

1 (Firm)  
2 BY: (Attorney) CSB#  
3 Address XXXXXXXX  
4 Phone XXXXXXXX  
5 Fax XXXXXXXX

6  
7 Attorney for (FATHER), FATHER

8  
9  
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **IN AND FOR THE COUNTY OF X**  
12 **SITTING AS THE JUVENILE COURT**

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In the matter of:	)	CASE NO.
H. MINORS	)	NOTICE OF MOTION TO TAKE JUDICIAL
DOB: 2/5/00; 9/22/95	)	NOTICE OF FAMILY COURT ORDERS
	)	[EVIDENCE CODE § 452]; POINTS AND
	)	AUTHORITIES; AFFADAVIT
	)	DATE: X, 2005
	)	TIME: 1:30 P.M.
	)	DEPT.:

---

29 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

30 **PLEASE TAKE NOTICE** that on or before X, 2005 at 1:30 p.m. in Department of  
31 the \_\_\_ County Juvenile Court located at X, the Father, (Father), will move the court  
32 pursuant to Evidence Code Section 452 to take Judicial notice of the findings and  
33 orders made in the case of (Minor 1) on June 21, 2005 heard in Department \_\_\_ in the  
34 Juvenile Division of the Superior Court.

35 In the matter of (Minor 2) and (Minor 3), a jurisdictional hearing is pending in  
36 which the court must determine whether allegations are true, and if so what the  
37 appropriate disposition for (Minor 3) and (Minor 2) is. The father is asking that (Minor 3)  
38 and (Minor 2) be returned to his care and custody at the next court date. As such, the

---

39 In Re: H. Minors  
40 Case No.

Affidavit in Support of Motion to Take  
Judicial Notice  
X, 2005

1 finding and orders returning (Minor 1) to his care and custody are relevant and the  
2 father is asking the court to take judicial notice of those findings and orders on or before  
3 the next court date. On June 21, 2005 in Department \_\_\_ of the Superior Court, the court  
4 placed the sibling (Minor 1) in the home of (Father) and her stepmother C. under  
5 dependent supervision of this court. On August 11, 2005 in (Minor 3) and (Minor 2)'s  
6 matter, (Father) will ask the court to place the siblings, (Minor 3) and (Minor 2) in his  
7 care and custody along with the mother C. The court made findings in (Minor 1)'s  
8 hearing that return of that minor would not create substantial risk and was the  
9 appropriate plan for her. It is therefore relevant that those findings and orders be  
10 considered at the next court hearing of August 11, 2005 on the issue of return of (Minor  
11 3) and (Minor 2) H.

12 The motion will be made based on this notice, the pleadings, records, and papers  
13 on file herein, and the affidavit of served and filed herewith.

14 **II.**

15 **POINTS AND AUTHORITIES**

16 Evidence Code Section 452(d) states as follows:

17 Judicial notice may be taken of the following matters to the extent they are  
18 not embraced by section 451:...(d) [r]ecords of any court of (1) this state...

19  
20 In the instant case, the father believes that the court should take judicial notice of  
21 the documents referenced (see attached Minute Order dated June 21, 2005, Docket  
22 No.).

23 Dated: \_\_\_\_\_

24 Attorney for FATHER

1 (Firm)  
2 BY: (Attorney) CSB#  
3 Address XXXXXXXX  
4 Phone XXXXXXXX  
5 Fax XXXXXXXX

6 Attorney for (FATHER), FATHER

7  
8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF X  
10 SITTING AS THE JUVENILE COURT

11 In the matter of: ) CASE NO.  
12 H. MINORS ) AFFIDAVIT OF IN  
13 DOB: ) SUPPORT OF MOTION TO TAKE JUDICIAL  
14 ) NOTICE OF COURT ORDERS  
15 ) [EVIDENCE CODE § 452]  
16 ) DATE: X, 2005  
17 ) TIME: 1:30 P.M.  
18 ) DEPT.:  
19 \_\_\_\_\_ )

20 I, \_\_\_\_\_, state and declare the following:

- 21 1. I am an attorney licensed to practice law in the State of California.  
22 2. I am the attorney for the Father, (Father), in the above-referenced  
23 matter.  
24 3. This declaration is in support of (Father)'s motion for the court to  
25 take judicial notice of the findings and orders made in the matter of  
26 (Minor 1) on X, 2005 in Department \_\_\_ of the Juvenile Division of  
27 \_\_\_ County Superior Court.  
28 4. I believe these findings and orders are relevant in that the court has  
made these orders returning (Minor 1) to the same parties who are  
asking for return of the minors pending court hearing on August 11,

27 In Re: H. Minors

Affidavit in Support of Motion to Take  
Judicial Notice  
X, 2005

28 Case No.

1 2005.

2 5. The court must determine the progress made by both parents as  
3 well as whether there is risk of returning the minors (Minor 2) and  
4 (Minor 3) H. to the parents.

5 6. The court has made findings in the minor's sibling's case, (Minor 1),  
6 that there is not substantial risk to her well being to be returned to  
7 the parents' custody, and that that is an appropriate plan for her.

8 7. The parents have participated in the programs, are living together,  
9 and now have a sibling placed in there care.

10 8. For the reasons stated above, it is relevant that the court consider  
11 the findings and orders made in the sibling, (Minor 1)'s case on  
12 June 21, 2005.

13 Dated: \_\_\_\_\_

14 Attorney for FATHER

**PROOF OF SERVICE**

**Case Name: IN RE: H. MINORS**  
**Court: COUNTY SUPERIOR COURT; JUVENILE DIVISION**  
**Case No.:**

I am a resident of the United States and of the State of California. I am employed in the County of. My business address is. My business telephone number is ; fax number is . I am over the age of eighteen years. I am not a party to the within action or proceeding. On X, 2005, I served the following document(s):

- 1. NOTICE OF MOTION TO TAKE JUDICIAL NOTICE OF OTHER COURT PROCEEDINGS**
- 2. AFFIDAVIT OF IN SUPPORT OF MOTION TO TAKE JUDICIAL NOTICE OF OTHER COURT PROCEEDINGS**

I am familiar with the practice of X for the collection and processing of correspondence for mailing with the United States Postal Service. In accordance with the ordinary course of business, the above-mentioned document(s) would have been deposited with the United States Postal Service on the same day on which it was placed at X for deposit

X  by placing, or causing to be placed, a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at, California, addressed as set forth below. (CCP §1012, 1013, & 1013(a))

**COUNTY COUNSEL**

X  by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the addresses set forth below. (CCP §1011)

**Other**

X  by personally delivering, or causing to be delivered, a true copy thereof to the person(s) at the Courthouse in the mailbox located in Room 101 of the mail distribution center.

**Child's Counsel**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on \_\_\_\_, 2005 at \_\_\_\_, California.

\_\_\_\_\_

\_\_\_\_\_

In Re: H. Minors

Affidavit in Support of Motion to Take  
Judicial Notice

Case No.

X, 2005