

**SUPERIOR COURT OF THE [INSERT STATE/JURISDICTION]
FAMILY DIVISION--DOMESTIC RELATIONS BRANCH**

Plaintiff)	
Attorney's Office)	
[INSERT ADDRESS])	
Plaintiff)	
)	
v.)	DR No. _____
)	
Defendant)	
Attorney's Office)	
[INSERT ADDRESS])	
Defendant)	

**DEFENDANT'S MOTION TO APPEAR TELEPHONICALLY OR VIA VIDEO
CONFERENCE**

Comes now Defendant, (hereinafter "Defendant"), by and through her attorney, and requests permission from the Court to appear telephonically or via video conference for **[INSERT TYPE OF HEARING]** on **[INSERT DATE]** because defendant is currently in an immigration detention facility and is therefore unable to appear in person on the specified hearing date. In support of this motion, defendant states as follows:

1. The parties' hearing is on **[INSERT DATE AND TIME of HEARING]**.
2. Defendant was detained on **[INSERT DATE]**.
3. Defendant will be accessible via telephone or videoconference on **[INSERT DATE]**.
4. Defendant requested permission to attend the hearing in person and the request was denied by the detention facility, therefore defendant requests to appear via

telephone or videoconference on, **[INSERT DATE OF HEARING]**, the date of the hearing.

5. A defendant's right to be heard in any hearings associated with a parental rights termination case is a fundamental right under due process.
6. Preventing a defendant parent from exercising the right to participate in a parental termination hearing violates due process and may lead to erroneously depriving an individual of their parental rights with out the opportunity to be heard. [Insert case here- still exploring the case law on this].
7. If plaintiff's attorney has **consented** to telephonic appearance: **[INSERT]** as follows: Counsel for defendant was able to contact counsel for plaintiff on **[DATE]**, who consented to this motion. **[OMIT FACT]** if party did not consent to telephonic appearance or videoconference].
8. **[INSERT OTHER RELEVANT FACTS IF NEEDED]**.

Wherefore, the defendant respectfully requests:

1. That defendant be permitted to appear telephonically or via video conference on **[INSERT DATE OF HEARING]**.
2. That this Court grant any such other relief this Court deems just, equitable and proper.

Respectfully Submitted,

[INSERT ATTORNEY'S NAME]
[STATE BAR NUMBER]
Attorney for Defendant

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Plaintiff)	
Attorney's Office)	
[INSERT ADDRESS])	
Plaintiff)	
)	
)	
v.)	DR No. _____
)	
Defendant)	
Attorney's Office)	
[INSERT ADDRESS])	
Defendant)	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT'S MOTION TO APPEAR TELEPHONICALLY OR VIA VIDEO
CONFERENCE**

1. SCR-DR Rule 7(b) (2003). [INSERT RELEVANT COURT RULE OF STATE/JURISDICTION]
2. The interest of justice.
3. Attached trial brief.
4. The Record herein.

Respectfully submitted,

[INSERT ATTORNEY]
[STATE BAR NUMBER]
Attorney for Defendant

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Plaintiff)	
Attorney 's Office)	
[INSERT ADDRESS])	
Plaintiff)	
)	
v.)	DR No. _____
)	
Defendant)	
Attorney's Office)	
[INSERT ADDRESS])	
Defendant)	

ORDER

Upon consideration of Defendant's Motion to Appear Telephonically or Via Video Conference, it is this _____ day of _____, 20__:

ORDERED that the defendant be permitted to present her testimony via telephone or video conference in the parties' hearing on **[INSERT HEARING DATE]**.

DATE

JUDGE, SUPERIORCOURT
[INSERT STATE/JURISDICTION]

Copies to:
[INSERT ATTORNEY NAME]
Attorney for Plaintiff
[INSERT FIRM NAME]
Attorney's Office
[INSERT ADDRESS]

[INSERT ATTORNEY NAME]
Attorney for Defendant
[INSERT FIRM NAME]
Attorney's Office
[INSERT ADDRESS]

**SUPERIOR COURT OF THE [INSERT STATE/JURISDICTION]
FAMILY DIVISION--DOMESTIC RELATIONS BRANCH**

Plaintiff)	
Attorney's Office)	
[INSERT ADDRESS])	
Plaintiff)	
)	
v.)	DR No. _____
)	
Defendant Doe)	
Attorney's Office)	
[INSERT ADDRESS])	
Defendant)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendant's Motion to Appear Telephonically or Via Video Conference, with attached Memorandum of Points and Authorities and Proposed Order, was sent via first class US mail to defendant's attorney via U.S. Mail with sufficient postage affixed to: [INSERT ADDRESS] on this ____ day of [INSERT DATE].

[INSERT ATTORNEY NAME]
Attorney's Office
[INSERT ADDRESS]