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| Parts in blue print are instructions to user, not to be included in filed document unless so noted.  ***PRACTICE TIPS***  For timing of the request to augment the record, see [ADI Manual](https://www.adi-sandiego.com/legal-resources/), chapter 3, sections 3.2.6 and 3.2.6.2, the [Division-Specific Practices](https://www.adi-sandiego.com/legal-resources/fourth-district-resources/) page, and [ADI’s Motions Practice Guide](https://www.adi-sandiego.com/legal-resources/), section I., footnote 8, and section II.B.1. See also “Augments and Record Correction” on the [Fourth Appellate District Practice page](http://www.adi-sandiego.com/practice/fourth_dist.asp). The request is made under California Rules of Court, rule 8.410(b). The request should be filed within 15 days in fast-track dependency cases (Cal. Rules of Court, rule 8.416(d)(2)). In Division One, this rule applies to ALL juvenile dependency cases pursuant to [Misc. Order No. 020411A](https://appellate.courts.ca.gov/sites/default/files/appellate/default/2023-09/4dca-div1-020411a-juvenile-augment-order.pdf).  If the request is beyond the specified time limit, this form, with an explanation for the late augment request, should be included. |

*[Attorney’s name, bar number*

*Address and telephone number*

*Email address and fax number if available]*

Attorney for Appellant *[Name]*

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION** *[NUMBER]*

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| In re *[CHILD’S INITIALS]*,    [A] Person[s] Coming Under  The Juvenile Court Law \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *[SPECIFIC COUNTY & AGENCY*  *TITLE]*,    Plaintiff and Respondent,  v.  *[PARENT’S INITIALS]* [Mother/Father],    Objector and Appellant | Court of Appeal  No. *[number]*  Superior Court  No. *[number]*  **APPELLANT’S REQUEST**  **FOR RELIEF FROM**  **DEFAULT. MOTION TO**  *[COMPLETE/AUGMENT]*  **RECORD ON APPEAL.**  **APPLICATION TO EXTEND TIME**  **FOR FILING OPENING BRIEF.** |

TO THE HONORABLE *[NAME]*, PRESIDING JUSTICE, AND HONORABLE ASSOCIATE JUSTICES OF THE FOURTH DISTRICT COURT OF APPEAL, DIVISION *[NUMBER]*:

Appellant *[mother/father]*, *[parent’s name & last initial]*, respectfully submits this request for relief from default for failure to file this request for *[correction/augmentation]* within 15 days. *[If a fast-track case under rule 8.416, add citation: (Cal. Rules of Court, rule 8.416(d).)]* Appellant further asks to augment the record on appeal under California Rules of Court, rules 8.410(b) and 8.155(a) and (c) (rule or rules) and to extend time to file the appellant’s opening brief.

**I**.

**REQUEST FOR RELIEF FROM DEFAULT**

**FOR LATE AUGMENT REQUEST**

Appellant’s counsel received the record on *[date].* This court’s augmentation policy under normal circumstances requires appellant to “serve and file any request for augmentation or correction within 15 days after receiving the record.” (See rule 8.416(d).) Under the circumstances of this case, appellant has been unable to comply with this policy. *[Describe the circumstances (e.g., long record, requested item was not apparent from initial review).]*

Appellant is aware of the need to expedite juvenile matters and does not believe that any party will be prejudiced by the requested augmentation. Indeed, all parties will benefit from having the material.

**II.**

**REQUEST FOR MISSING PARTS OF THE RECORD**

As required by rules 8.410 / 8.416(d), appellant requests the following items be transmitted to the Court of Appeal with copies to appellate counsel. These items are part of the normal appellate record under rule 8.407. They must be included to permit a thorough appellate review for possible issues. A “complete and adequate” appellate record is essential to a meaningful, effective presentation of claims. (*People v. Barton* (1978) 21 Cal.3d 513, 518.)

**A. Clerk's transcript**

*[Enumerate any missing parts, with citations to record as needed.]*

Rule 8.407(a) provides that the normal clerk’s transcript on appeal must containthese matters. *[Specify appropriate rule subdivisions. Provide all known details, including filing date, title, and description of document, etc.]*

*[If feasible:]* The requested document is attached to this motion, as provided by rule 8.155(a)(2).

This record is important to appellate counsel’s identification of issues on appeal. *[Briefly explain relevance to appeal.]*

**B. Reporter’s transcript**

Rule 8.407(b) provides that the normal reporter’s transcript on appeal must contain *[specify missing parts listed in the applicable rule, with citations to record and appropriate rule subdivision].*

This record is important to appellate counsel’s identification of issues on appeal. *[Briefly explain relevance to appeal.]*

**III.**

**REQUEST TO AUGMENT RECORD ON APPEAL**

Under rules 8.155(a), 8.410, and 8.416(d), appellant requests an order augmenting the record on appeal as specified below. Appellate counsel must exercise diligence in investigating all potential arguably meritorious issues suggested by the record on appeal and to augment that record based on suggestions of appellant and inferences contained in the appellate record. This request is necessary to discharge that duty. (See *People v. Johnson* (1981) 123 Cal.App.3d 106, 109; *In re L.B.* (2003) 110 Cal.App.4th 1420, 1424.)

**A. Clerk’s transcript**

*[Enumerate documents requested, with citations to record as needed. Provide all known details, including filing date, title, and description of document, etc.]*

*[Because the material is not part of the normal record, counsel should demonstrate the requested material’s relevance to a potential issue on appeal. E.g., ICWA, paternity, etc.]*

**B. Reporter’s transcript**

*[Enumerate proceedings for which a reporter’s transcript is requested, with citations to record and applicable rules as needed. Provide all known details – dates and times, judge’s name and department, reporter’s name and CSR number, etc., to help identify exact proceeding.]*

*[Because the material is not part of the normal record, counsel should demonstrate the requested material’s relevance to a potential issue on appeal. E.g., ICWA, paternity, etc.]*

**IV.**

**LIST OF REQUESTED ADDITIONS TO THE RECORD**

1. *[Enumerate, with identifying details.]*

2. \* \* \*

**V.**

**APPLICATION FOR EXTENSION OF TIME**

**TO FILE APPELLANT’S OPENING BRIEF**

I request that the time to file appellant’s opening brief be extended by thirty days after the filing of the augmented record.

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| Present due date: | Notice under rule 8.412(d)/ 8.416(g): *[date or N/A]* |
| Date appointed: | Record filed: |
| Record length: |  |

I need more time for the following reasons:

Appellate counsel has completed a review of the record and made every effort to expedite the filing of this augmentation request. Granting an extension of time to file appellant’s opening brief following the augmentation of the record will create no harm and will permit appellate counsel time to represent appellant’s interests adequately by raising all arguably meritorious issues before this court. (*People v. Barton* (1978) 21 Cal.3d 513, 518-520; *In re Smith* (1970) 3 Cal.3d 192, 202-203.) *[Address rule 8.63(b) factors, including possible prejudice to parties.]*

I declare, under penalty of perjury under the laws of the state of California, that this statement and the attached pages are true and correct.

Dated: *[date]* Respectfully submitted,

*[Attorney’s name]*

State Bar No. *[number]*

Attorney for Appellant *[name]*

**PROOF OF SERVICE**