

COURT OF APPEAL FOR THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION [NUMBER]

In re [CHILD'S INITIALS],) Court of Appeal
) No.: [CASE #]
A Person[s] Coming Under The)
Juvenile Court Law.) Superior Court
) No.: [CASE #]

[SPECIFIC COUNTY & AGENCY)
TITLE],)
Plaintiff and Respondent,)
v.)
)
[PARENT'S INITIALS] (mother/father),)
Defendant and Appellant.)

APPEAL FROM THE JUDGEMENT OF THE SUPERIOR COURT

OF [SPECIFIC COUNTY], JUVENILE COURT

Honorable [JUDGE'S NAME], Judge

REQUEST FOR JUDICIAL NOTICE

[ATTORNEY NAME, BAR #]

Attorney at Law

[ATTORNEY FIRM]

[FIRM ADDRESS]

[TELEPHONE]

Attorney for Appellant, [PARENT'S 1ST
NAME & LAST INITIAL]

By appointment of the Court of Appeal
under the Appellant Defenders, Inc.

Independent case system

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[PARENT’S INITIALS] (mother/father),)
Defendant and Appellant.)

REQUEST FOR JUDICIAL NOTICE

Appellant-[mother/father] [PARENT’S NAME & LAST INITIAL] CHRISTINE B., respectfully requests this Court take judicial notice of its opinion in *In re Kelli B., et al.*, appeal No. E039777. This request is made pursuant to Evidence Code sections 452, subdivision (d), and 459.

Evidence Code section 459 states in pertinent part that “the reviewing court shall take judicial notice of (1) each matter properly noticed by the trial court and (2) each matter that the trial court was required to notice under Sections 451 or 453. The reviewing court may take judicial notice of any matter specified in Section 452.”

Evidence Code section 452 states in relevant part that “judicial notice may be

taken of the following matters to the extent they are not embraced within Section 451: ...

(d) Records of (1) any court of this state....”

A party submitting supplemental material to the appellate court need only show with some certainty how materials not included in the normal transcript may be useful on appeal or that it may be a proper subject for judicial notice. (*People v. Hill* (1967) 67 Cal.2d 105, 124; *People v. Bautista* (1970) 6 Cal.App.3d 344, 348.)

Here, the opinion in the prior appeal is both a proper subject for judicial notice and will be useful in the pending appeal. Christine is appealing from the judgment terminating parental rights after this Court reversed the prior judgement terminating parental rights with directions in appeal no. E039777. The opinion was not included in the record on appeal.

In her opening brief, Christine cites to this Court’s directions on remand as part of her argument. Accordingly, Christine requests this Court take judicial notice of the opinion in case no. E039777.

DATE: _____

Respectfully submitted,

[ATTORNEY NAME]
COUNSEL FOR APPELLANT