

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAJESSIE LEE JETMORE STODDARD-
NUNEZ,

Plaintiff,

v.

CITY OF HAYWARD, et al.,
Defendants.

Case No. 13-cv-04490-KAW

**ORDER REQUIRING SUPPLEMENTAL
BRIEFING ON DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

Defendants have filed a motion for summary judgment in this case. Having reviewed the parties' briefing, the Court requires supplemental briefing on the following issues:

1. Was a judicial declaration terminating Mr. Jeffrey Stoddard's parental rights over Shawn Joseph Jetmore Stoddard-Nunez ever obtained? Were proceedings to terminate parental rights ever initiated, pursuant to California Family Code §§ 7800 et seq.?
2. California Family Code § 7803 states that a judicial declaration of freedom from parental custody and control terminates all parental rights and responsibilities with regard to that child. If no judicial declaration was made, how can the Court in the instant case find that Mr. Stoddard's parental rights were terminated? The parties should be prepared to discuss any authority in support of their positions, as well as *In re Marriage of Dunmore*, 83 Cal. App. 4th 1 (2000) (upholding trial court's finding that a father was still required to pay child support because there was no finding under § 7803 that parental rights had been terminated, despite prior adoption proceedings finding that the father had abandoned the child under § 8604) and *County of Ventura v. Gonzales*, 88 Cal. App. 4th 1120 (2001) ("The parent-child relationship and its attendant duty of support do not end when a child is declared a dependent of the

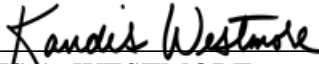
juvenile court and removed from the parents' custody").

3. Is there any case where no proceedings under the California Family Code §§ 7800 et seq. were instituted and no judicial declaration of abandonment had been made, yet a court still found that parental rights were terminated under § 7822?

The supplemental briefs shall be no more than five pages, and must be filed by **September 5, 2017 at 5:00 p.m.**

IT IS SO ORDERED.

Dated: August 29, 2017


KANDIS A. WESTMORE
United States Magistrate Judge