



Judicial Council of California

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Subject Text

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File #: 16-165, **Version:** 1

Title

Appellate Procedure: Juvenile Proceedings (Action Required)

Summary

The Appellate Advisory Committee recommends amending the rule that identifies the proceedings governed by the juvenile appellate rules to clarify that these rules apply to appeals of orders terminating parental rights under Probate Code section 1516.5 and Family Code section 7662 et seq. The committee also recommends amending the rule that lists what must be included in the normal record in juvenile appeals to clarify that the clerk's transcript must include various notices under the Indian Child Welfare Act and to add hearings at which certain advisements are to be given to the hearings that must be included in the reporter's transcript. This proposal, which originated from a suggestion submitted by an attorney at one of the appellate projects that assist the Courts of Appeal with appointed counsel in juvenile appeals, is intended to save time and costs for courts associated with requests to augment or receive copies of the record on appeal, and the costs associated with preparing and transmitting supplemental clerk's and reporter's transcripts when such requests are granted.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2017:

1. Amend rule 8.400 of the California Rules of Court to provide that the rules regarding juvenile appeals apply to appeals of orders:
 - a. Terminating parental rights under Probate Code section 1516.5; and
 - b. Requiring or dispensing with an alleged father's consent for the adoption of a child under Family Code section 7662 et seq.; and
2. Amend rule 8.407 of the California Rules of Court to:
 - a. Require that the oral proceedings of hearings at which certain advisements are to be given to the hearings be included in the reporter's transcript in juvenile appeals; and
 - b. Clarify that in appeals from an order terminating parental rights under Welfare and Institutions Code section 300 et seq., the reporter's transcript must include all section 366.26 hearings; and
3. Amend the advisory committee comment to rule 8.407 to clarify that the clerk's transcript in juvenile appeals must include various notices and responses under the Indian Child Welfare Act.