

Date

Parent Client.  
123 Any Rd.  
Anycity, CA 9xxxx

Re: In re A.M.; Any Co. DHS v. P.C.;  
Case No. F0xxxx  
Any County Case No. JDxxxx

Dear Parent Client:

As you know, I have been appointed by the Court of Appeal, through the Central California Appellate Project (CCAP) to represent you in your appeal from the juvenile court orders. I have reviewed the record on appeal and prepared the opening brief, which is enclosed with this letter. My intent with this letter is to give you an overview of the appellate process and an honest evaluation of what to expect in this appeal.

Appellant's opening brief is being sent to the Court of Appeal today. This is your brief and any reasons to reverse the trial court's order must be argued and fully explained in this brief. The respondent's (that is the Department) brief will be due 30 days after this brief is filed, which will be in about two days. After the respondent's brief is filed, I will have the opportunity to file a reply brief on your behalf. The case may then be set for argument at the appellate court's discretion or at our request if we think it will be helpful, and the court will make a decision.

On appeal, the appellate court only considers the evidence in the record. Ordinarily, we cannot argue or present any evidence that was not before the juvenile court at the time the decision was made. The appellate court assumes the juvenile court's determination of the facts is correct and the judgment is correct, so we have to convince it either that the juvenile court misinterpreted the law or that no reasonable juvenile court would have made the same decision based on the facts before it. The appellate court presumes that the findings of fact that were made by the juvenile court were true. In the opening brief you will find an explanation of the standard of proof in your dependency proceedings and the standard of review that applies to your case.

On appeal, we can only raise issues that were raised in the lower court. In general, that means that your trial attorney had to object and bring the error to the trial court's attention. Thus, even if the lower court made a mistake, the appellate

court may decide that any error was waived, meaning that we cannot argue it on appeal. The appellate court may also decide that an error was harmless, meaning

that even if the lower court committed an error, the result would have been the same even if the court had not erred.

The only issues on appeal in this case are outlined in the table of contents at the front of the opening brief. I am interested in hearing whether you think there were other errors by the trial court that should be raised on appeal. If you suggest something that I have not raised, I will consider whether it is arguable. I should hear from you quickly if that is the case, because there is a limited time to act. In some circumstances, we can request the court to allow a supplemental opening brief to raise the additional issue. That should be done within the next thirty days.

The majority of cases are “affirmed” on appeal which means that the trial court decision remains. There are few cases where the trial court’s order is “reversed,” meaning that the juvenile court loses jurisdiction over your children, or you would be provided with a new hearing, or possibly a new opportunity at reunification. The remedy depends on the issues raised in the appeal. I would be glad to discuss the particular merits of your issues and the possible remedies if you give me a call.

Sometimes there are developments in the trial court while the appeal is pending. I am depending on you to let me know if there are any new developments in the trial court.

Please update me anytime your address or your phone number changes. It is important that I can contact you and to send you copies of the respondent’s brief, the reply brief, notices from the court, and the opinion. I will update you as the appeal progresses. Please contact me if you have any questions.

Sincerely,

Panel Attorney

encl. (AOB)