

[*Attorney's name
address, telephone number and
State Bar No.]

Attorney for Petitioner, *

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOR THE * APPELLATE DISTRICT, DIVISION *

In the Matter of:)	
	)	Court of Appeal No. *
*)	
	)	* County
Minor.	)	Superior Court No. *
_____)	
*	)	PETITIONER'S MOTION
	)	TO AUGMENT RECORD;
	)	REQUEST FOR
Petitioner,	)	EXTENSION OF TIME;
	)	DECLARATION AND
v.	)	POINTS AND AUTHORITIES
	)	IN SUPPORT;
	)	ORDER
THE SUPERIOR COURT OF THE STATE)	
CALIFORNIA, FOR THE COUNTY OF)	
*, SITTING)	
AS A JUVENILE COURT,)	
)	
Respondent.)	
_____)	
)	
* COUNTY)	
HUMAN SERVICES AGENCY,)	
)	
Real Party in Interest.)	
_____)	

TO THE PRESIDING JUSTICE OF THE * DISTRICT COURT OF APPEAL,
DIVISION *:

Petitioner moves, through counsel, pursuant to rules 12, 38.1 and 41 of the California Rules of Court, for an order augmenting the record with the following:

[1.] * [e.g., the Reporter's transcript or proceedings on *. (See, CT *.)]

[2.] . . .

Necessity of Augmentation

Petitioner has filed a Notice of Intent to file a writ petition under rule 38.1 of the California Rules of Court. [*Materiality of augment – e.g., One of the issues before the court at the contested 12 month review hearing was whether the respondent agency had complied with its duty to provide reasonable services by facilitating visitation pursuant to the trial court's order of * regarding visitation. In addition to the minute order already filed with this Court as a part of the Clerk's Transcript, the exact wording of the Judge's order on the record, in open court is critical. It needs to be determined whether the Court's visitation orders violated law and precedent by allowing the child, social worker and/or therapist to veto visits altogether, or whether the judge's order was itself permissible, but which was carried out by the agency in such a way as to effectively permit those entities to veto visits altogether. In either case, the transcript of the proceedings of *[date] is critical to the pending Writ Petition. Review of the transcript is necessary in order to be able to prepare an accurate statement of the facts, and in order to adequately address this issue.]

Request for an Extension of Time to File Writ Petition

Since the current appellate record is incomplete and requires augmentation, counsel respectfully requests that the time for filing the writ petition be extended to 10 days after the filing of the augmentation in this Court.

This motion is based on this notice, the attached declaration and points and authorities and this court's records and files in this matter.

DATED: _____

Respectfully submitted,

[*Name]

Attorney for Petitioner

DECLARATION IN SUPPORT

I, *, declare the following:

1. I am an attorney at law duly licensed to practice law in the state of California. The * County Superior Court appointed me on *, to represent petitioner, in this case;
2. The record in this case, filed on * does not include *, which [is/ is not] a part of the normal record as defined in rule 38 of the California Rules of Court;
3. The * is relevant and material, because it will reveal * [e.g. the exact wording of the Judge’s visitation order, and it is necessary for this court’s determination whether the visitation order was erroneous.];
4. Petitioner’s Writ Petition is currently due *. I cannot file the petition on time in the absence of the requested augmentation.

I declare under penalty of perjury that the foregoing is true and correct based upon my review of the record filed in this matter. Executed this ___ day of _____, 20__ at _____, California.

[Name]

ORDER

Based on the motion of petitioner and good cause appearing,

IT IS ORDERED that:

1. The record for the Writ Petition in this matter shall be augmented to include *.
2. The time for filing Petitioner's Writ Petition is extended to 10 days from the date the augmented record is filed with this court.

DATED: _____

By: _____
Presiding Justice