

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

<p>Guardianship of K.C., a Minor.</p> <hr/> <p>I.B., Petitioner and Respondent,</p> <p>v.</p> <p>S.S., Objector and Appellant.</p>	<p>A140564</p> <p>(Alameda County Super. Ct. No. RP10535284)</p>
--	---

Appellant S.S. (mother) appeals from an order appointing her sister, respondent I.B. (aunt), as guardian of mother’s daughter, K.C. Because abundant evidence supports the trial court’s order and the record reveals no abuse of discretion, we affirm.

I.
FACTUAL AND PROCEDURAL
BACKGROUND

K.C. was born in 2008, and during her infancy mother suffered debilitating health problems. In August 2009, Brenda S., K.C.’s maternal grandmother (the mother of both mother and aunt), took physical custody of K.C. She was appointed K.C.’s temporary guardian in September 2010. Mother’s health deteriorated to the point where she was placed in a nursing-and-rehabilitation center to receive around-the-clock care, and in September 2012 mother received a pancreas and kidney transplant. Four months later, she moved to Southern California and apparently had only limited contact with K.C.

Brenda S. lived in Alameda and continued to care for K.C. Aunt lived nearby in Oakland with her husband and three children (K.C.'s cousins). K.C. attended preschool with one of those cousins for two-and-a-half years, and she attended dance classes with the other two cousins. Aunt and Brenda S. often shared responsibilities for watching K.C. and the cousins.

Brenda S. died from a heart attack on June 24, 2013, and aunt immediately took K.C. into her care. At the time of Brenda S.'s death, mother was hospitalized with an infection. She expressed a desire for K.C. to move to Southern California to live with her, but aunt thought that this was a bad idea because of mother's health issues and because mother apparently lacked stable and permanent housing.

Aunt filed a petition for guardianship of K.C. in July 2013, and a temporary guardianship was granted that same month. Mother opposed the petition. The court appointed counsel for K.C. After visiting K.C. in aunt's home and speaking with mother about her current circumstances, counsel recommended that aunt's petition be granted. The parties participated in mediation, and they worked out a visitation agreement under which mother had successful visits with K.C.

The trial court granted aunt's guardianship petition on November 8, 2013, and this timely appeal followed.

II. DISCUSSION

The award of custody to a nonparent over a parent's objection is governed by Family Code, section 3041 (section 3041). (See also Prob. Code, § 1514, subd. (b) [appointment of guardian governed by Family Code].) The court must find that granting custody to the nonparent "is required to serve the best interest of the child," and it also must find by clear and convincing evidence that granting custody to the parent would be detrimental to the child. (§ 3041, subds. (a)-(b).) A detriment finding does not require a finding of parental unfitness. (§ 3041, subd. (c).)

We review the trial court's factual findings for substantial evidence. (*Guardianship of L.V.* (2006) 136 Cal.App.4th 481, 487.) We review its custody

determination under the deferential clearly erroneous standard of review. (*Id.* at p. 488; see also *Guardianship of Vaughan* (2012) 207 Cal.App.4th 1055, 1067.) “Only in an exceptional case, in which the record so strongly supported a party’s claim to custody that a denial of that claim by the trial court would constitute an abuse of discretion may an appellate court itself decide who should be granted custody” (*In re B.G.* (1974) 11 Cal.3d 679, 699.)

This is not such an exceptional case. There is overwhelming evidence on the record before us that granting custody of K.C. to aunt was in K.C.’s best interest and that granting custody to mother would be detrimental to K.C. Mother claims on appeal that she is “healthy, no longer on dialysis, and very capable, willing and able to take care of [her] daughter.” She does not direct us to any support for this claim in the appellate record, and she likewise does not cite any legal authority to support her argument that placing K.C. with aunt violated due process. “Whether legal or factual, no error warrants reversal unless the appellant can show injury from the error. [Citation.] In order to demonstrate error, an appellant must supply the reviewing court with some cogent argument supported by legal analysis and citation to the record.” (*City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 286-287.) Mother has not done so here.

We understand that mother disagrees with the trial court’s ruling, and we have no reason to doubt that she loves K.C. But our review of the record reveals nothing that would support a conclusion that the trial court abused its discretion or that would otherwise allow us to reverse its ruling.

III.
DISPOSITION

The trial court's order is affirmed.

Humes, J.

We concur:

Reardon, Acting P.J.

Rivera, J.