IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

In re Kenneth D., a Person Coming Under the Juvenile Court Law.	)	S276649
	)	Court of Appeal
Placer County Department of Health and Human Services,	)	No. C0961051
Plaintiff and Respondent	)	Placer County Superior Court No. 53005180
v.	)	
J.T.,	)	
Defendant and Appellant	)	

Respondent's Answer Brief on the Merits

After the published decision of the Court of Appeal of California,
Third Appellate District, filed August 31, 2022

BECKY MARTIN, SB# 321613
175 Fulweiler Avenue
Auburn, CA 95603
(530) 886-4630
cclcps@placer.ca.gov
Attorney for Respondent
Placer County Department of Health and Human Services

TABLE OF CONTENTS

TABLE OF AUTHORITIES

United States Supreme Court Cases

Federal Statutes

California Supreme Court Case

California Appellate Cases

California Statutes

Rules of Court

Other Authority

STATEMENT OF ISSUES PRESENTED

May an appellate court make substantive findings when substantial and conclusive evidence is presented showing that a child welfare agency and the trial court complied with the inquiry, investigation and notice requirements of the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.(ICWA)); (Welf. & Inst. Code §224 et seq.)

INTRODUCTION

The Court of Appeal in the present case considered post judgment evidence that substantially and conclusively showed compliance with the Indian Child Welfare Act by the child welfare agency and the trial court. As will be explained, this evidence was the precise evidence a remand would have solicited. Rather than remand for the trial court to conduct an exercise in futility, the Court Appeal properly proceeded on the merits and affirmed the trial court's decision.

Petitioner's reliance on *Zeth S.* and the various rules of appellate procedure is misplaced in this case. The purpose of the inquiry, investigation and notice requirements of the ICWA are to ensure that Tribes receive proper notice and an opportunity to intervene in cases involving their children. Further, the children themselves derive great benefit as a result of their membership. Once the duty of inquiry and investigation is conclusively satisfied and the ICWA found not to be applicable, any Court should have the ability to make decisions on the merits.

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COMBINED STATEMENT OF FACTS AND PROCEDURAL HISTORY

As noted by the Court of Appeal, the following are the relevant facts:

Following the minor's premature birth and positive test for amphetamine, the Department filed a Welfare and Institutions Code section 300 petition on his behalf alleging he was a person described in subdivisions (b)(1) and (j)(1). The petition alleged the minor suffered, or was at substantial risk of suffering, harm due to substance abuse by C.B., the minor's mother, who had previously had another child taken away as a result of her substance abuse.

On April 20, 2021, mother reported to the Department that she may have Native American heritage on her father's side, but her relatives were not enrolled members, and she believed the tribe was out of Kentucky. Thereafter at the April 22, 2021 emergency detention hearing and in response to court inquiries, mother informed the court she did not have any Native American heritage that made her eligible for registration as a tribal member. Accordingly, the court determined the ICWA did not apply.

Mother repeated her denial of Native American heritage to the Department on May 4, 2021. It was during this interview that she identified J.T. as a possible father, and J.T. subsequently consented to a paternity test. J.T.'s first appearance in the case was at the juvenile court's combined jurisdiction and disposition hearing on May 26, wherein the court found jurisdiction and ordered reunification for mother, but did not appoint counsel nor order services for J.T. pending return of the paternity test. If J.T. was determined to be the biological father, the matter would be

put back on calendar. The court did not inquire regarding J.T.'s possible Native American status, but did determine that the ICWA did not apply.

J.T. was determined to be the biological father around July 6, 2021, but the matter was not placed back on calendar to address this development, and the record does not reflect any inquiries by the Department or the juvenile court regarding father's possible Native American heritage leading up to the termination of parental rights hearing.

Nonetheless, at the six-month review hearing on December 7, the juvenile court again found that the ICWA did not apply, and in February, the Department spoke with mother's mother K.B., who denied there was any Native American heritage anywhere in mother's family. This included the juvenile court's failure to ask father concerning the ICWA at the November 17, 2021, and December 7, 2021 six-month review hearings.

Thereafter, the juvenile court made no express ICWA findings at the section 366.26 hearing on March 22, 2022, wherein it terminated mother's and father's parental rights, nor did it ask father concerning any possible Native American heritage. Nonetheless, the juvenile court's previous ICWA determination was incorporated by virtue of the court's orders taking judicial notice of previous orders and recognizing that unless modified all previous orders remained in effect. Father timely appealed.

The Court of Appeal granted the Department's motion to augment the record in this appeal to include a Department memorandum filed with the juvenile court on

April 28, 2022. This memorandum states father told the Department on April 21, 2022, that he "might have Cherokee ancestry out of Oklahoma." Father identified his mother as the family member who would have more information. The Department spoke with father's mother the same day and learned that the family does not have any Native *American* heritage. Father's mother explained she had received a DNA test result that identified her as having "Native Heritage," but her entire family is from "Culican, Sinaloa, Mexico," and therefore, she believed her "Native Heritage" originates from Mexico. Father's mother also provided the Department with names, dates of birth, and dates of death of multiple family members from Mexico.

Following up on this information, the Department contacted the Bureau of Indian Affairs (Bureau), Pacific Regional Office, and confirmed that native heritage originating in Mexico would not be federally recognized for purposes of the ICWA. Further, without the name of a tribe or registration in a tribe, the minor would not be considered an "Indian child" for purposes of the ICWA. Accordingly, the Department requested the juvenile "[c]ourt find [the] ICWA was properly noticed and that [the] ICWA does not apply" for the minor.

The Court of Appeal found no error regarding the Department's actions with regard to the any possible Native American ancestry regarding the mother. With regard to the Father, the Court of Appeal did find that the Department failed in its duty to timely inquire into father's ancestry, but that given the subsequent, conclusive information showing that father does not have any Native American

heritage, and as such the ICWA does not apply, any error was harmless. This Court granted the Petition for review and this appeal follows.

LEGAL DISCUSSION

1. THE LAW DOES NOT REQUIRE THE DOING OF A FUTILE ACT

A. The Appellate Court Correctly Decided this Case on the Merits

As the United States Supreme Court stated 43 years ago, "The law does not require the doing of a futile act." *Ohio* v. *Roberts* (1980) 448 U.S. 56, 74, 65 L.Ed.2d 597, 613, 100 S.Ct. 2531. While *Roberts* dealt with the availability of a witness in a criminal case, Courts both before and since have universally accepted this principal. See gen. *People v. Lewis* (1986) 42 Cal. 3d. 969, 728 P/2d 180, 232 Cal.Rptr. 110. In the case at bar, Petitioner is requesting that this Court reverse and remand the case for further fact finding. Such a result, given the uncontroverted evidence, would yield precisely the same result.

As the Court of Appeal noted, "The ICWA protects the interests of Indian children and promotes the stability and security of Indian tribes by establishing minimum standards for removal of Indian children from their families, and by permitting tribal participation in dependency proceedings. [Citations.] A major purpose of the ICWA is to protect "Indian children who are members of or are eligible for membership in an Indian tribe."" (Citing *In re A.W.* (2019) 38 Cal.App.5th 655, 662.).

The Appellate Court then explained that state law imposes mandatory duties on the Department in relation to the Indian Child Welfare Act whenever it takes a

child into care. (WIC Section 224, et. seq.) The first is to ask all involved persons whether the child may be an Indian child. (§ 224.2, subds. (a), (b).). If anyone answers in the affirmative, the Department is then required to "make *further inquiry* regarding the possible Indian status of the child and shall make that inquiry as soon as practicable." (*Id*., subd. (e), italics added.). If the inquires yield a "reason to know" of Native American Heritage, then the Department must provide formal notice pursuant to state and federal law.

The converse of this principle, however, is also true. In other words, if the result of the further inquiry conclusively establishes there is no reason to believe or know a child does not have any Native American Heritage, the Department is relieved of any further duty to inquire, and all notice requirements are satisfied. This is what happened here.

In this case, Petitioner cites as error the fact that the Department did not immediately ask him about Native American Heritage. The Appellate Court noted this was in fact error, but found it to be harmless. The reason the Court found it to be harmless was because the Department did subsequently ask about Heritage. Father was equivocal in his response, stating he, "thought he might have Cherokee Heritage out of Oklahoma". Petitioner was then unequivocal in his next statement, indicating that his mother would have further information. In other words, Petitioner was not sure about whether he had heritage, but was quite certain his mother would have this information. When then the Department immediately contacted the Paternal Grandmother, she unequivocally stated that whatever

heritage the family had was Mexican, and not Native American. As such, at this point, the evidence conclusively showed that the child could not possibly have Native American heritage. The Department's obligation to make further inquiry – as well as any duty to notice – was then satisfied.

B. Petitioner's Reliance on *Zeth S.* and *Josiah Z.* is misplaced

Petitioner's reliance on *in re Zeth S.* and its progeny is misplaced. Petitioner incorrectly cites *Zeth S.* as standing for the position that post-judgment evidence is impermissible in a dependency case and cannot be considered. *Zeth S.*, however involved the issue of considering post-judgement evidence to *overturn* a judgement, not evidence that would be used to support an existing judgement. When, however, post judgment evidence is offered to an appellate court in support of a motion to dismiss a juvenile dependency appeal, it is "routinely consider[ed]" because, if the motion is granted, it will have "the beneficial consequence" of "'expedit[ing] the proceedings and promot[ing] the finality of the juvenile court's orders and judgment.'" *In re Allison B.* (2022) 79 Cal. App. 5th 214 (citing *In re Josiah Z.* (2005) 36 Cal.4th 664, 676 [31 Cal. Rptr. 3d 472, 115 P.3d 1133]; see *In re A.B.* (2008) 164 Cal.App.4th 832, 843 [79 Cal. Rptr. 3d 580] [appellate courts may "'accept evidence in dependency cases "to expedite just and final resolution for the benefit of the children involved"'"]; accord, *In re K.M.* (2015) 242 Cal.App.4th 450, 456 [195 Cal. Rptr. 3d 126] (*K.M.*) [post judgment evidence may "be used to show that the appeal, or an issue involved, is moot"].)" Similar to the case at bar, *Allison B.* also involved an issue regarding the ICWA, where the Court of Appeal

allowed what they called “last minute evidence” to determine if the appeal was now moot. The Court upheld this practice for the same reason the Court should here: conclusive post judgement evidence that supports a decision would render any remand to be a futile act.

“Post judgment evidence may also be used to show that the appeal, or an issue involved, is moot. (See *Eisenberg et al*., Cal. Practice Guide: Civil Appeals and Writs, *supra*, ¶ 5:184.5, p. 5-68.) We recognize our Supreme Court in *In re Zeth S., supra*, 31 Cal.4th at p. 413 [2 Cal. Rptr. 3d 683, 73 P.3d 541], held a reviewing court could not consider new post judgment evidence for the purpose of reversing an order terminating parental rights. However, our case is distinguishable because SSA is not seeking to introduce evidence to overturn the order terminating parental rights. Rather, SSA believes the evidence proves the appeal is moot.” *In re K.M.* (2015) 242 Cal. App. 4th 450

In re Josiah Z. (2015) 36 Cal. 4th 664, also relied upon by Petitioner, actually supports the Appellate Court’s conclusion in this case by clarifying the holding in *Zeth S.* The *Josiah* Court addressed the rigidity of the *Zeth S.* ruling and specifically stated:

> This conclusion reads too much into our holding in *Zeth S.* There, we held that for an appellate court routinely to solicit postjudgment evidence in order to reopen and reconsider trial court findings and reverse the trial court's judgment “would violate both the generally applicable rules of appellate procedure, and the express provisions of section 366.26 which strictly circumscribe the timing and scope of review of termination orders, for the very purpose of expediting the proceedings and promoting the finality of the juvenile court's orders and judgment.” (*In re Zeth S.*, at p. 413.) For these reasons, an appellate court should not consider postjudgment evidence going to

> the merits of an appeal and introduced for the purposes of attacking the trial court's judgment.
>
> But these same concerns militate in favor of permitting motions to dismiss to be brought and heard, and distinguish this case from *Zeth S.* in three respects. First, the generally applicable appellate rules authorize such a motion, and appellate courts routinely consider limited post judgment evidence in the context of such motions. (Cal. Rules of Court, rule 41(a)(2); see, e.g., *TMS, Inc. v. Aihara* (1999) 71 Cal.App.4th 377, 378–379 [83 Cal. Rptr. 2d 834]; *In re Melissa S.* (1986) 179 Cal. App. 3d 1046, 1053–1054 [225 Cal. Rptr. 195].) Second, the limited issue involved in a motion to dismiss, whether a child should be permitted to abandon a challenge to the trial court ruling, is distinct from the broader issues resolved by the trial court, and consideration of circumscribed evidence in this context does not give rise to the vice we condemned in *Zeth S.*—an appellate court's use of new evidence outside the record to second-guess the trial court's resolution of issues properly committed to it by the statutory scheme. (See *In re Zeth S.*, at pp. 409–410.) Third, the beneficial consequence of motions to dismiss, where granted, will be to "expedit[e] the proceedings and promot[e] the finality of the juvenile court's orders and judgment" (*id.* at p. 413)—precisely the policy advanced by our ruling in *Zeth S.*

Code of Civil Procedure Section 909 allows Appellate Courts to consider post-judgment evidence, stating:

> In all cases where trial by jury is not a matter of right or where trial by jury has been waived, the reviewing court may make factual determinations contrary to or in addition to those made by the trial court. The factual determinations may be based on the evidence adduced before the trial court either with or without the taking of evidence by the reviewing court.
>
> **The reviewing court may, for the purpose of making the factual determinations or for any other purpose in the interests of justice, take additional evidence of or concerning facts occurring at any time prior to the decision of the appeal, and may give or direct the entry of any judgment or order and may make any further or other order as the case may require. This section shall be liberally construed to the end among others that, where feasible, causes may be finally disposed of by a single appeal and without further proceedings in the trial court** except where in the interests of justice a new trial is required on some or all of the issues. (emphasis added).

Dependency cases are fluid. Unlike other case types, a child continues to grow despite the pendency of an appeal. In this case, regardless of the pending appeal, the Department's ongoing duty to inquire about Native American Heritage continued. The Department exercised its duty, and in doing so, established conclusive evidence that supported the previous judgement. At that point, the Department properly filed a motion to augment the record. Nothing in Petitioner's claim disputes that this is the proper procedure to augment a record. Petitioner claims he was denied notice and an opportunity to be heard regarding the motion to augment, but as the Court of Appeal correctly noted, this too was harmless error.

The reason the Court of Appeal allowed for the record to augment is central to the issue before this Court. The proper remedy for a violation of the ICWA notice requirements is to remand for further fact finding. If the Department's inquiry had yielded information from the Paternal Grandmother that the ICWA applied, all parties would have stipulated to withdrawing the appeal and the case would have continued in the trial court.

Given, however, that the further inquiry contained in the augmented record conclusively established that ICWA did not apply, the Court of Appeal wisely accepted the information in order to make its just ruling on the merits. Had they not, the Court of Appeal would have directed the trial court and all parties to conduct an exercise in futility. Such an exercise would have wasted resources and further delayed permanency for these children, which is specifically contrary to the goals

and purposes of ICWA and the entire child welfare system.

Regardless of the procedure used to supplement the record, the plain language CCP 909 supports the action of the Appellate Court in this case, and is no different than similar cases that have faced this issue. *In re E.L.* (2022) 82 Cal.App.5th 597 also involved post-judgement evidence used to support a trial court's decision regarding compliance with the ICWA. In affirming the trial court's decision, the Court held:

> California Code of Civil Procedure section 909 allows a reviewing court to admit evidence not adduced at trial. *In re Zeth* (2003) 31 Cal.4th 396, 405, cautions that such authority should be exercised sparingly. But Code of Civil Procedure section 909 also mandates it shall be liberally construed where a cause may be disposed of in a single appeal. That is the case here where the interests of justice do not require a new trial or further hearings in the trial court.

E.L. also involved additional information regarding tribal eligibility which showed conclusively that the children were not eligible under the ICWA. Rather than remand for the Department to conduct the futile act of additional fact-finding, the Court held, "Remand would unnecessarily delay the likelihood of adoption of the children and would achieve the same result we do here." *In re E.L.* 82.Cal.App.5th at 599.

In re Dezi C. (2022) 79 Cal.App.5th 769 comes to the same conclusion. *Dezi* further addresses the Department's failure to conduct "a proper initial inquiry,' holding that such error is harmless, and that CCP 909 is an appropriate vehicle that can allow an Appellate Court to reach the proper result:

> In our view, an agency's failure to conduct a proper initial inquiry into a dependent child's American Indian heritage is harmless unless the

> record contains information suggesting a reason to believe that the child may be an "Indian child" within the meaning of ICWA, such that the absence of further inquiry was prejudicial to the juvenile court's ICWA finding. For this purpose, the "record" includes both the record of proceedings in the juvenile court and any proffer the appealing parent makes on appeal.

C. The Split of Authority Should be Resolved in Favor of Respondent

Petitioner identifies a split of authority on the issues present in this case and asks this Court to rely upon cases that support Petitioner's claim to reverse and remand. These cases, however, are easily distinguishable from this case and should not govern this Court's decision.

Several of the cases cited by Petitioner stand solely for the proposition that "making the Appellate Court the finder of fact is not the solution." *In re Jennifer A.* (2022) 103 Cal. App. 4th 692; see also *In re D.P.* (2023) 14 Cal. 5th 266. Reliance upon these cases, however, would not only ignore the plain language of CCP 909 as well as the intentions behind a motion to augment the record, a strict interpretation would require courts to engage in the futile act of additional fact-finding, only to yield the same result, delay permanency for children, and waste time and resources.

Petitioner erroneously relies on *In re G.H.* (2022) 84 Cal. App. 5th 15. In that case, however, the post judgment evidence present was not conclusive and therefore did not render a remand to be a futile act. In this case, Petitioner's statement regarding Cherokee heritage was predicated on the fact the Paternal Grandmother would conclusively know. Once Grandmother confirmed that all heritage was Mexican, the Appellate Court properly considered this evidence to affirm the trial court's decision.

The cases of *In re M.B.* (2022) 80 Cal. App. 5th 617, *In re E.V.* (2022) 80 Cal. App. 5th 691, *In re E.C.* (2022) 85 Cal. App. 5th 123 and *In re Ricky R.* (2022) 82 Cal.App.5th 671 were decided incorrectly on this point and should be reversed. In addition to the rationale cited by the cases in support of Respondent's position, these cases, like Petitioner's argument, improperly place adherence to procedure over procedural and substantive due process (see Sections A and B, above), and distort the principal of harmless error.

Courts in all case types have long recognized that errors per se do not require reversal. See *Chapman v. California* (1967) 386 U.S. 18. The harmless error rule exists, as expressed in *Chapman,* for the very reason contemplated by the Appellate Court in this case: namely, that the error did not prejudice the Petitioner such that remanding the case would produce a different result. Both parents in this case provided information that gave rise to a reason to believe the child may have Native American Ancestry. The Department ultimately discovered facts that neither parent met the threshold requirements for tribal membership, thus making it impossible for the ICWA to apply. At that moment, any error relating to timeliness or the ability to object to a motion to augment became harmless because the impact of those procedural errors was mooted by the substantive information. As such, any presiding Court must have the ability to make substantive decisions, when that information is conclusive. That is what happened here, and any Court that rules otherwise is misplacing form over substance.

D. Petitioner Still has an Available Remedy

Finally, regardless of this Court's ruling, Petitioner still has an available remedy.

Nowhere in the law does it state that the Department has exclusive authority to make inquiries and gather information regarding Native American ancestry. State law mandates that the agency conduct inquiries, but this does not foreclose other parties from doing the same.

In this case, even though the timeliness of the inquiry was less than optimal, the Department nevertheless did a complete inquiry and found conclusive evidence that the ICWA does not apply. This allowed the Court of Appeal to rule on the merits. If Petitioner has a good faith belief that he has sufficient Cherokee heritage to warrant the triggering of the ICWA, he is free to pursue inquiry on his own. Should Petitioner uncover evidence that the ICWA may apply, the Act provides an appropriate remedy for such situations by allowing a party to file a Motion to Invalidate the entire proceedings. 25 U.S.C. § 1914; Fam. Code § 175(e); Prob. Code § 1459(e); Welf. & Inst. Code § 224(e); Cal. Rules of Court, rule 5.486

Petitioner is justifiably upset about the errors that occurred, but has lost sight of his own ability to help remedy these errors. In other words, once Paternal Grandmother provided this information, Petitioner could have disputed the truth of the Grandmother's statement. Had he done so, the Department's ongoing duty to inquire would have continued, and the Department would have continued to work with Petitioner to explore his claims. Nothing in the record in this case, however, suggests anything other than Petitioner would accept his own mother's statements

about heritage, and those statements conclusively prove a lack of Native American Heritage. The Department, and these children, must be able to rely upon this uncontroverted evidence in order for the Court to make decisions relating to permanence and well-being.

Even after this Court makes its ruling, until the adoption finalizes, Petitioner remains free to make subsequent efforts to mine, gather and introduce new evidence that the ICWA applies. If new information is uncovered, the Department's duty to inquire will once again arise. In other words, even though the Department has already made sufficient inquiry and efforts, Petitioner is free to introduce subsequent evidence in the trial court that could compel a different result. Whether Petitioner has or has not done this is not the subject of these proceedings, but it is worth noting given Petitioner's request to remand for additional fact-finding.

Finally, the Department has to be able to take statements made by interested parties at face value. Petitioner's statement that he may have Cherokee heritage was predicated on his definitive statement that his mother would know for sure. Grandmother responded that all of the family had Mexican heritage, thus rendering any remaining inquiry moot.

The Court addressed this very issue In *In re G.A.* (2022) 81 Cal. App. 5th 355. Similar to this case, Mother claimed the Department failed to make further inquiry despite conclusive evidence that Mexican heritage was insufficient to trigger the applicability of the ICWA. The Court specifically held:

Mother cites to no evidence to support her claim that the juvenile court

> and the Agency had reason to believe an Indian child is involved such that further inquiry was required, and even on appeal does not proffer any such reason to believe the minor has such heritage. (*In re A.C.* (2021) 65 Cal.App.5th 1060, 1069 [280 Cal. Rptr. 3d 526] [parent asserting failure to inquire must make an offer of proof or affirmatively claim Indian heritage on appeal].) "The burden on an appealing parent to make an affirmative representation of Indian heritage is de minimis. In the absence of such a representation, there can be no prejudice and no miscarriage of justice requiring reversal." (*In re Rebecca R., supra*, 143 Cal.App.4th at p. 1431.) …
>
> Mother admits that father's birth in Mexico makes it "unlikely that he can trace his ancestry back to a federally recognized tribe," but speculates that "it is possible" his parents were born in the United States and points out that several tribes "strad[d]le the border." But these speculations are neither evidence nor a proffer.

CONCLUSION

Respondent hereby requests that the Court of Appeal's decision be affirmed in its entirety.

DATED: May 30, 2023

Respectfully Submitted,

Becky Martin

Becky Martin, Deputy County Counsel
Attorney for Placer County Department of HHS/Children's System of Care

VERIFICATION

I, Becky Martin, hereby declare:

1. I am an attorney admitted to practice before all courts of the State of California. I am the attorney for Placer County Department of Health and Human Services in the action filed herein.
2. I have reviewed the record, including the Clerk's Transcript on Appeal, the Clerk's Transcript on Writ Petition, the Reporter's Transcript on Appeal, and the Reporter's Transcript on Notice of Intent.
3. All facts alleged in this petition are either supported by the record or are true of my own personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in Auburn, California.

DATED: May 30, 2023

Becky Martin
_____
Becky Martin, Deputy County Counsel
Attorney for Placer County Department of HHS/Children's System of Care

CERTIFICATE OF WORD COUNT

By my signature below, I certify that this brief, including footnotes, contains 5,066 words, as counted by the word counting function of the program used to prepare this brief.

DATED: May 30, 2023

Becky Martin
_____
Becky Martin, Deputy County Counsel
Attorney for Placer County Department of HHS/Children's System of Care

DECLARATION OF PROOF OF SERVICE

I, TERI PADILLA, declare:

I am a citizen of the United States and am employed in the County of Placer. I am over the age of eighteen (18) years and not a party to the within-entitled action. My business address is 175 Fulweiler Avenue, Auburn, Placer County, California.

I hereby certify that on May 30, 2023, I electronically filed:

RESPONDENT'S ANSWER BRIEF ON THE MERITS

with the Clerk of the Court using the TrueFiling system which sent notification of such filing to the following:

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Third Appellate District
Via True Filing

Central CA Appellate Program
eservice@capcentral.org

Janette Freeman Cochran
Attorney for Appellant, Joshua T.
janettecochran@sbcglobal.net

Rebecca Bowman
Trial counsel for Mother
Rebecca-bowman@sbcglobal.net

David Moghissi
Trial Counsel for Mr. D.
davidamoghissi@gmail.com

Ann Quirk
Trial counsel for minor
quirka@clcsac.org

and I hereby certify that I have mailed by the United States Postal Service the **RESPONDENT'S ANSWER BRIEF ON THE MERITS** to the following non-TrueFiling participants:

Placer County Superior Court
Appeals Division
10820 Justice Center Drive
Post Office Box 619072
Roseville, CA 95678

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30th day of May, 2023, at Auburn, CA.

Teri Padilla

Teri Padilla, Sr. Civil Legal Secretary
Placer County Counsel's Office

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **IN RE KENNETH D.**
Case Number: **S276649**
Lower Court Case Number: **C096051**

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Janette Cochran Janette Freeman Cochran 102643	janettecochran@sbcglobal.net	e-Serve	5/30/2023 3:19:12 PM
Becky Martin Placer County Counsel 321613	bmartin@placer.ca.gov	e-Serve	5/30/2023 3:19:12 PM
Teri Padilla Placer County Counsel	tpadilla@placer.ca.gov	e-Serve	5/30/2023 3:19:12 PM
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/30/2023
Date

/s/Teri Padilla
Signature

Martin, Becky (321613)
Last Name, First Name (PNum)

Placer County Counsel's Office

Law Firm