

**INSTRUCTIONS FOR FILING A PETITION FOR
REVIEW WITH THE CALIFORNIA SUPREME COURT**

There are only three grounds for review of the Court of Appeal decision by the California Supreme Court. These are contained in California Rules of Court, rule 8.500(b). These are:

1. Where it appears necessary to secure uniformity of decision or the settlement of important issues of law;
2. Where the court of appeal was without jurisdiction of the case; or
3. Where, because of disqualification or other reasons, the decision of the court of appeal lacks the concurrence of the required majority of qualified judges.

In all probability, your case will come under reason 1. Numbers 2 and 3 almost never occur.

Put your name, address and a contact telephone number on a white colored cover. Sample copies of a cover are included in the briefs which I have sent you only they are a green or brown color.

Your petition for review need not be an elaborate document. It should be titled "Petition for Review of Court of Appeal decision [insert case number]." Your petition must contain, at the beginning of the petition, the case number and date of the Court of Appeal decision, a statement of the issues presented, in concise, non-argumentative form. It must also contain a short statement of the facts as they are shown in the record, and statement of why the legal issue is important enough to deserve review by the California Supreme Court under the standards listed above. This usually means a discussion of whether an important question of law is involved, or whether review is necessary to obtain uniformity of decisional law.

Your arguments and legal authorities should follow, and the Court of Appeal decision should be attached as Exhibit A.

The petition is similar in form to the briefs which were filed in the Court of Appeal, copies of which were sent to you. Your brief must be either typed or printed on a computer.

Use normal 8½ by 11 inch white paper. The left and right margins must be 1½ inches wide, and the top and bottom margins must be 1 inch wide. The brief should be double spaced or at least 1½ spaced. If you use a computer, the print must be a 12 or 13 point type font.

Every factual point made must be supported by a reference to the official

record. The official record consists of a “clerk’s transcript” (which includes the social worker reports and the court’s orders), and the “reporter’s transcript” (which includes a verbatim account of what was said in court at the last hearing). For example, if you are referring to something in a social worker report on page 40 of the clerk’s transcript, you can say it is at CT 40 (or RT 40 for page 40 of the reporter’s transcript). In order to protect your privacy and the privacy of the child in official court documents, you should not use your last name or the last name of the child or any other family members. Instead, refer to people by their first names, sometimes with the initial of the last name, such as John or John D.

After you have finished writing your brief, prepare the Table of Contents and the Table of Authorities. The Table of Authorities usually consists of two or three lists. First, you list the statutes in alphabetical and numerical order and the page in the brief where a statute is mentioned; for example, Family Code section 8, Family Code section 1025, Welfare and Institutions Code section 300. Then, you list in alphabetical order the cases and the page number in your brief where the case is mentioned. The tables are placed in the front of the brief after the front cover. Sample copies of the tables are included in the briefs which I have sent you.

The petition can be no longer than 8,500 words, not including the cover, table of contents, table of authorities, or the proof of service. You need to state under penalty of perjury that the brief is not longer than the word-count limit (of course, most briefs are much shorter). On a page entitled “Certificate of Word Count,” you state: “I, [your name], certify that the attached Petition for Review contains __[insert #]__ words. Executed under penalty of perjury at __[insert city]__, California, on __[insert date]__.” Then you sign it. The Certificate of Word Count is the second to last page of the brief. Sample copies of the word count form are included in the briefs which I have sent you.

A copy of the Court of Appeal opinion must be included as Exhibit A after the certificate of word count.

The Proof of Service is the last page of the brief. It is a signed declaration under penalty of perjury that you mailed a copy of the brief by first class mail to each of the following: county counsel (representing CPS), the child’s attorney, any co-appellants, the juvenile court, and the Court of Appeal. In the proof of service, you state: “I declare that I am over the age of 18, my address is _____. On the date shown below, I served Petition for Review to the following parties hereinafter named by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at [city where you mailed it], California, addressed as follows:” [List the names and addresses.] “I declare under penalty of perjury the foregoing is true and correct. Executed this ___ day of _____ 200_ at _____, California.” You then sign it. Sample copies of the proof of service form are included in the briefs which I have sent

you.

The addresses of county counsel, the child's attorney, the juvenile court and any co-appellant are listed on the proof of service attached to the documents which I filed with the court on your behalf. The name of the Court of Appeal in your case is on the top of the first page of the opinion.

The addresses of the Courts of Appeal are:

Third District Court of Appeal
621 Capitol Mall, 10th Floor
Sacramento, CA 95814

Fifth District Court of Appeal
2424 Ventura Street
Fresno, CA 93721

You should mail the original of your petition, signed by you, plus 13 copies to:

Clerk of the California Supreme Court
350 McAllister Street
San Francisco, CA 94102-3600

If you send another extra copy (#14) with a stamped, self-addressed manila envelope, the court will return the extra brief to you with a "filed" stamp and date on it, so you will be sure the court received it.

Your brief must arrive at the Supreme Court no sooner than 30 nor later than 40 days after the date on which the Court of Appeal's decision was filed. That date is stamp marked on the front of the copy of the opinion which I have sent to you.

Once you have filed your petition, you wait to hear from the Supreme Court. If it decides to grant your petition and review your case, it will undoubtedly appoint counsel for you. If it decides to deny your petition, it will let you know that as well, in which case the Court of Appeal decision will become final.

It is very important that you establish an address where you constantly check your mail so that the court and the parties can communicate with you.

If you have any questions, do not hesitate to contact me.