

Re: Appeals from a termination order

At the .26 hearing, if the agency is recommending that parental rights be terminated so that the child can be adopted, the parents may object to the grounds for termination and request a contested hearing, which allows them to present witnesses and evidence. A contested hearing will delay the final decision on whether the child can be adopted and is usually set several weeks or several months out, depending on the court's calendar.

If the birth parents do not prevail at the contested .26 hearing and their parental rights are terminated, they have 60 days within which to file an appeal of the termination order. If the parents do file an appeal, the adoption will be delayed pending a decision from the Court of Appeal, a process that can take many months.

Appeals from the termination of parental rights are "fast-tracked" which means that they move faster through the appellate system than other kinds of appeals but they can still feel like they take a long time if you are the prospective adoptive parent waiting for finalization. Generally, the briefing is completed in about four to five months but can take longer if the record prepared by the trial court clerk is not complete. If the record is not complete, one of the appellate attorneys will file a motion to augment the record and that process can take one or two months. The briefing time does not start until the record is complete. Once the briefing is complete, the court will generally set the case for oral argument to be heard within two or three months after that. Once the court has heard oral argument, or the appellate attorneys waive oral argument, the case is considered submitted and the court has 90 days after the submission date to decide the case. They often do not take that long.

If the court rules against the birth parents(s), then they have the option of filing a petition for review with the Supreme Court within 40 days of the date of the court of appeal's decision. If they choose to do that, the process can take up to an additional four or five months before the Supreme Court decides whether to grant or deny the petition for review. If the court grants the petition for review, resolution could take several more years. However, the good news is that, historically, the Supreme Court only grants review in about two dependency cases a year, so that odds of that happening in your case are really low.

There is a way that you can keep track of what is happening in the appeal online. You can go to <http://appellatecases.courtinfo.ca.gov/> where you can search by County. Once you have hit the "search" button, there, type your juvenile court case number in the first box. This number should be on notices of juvenile court hearings you should have received from the county. After you type in the number, hit search. This will take you to an information page concerning the appeal in your case. If you click on "Docket," that will give you a chronological listing of the various events that had taken place in the appeal. At the bottom of the page, you can click a box to sign up for automatic same day email notifications

of significant events in the case like the filing of the various briefs and the issuance of the court's decision. If you also bookmark the docket page, you can easily get back to it to check periodically for things that may have happened for which there is no email notification.