial Council *Notice of Appeal—Juvenile* (form JV-800) to add:
 - Discussion of the time to appeal;
 - Reference to the timing requirements for filing a notice of appeal under the Notice section; and
 - A new section under item 7 to reference section 305.5 of the Welfare and Institutions Code and transfers to tribal court.

These changes are in response to the *In re M.M.* decision.

The proposal will assist the state judicial branch by ensuring that the rules of court and forms give appropriate guidance to the courts and litigants in conformity with the law.

Alternatives Considered

The committee and forum considered taking no action with respect to the issues discussed in the *In re M.M.* decision. The committee and forum determined that objecting parties might inadvertently lose their appellate rights if no action was taken in response to the *In re M.M.* decision since transfers to tribal court are relatively rare, and attorneys may not be aware of the potential loss of appellate rights if a transfer finalizes prior to the expiration of the normal 60-day appeal period. As an alternative to the proposal as drafted, the committee and forum considered whether the issues discussed in the *In re M.M.* decision would be better addressed by requiring advisements to the parties about the possibility of losing appellate rights if a transfer finalizes before an appeal is taken or heard rather than establishing an alternative time frame for appealing such transfer orders.

The committee and forum considered whether amendments to rule 7.1015 of the California Rules of Court might also be appropriate but, after conferring with the Probate and Mental Health Advisory Committee staff, determined that because rule 7.1015 already incorporates the provisions of rules 5.480 through 5.487 a specific amendment was not necessary.

Finally the committee and forum are aware that the Bureau of Indian Affairs (BIA) published new *Guidelines for State Courts and Agencies in Indian Child Custody Proceedings* (new guidelines) on February 25, 2015, which replace and supersede the guidelines issued in 1979.⁴ The committee and forum are aware that the new guidelines contain provisions that appear to conflict with both California case law and the Welfare and Institutions Code, which may result in the need to amend California Rules of Court and forms concerning the Indian Child Welfare Act including potential additional changes to rules and forms governing transfers to tribal court (Cal. Rules of Court, rule 5.483; and form ICWA-060) as well as changes regarding nature and timing of inquiry, content of notice, timing and nature of active efforts, consideration in applying placement preferences, and a number of other areas. The committee and forum considered

⁴ The new guidelines may be found at: <http://www.bia.gov/cs/groups/public/documents/text/idc1-029447.pdf>.

whether to defer action on this current proposal in light of the new guidelines. They decided to move forward with the current proposal notwithstanding the new guidelines because more comprehensive action to address the relationship between California statutes and rules of court concerning ICWA and the new guidelines may take several years to implement. The committee is cognizant of the impact on courts and justice partners when rules and forms are changed more than once in a short time frame; however, the forum and committee believe that the need to implement SB 1460, on balance, justifies this possibility. The forum and committee are also mindful that, following the comment period, it may be prudent to delay bringing the proposal to the Judicial Council for implementation if legislation is in process and likely to be implemented in a timeframe that would perhaps delay implementation of SB 1460. (Such a delay would be for a reasonable time to allow for comprehensive changes.)

Implementation Requirements, Costs, and Operational Impacts

The committee and forum believe that there will be minimal one-time costs associated with the revision of forms ICWA-060 and JV-800.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee and forum are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is it necessary to address the appellate issues discussed in the *In re M.M.* decision through an amendment to the rules and forms?
- Would a better alternative be to address the issues discussed in the *In re M.M.* decision by way of advisements rather than establishing an alternate appeal time frame?
- Does the procedure established by the proposal properly address the issues raised in the *In re M.M.* decision concerning appeals of orders to transfer an ICWA case to tribal court?
- Can the requirement for a 12 day delay between the making of the order to transfer and the dismissal and order transferring physical custody contemplated by proposed rule 5.483(3) be accomplished by a rule of court or would legislation be required?
- Is the time for filing an appeal of an order for transfer to tribal court appropriate?
- Does the proposal adequately address the issues raised in the *In re M.M.* decision in all case types, including juvenile, family and probate? In particular—given that there is no notice of appeal form equivalent to the JV-800 that governs appeals in probate and family—does the advisement of appellate rights contained in rule 5.483 and form ICWA-060 give the parties in family and probate proceedings sufficient notice?
- Should this proposal proceed at this time or should it be deferred in light of the new Bureau of Indian Affairs *Indian Child Welfare Act Guidelines for State Courts and Agencies in Indian Child Custody Proceedings* and the possibility that further changes may be required?

The committee and forum also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Proposed amendments to Cal. Rules of Court, rules 5.483, 5.590, and 8.406; and proposed new rule 8.418, from pages 9–12.
2. Proposed revised form ICWA-060, from pages 13–14.
3. Proposed revised form JV-800, from pages 15–16.

4. SB 1460 (Stats. 2014; ch. 772) is available at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1460.

In re M.M. (2007) 154 Cal.App.4th 897 is available at:

<http://www.lexisnexis.com/clients/CACourts>.

1 Title 5. Family and Juvenile Rules

2
3 Division 2. Rules Applicable in Family and Juvenile Proceedings

4
5 Chapter 2. Indian Child Welfare Act

6
7
8 Rule 5.483. Transfer of case

9
10 (a)–(f) * * *

11
12 (g) Order on request to transfer

13
14 (1) The court must issue its final order on the *Order on Petition to Transfer Case*
15 *Involving an Indian Child to Tribal Jurisdiction* (form ICWA-060).

16
17 (2) When a matter is being transferred from the jurisdiction of a juvenile court,
18 the order must include:

19
20 (A) All of the findings, orders, or modifications of orders that have been
21 made in the case;

22
23 (B) The name and address of the tribe to which jurisdiction is being
24 transferred;

25
26 (C) Directions for the agency to release the child case file to the tribe
27 having jurisdiction under section 827.15 of the Welfare and Institutions
28 Code;

29
30 (D) Directions that all papers contained in the child case file must be
31 transferred to the tribal court; and

32
33 (E) Directions that a copy of the transfer order and the findings of fact must
34 be maintained by the transferring court.

35
36 (3) The dismissal and order transferring physical custody will not be issued
37 under subsection (i) until 12 court days after service of a copy of the order
38 granting the transfer petition.

39
40 (h) Appeal of transfer order

1 Rule 8.418 governs appellate review of an order granting transfer of a child custody
2 matter involving an Indian child from a superior court to a tribal court.

3
4 **(h) (i) Proceeding after transfer**

5
6 * * *

7
8 **Advisory Committee Comment**

9
10 Subsections (g)(3) and (h) are intended to preserve an objecting party's right to appeal the
11 order transferring a case to tribal court. Once a transfer to tribal court is finalized, the
12 state court lacks jurisdiction to order the case returned to state court (*In re M.M. (2007)*
13 154 Cal.App.4th 897). Rule 8.418 establishes that a party wishing to appeal an order
14 transferring a child custody proceeding from a superior court to a tribal court must file
15 the notice of appeal and request for stay and petition for writ of supersedeas within 7
16 court days after service of a copy of the order being appealed.

17
18
19 **Division 3. Juvenile Rules**

20
21 **Chapter 5. Appellate Review**

22
23
24 **Rule 5.590. Advisement of right to review in Welfare and Institutions Code section**
25 **300, 601, or 602 cases**

26
27 **(a)–(b) * * ***

28
29 **(c) Advisement requirements for appeal of order to transfer to tribal court**

30
31 When the court grants a petition under Welfare and Institutions Code section 305.5,
32 Family Code section 177(a), or Probate Code section 1459.5(b) and rule 5.483
33 transferring a case to a tribal court and one of the parties has objected to that
34 transfer, the court must advise the objecting party that an appeal of the order for
35 transfer and request for stay and a petition for a writ of supersedeas must be filed
36 within 7 court days after service of a copy of the order granting transfer under rule
37 8.418.

38
39
40 **Title 8. Appellate Rules**

41
42 **Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

1 Chapter 5. Juvenile Appeals and Writs

2
3 Article 2. Appeals
4
5

6 Rule 8.406. Time to appeal
7

8 (a) Normal time
9

10 (1) Except as provided in (2) and (3) and in rule 8.418, a notice of appeal must
11 be filed within 60 days after the rendition of the judgment or the making of
12 the order being appealed.
13

14 (2)–(3) * * *

15
16 (b)–(d) * * *

17
18 **Rule 8.418. Appeals of orders transferring an Indian Child Welfare Act case to a**
19 **tribal court**
20

21 (a) **Application**
22

23 (1) This rule applies to appeals of orders under Welfare and Institutions Code
24 section 305.5, Family Code section 177(a), Probate Code section 1459.5(b),
25 and rule 5.483 transferring a case to a tribal court.
26

27 (2) In all respects not provided for in this rule, rules 8.403–8.412 apply.
28

29 (b) **Time to appeal**
30

31 (1) Normal time
32

33 (A) Except as provided in (B) and (C), a notice of appeal in a proceeding
34 subject to this rule must be filed within 7 court days after service of a
35 copy of the order being appealed.
36

37 (B) In matters heard by a referee not acting as a temporary judge, a notice
38 of appeal must be filed within 7 court days after the referee’s order
39 becomes final under rule 5.540(c).
40

41 (C) When an application for rehearing of an order of a referee not acting as
42 a temporary judge is denied under rule 5.542, a notice of appeal from
43 the referee’s order must be filed within 7 court days after that order is

1 served under rule 5.538(b)(3) or 5 court days after entry of the order
2 denying rehearing, whichever is later.
3

4 (2) Cross-appeal
5

6 If an appellant timely appeals from the order, the time for any other party to
7 appeal from the same order is either the time specified in (1) or 5 court days
8 after the superior court clerk mails notification of the first appeal, whichever
9 is later.
10

11 (c) **Petition for writ of supersedeas and request for stay**
12

13 Within the time for filing a notice of appeal under (b), the appellant must also file a
14 request for a stay and a petition for writ of supersedeas in the reviewing court.
15

16 (d) **Form of the record**
17

18 The cover of the record must prominently display the title “Appeal From Order
19 Transferring Case to Tribal Court Under [Welfare and Institutions Code section
20 305.5, Family Code section 177(a), or Probate Code section 1459.5(b)],” whichever
21 is appropriate.
22

23 (e) **Expedited procedures**
24

25 The procedures established by rule 8.416(c)–(h) apply in proceedings under this
26 rule.
27

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER:
ORDER ON PETITION TO TRANSFER CASE INVOLVING AN INDIAN CHILD TO TRIBAL JURISDICTION	RELATED CASES (<i>if any</i>):

1. Child's name: _____ Date of birth: _____
2. a. Date of hearing: _____ Time: _____ Dept.: _____ Room: _____
- b. Persons present:
- | | | |
|--|---|--|
| <input type="checkbox"/> Child | <input type="checkbox"/> Parent (<i>name</i>): | <input type="checkbox"/> Parent's attorney |
| <input type="checkbox"/> Child's attorney | <input type="checkbox"/> Parent (<i>name</i>): | <input type="checkbox"/> Parent's attorney |
| <input type="checkbox"/> Probation officer/social worker | <input type="checkbox"/> Guardian | <input type="checkbox"/> CASA |
| <input type="checkbox"/> Deputy county counsel | <input type="checkbox"/> Deputy district attorney | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Tribal representative: _____ | Name | |

3. The court has read and considered the
- ICWA-50, *Notice of Petition and Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction*
- Other *relevant evidence (specify)*: _____
4. The child's tribe has informed this court that it has a tribal court or other administrative body vested with authority over child custody proceedings.
5. **THE COURT FINDS AND ORDERS** under Family Code, § 177(a); Probate Code, § 1459.5(b); Welfare and Institutions Code, § 305.5; 25 U.S.C. § 1911(a) (Exclusive Jurisdiction)
- a. The child's case is ordered transferred to the jurisdiction of the tribe listed below:
- Name of tribe: _____
- Address: _____
- City, state, zip code: _____
- Telephone number: _____
- b. Physical custody of the child is transferred to a designated representative of the tribal court listed below:
- Name: _____
- Title: _____
- Address: _____
- City, state, zip code: _____
- Telephone number: _____
- c. The case is being transferred from a juvenile court and all of the findings and orders or modifications of orders that have been made in the case are attached.
- d. The case is being transferred from a juvenile court and the county agency is hereby directed to release its case file to the tribe under section 827.15 of the Welfare and Institutions Code.
- e. The case is being transferred from a juvenile court and all originals contained in the court file must be transferred to the tribal court with copies maintained by this court.

CASE NAME:	CASE NUMBER:
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- f. The petition to transfer is denied because one of the following circumstances exist:
 - (1) One or both of the child's parents opposes the transfer.
Name of opposing parent: _____
 - (2) The child's tribe has informed this court that it does not have a tribal court or other administrative body as defined in 25 U.S.C. § 1903.
 - (3) The tribal court or other administrative body of the child's tribe declines the transfer.

- g. The petition to transfer is denied because good cause exists not to transfer the case.
 - (1) Name of opposing party: _____ has submitted information or evidence in writing to the court and all parties.
 - (2) Petitioner has had the opportunity to provide information or evidence in rebuttal.
 - (3) The party opposing the transfer has established that good cause not to transfer the proceeding exists as follows:
 - (a) The evidence necessary to decide the case cannot be presented in the tribal court without undue hardship to the parties or the witnesses, and the tribal court is unable to mitigate the hardship by making arrangements to receive and consider the evidence or testimony by use of remote communication, by hearing the evidence or testimony at a location convenient to the parties or witnesses, or by use of other means permitted in the tribal court's rules of evidence or discovery.
 - (b) The proceeding was at an advanced stage when the petition to transfer was received and the petitioner did not file the petition within a reasonable time after receiving notice of the proceeding. The notice complied with:
 - Family Code section 180 or
 - Probate Code section 1460.2 or
 - Welfare and Institutions Code section 224.2.*(Note: The fact that a party waited until after reunification efforts failed and reunification services were terminated is not good cause to deny transfer.)*
 - (c) The Indian child is over 12 years of age and objects to the transfer.
 - (d) The parents of the child, over five years of age, are not available and the child has had little or no contact with the child's tribe or members of the child's tribe.
 - (e) Other (specify): _____
 - (4) The court provided a tentative decision in writing with reasons to deny the transfer in advance of the hearing at which the order to deny was made.

6. The court grants the petition to transfer and an objecting party that intends to seek appellate review of the transfer order is advised that they must file a written notice of appeal within 7 court days after the date of this order or risk losing their right to appeal. Any notice of appeal must be filed before the transfer to tribal court is finalized and in any event no later than 60 days after the date of the court's transfer order.

7. Proof that tribe has accepted transfer is attached and jurisdiction is terminated.

8. Hearing is set for (Date): _____ (Time): _____ (Dept.): _____
to confirm that tribe has accepted transfer and to terminate jurisdiction.

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
NOTICE OF APPEAL—JUVENILE	CASE NUMBER: _____

— NOTICE —

- You or your attorney **must** fill in items 1 and 2 and sign this form at the bottom of the page. If possible, to help process your appeal, fill in items 4–6 on the reverse of this form.
- Rule 8.406 says that to appeal from an order or judgment, you must file a written notice of appeal within **60** days after rendition of the judgment or the making of the order being appealed or, in matters heard by a referee, within **60** days after the order of the referee becomes final.
- If you want to appeal an order transferring a case to tribal court, you must file a written notice of appeal within 7 court days, or before the transfer to tribal court is finalized. In any case no appeal of such an order may be filed after **60** days from the date of the order.

1. I appeal from the findings and orders of the court (*specify date of order or describe order*):

2. This appeal is filed by

- a. Appellant (*name*):
- b. Address:
- c. Phone number:
- d. Name and address and phone number of person to be contacted (*if different from appellant*):

3. I request that the court appoint an attorney on appeal. I was was not represented by an appointed attorney in the superior court.

Date: _____

 TYPE OR PRINT NAME

 SIGNATURE OF APPELLANT ATTORNEY

4. Items 5 through 7 on the reverse are completed not completed.

CASE NAME:	CASE NUMBER:
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5. Appellant is the
- | | |
|---|--|
| a. <input type="checkbox"/> child | f. <input type="checkbox"/> county welfare department |
| b. <input type="checkbox"/> mother | g. <input type="checkbox"/> district attorney |
| c. <input type="checkbox"/> father | h. <input checked="" type="checkbox"/> child's tribe |
| d. <input type="checkbox"/> guardian | i. <input type="checkbox"/> other (state relationship to child or interest in the case): |
| e. <input type="checkbox"/> de facto parent | |
6. This notice of appeal pertains to the following child or children (specify number of children included): _____
- a. Name of child:
Child's date of birth:
- b. Name of child:
Child's date of birth:
- c. Name of child:
Child's date of birth:
- d. Name of child:
Child's date of birth:
 Continued in Attachment 5.
7. The order appealed from was made under Welfare and Institutions Code section (check all that apply):
- a. **Section 305.5** (transfer to tribal court)
 Granting transfer to tribal court
- b. **Section 360** (declaration of dependency) Removal of custody from parent or guardian Other orders
 with review of section 300 jurisdictional findings
Dates of hearing (specify):
- c. **Section 366.26** (selection and implementation of permanent plan in which a petition for extraordinary writ review that substantively addressed the specific issues to be challenged was timely filed and summarily denied or otherwise not decided on the merits)
 Termination of parental rights Appointment of guardian Planned permanent living arrangement
Dates of hearing (specify):
- d. **Section 366.28** (order designating a specific placement after termination of parental rights in which a petition for extraordinary writ review that substantively addressed the specific issues to be challenged was timely filed and summarily denied or otherwise not decided on the merits)
Dates of hearing (specify):
- e. Other appealable orders relating to dependency (specify):
Dates of hearing (specify):
- f. **Section 725** (declaration of wardship and other orders)
 with review of section 601 jurisdictional findings
 with review of section 602 jurisdictional findings
Dates of hearing (specify):
- g. Other appealable orders relating to wardship (specify):
Dates of hearing (specify):
- h. Other (specify):