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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

In re F.P., a Person Coming Under the  
Juvenile Court Law.

LAKE COUNTY DEPARTMENT OF  
SOCIAL SERVICES,

Plaintiff and Respondent,

v.

V.P.,

Defendant and Appellant.

A140612

(Lake County  
Super. Ct. No. JV320341)

This is an appeal from an order after a hearing under Welfare and Institutions Code section 366.26, terminating V.P.’s parental rights and specifying adoption as the permanent plan for the minor, F.P. Counsel for V.P. has filed a “no issues statement” pursuant to *In re Phoenix H.* (2009) 47 Cal.4th 835 (*Phoenix H.*), and *In re Sade C.* (1996) 13 Cal.4th 952 (*Sade C.*).

In *Phoenix H.*, the Supreme Court reiterated that counsel’s filing of a “no issues statement” in an appeal in a juvenile dependency proceeding does not trigger independent review by the appellate court, in contrast to the filing of a *Wende*<sup>1</sup> brief in a criminal case. (*Phoenix H.*, *supra*, 47 Cal.4th at pp. 841–842.) Rather, once counsel reviews the record on appeal and files such a statement, the appellate court may rely on it, and may properly

<sup>1</sup> *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

dismiss the appeal. (*Id.* at p. 842 [“we held [in *Sade C.*, *supra*, 13 Cal.4th at p. 994] that the Court of Appeal could dismiss an indigent parent’s appeal if appointed counsel filed a brief raising no arguable issues”].)

Out of an abundance of caution, however, we have reviewed the record at the Welfare and Institutions Code section 366.26 hearing. We discern no arguable issues. V.P. was ably represented by counsel, she was allowed to testify at the hearing, and the court made all necessary findings and determinations on the basis of adequate evidence. Since V.P. did not file a writ petition challenging the order setting the case for a section 366.26 hearing, any challenge to the court’s underlying dispositional orders and jurisdictional findings are waived. (See § 366.26, subd. (l)(1)–(2); *In re T.W.* (2011) 197 Cal.App.4th 723, 729; *In re Athena P.* (2002) 103 Cal.App.4th 617, 625; *In re Rashad B.* (1999) 76 Cal.App.4th 442, 448.)

We therefore dismiss the appeal.

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Banke, J.

We concur:

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Margulies, Acting P. J.

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Dondero, J.