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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re JOSHUA N., a Person Coming Under  
the Juvenile Court Law.

CONTRA COSTA COUNTY SOCIAL  
SERVICES AGENCY,

Plaintiff and Respondent,

v.

SHEILA N.,

Defendant and Appellant.

A144856

(Contra Costa County  
Super. Ct. No. J13-01347)

Sheila N. (mother) appeals a juvenile court order terminating her parental rights and placing her son Joshua for adoption. (Welf. & Inst. Code, § 366.26 [all further section reference are to this code].) We appointed counsel to represent mother on appeal. Counsel reviewed the juvenile court proceedings for errors and, finding none, filed a brief stating there are no arguable issues to raise on appeal. We shall dismiss the appeal.

An appeal in a juvenile dependency case may be dismissed as abandoned when appointed counsel raises no issues for review. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) A parent adversely affected by a decision on child custody or parental status is not entitled to an appellate court’s independent review of the record for error (*ibid.*) and generally has no right to file his or her own brief setting forth issues for review (*In re Phoenix* (2009) 47 Cal.4th 835, 846). “If appointed counsel has determined there is no

arguable basis for challenging the judgment, the Court of Appeal is not required to permit the parent to personally file a brief unless the parent can establish good cause by showing that an arguable issue does, in fact, exist.” (*Id.* at p. 845.) However, the Court of Appeal has discretion to permit the parent to file a brief or other documents without a preliminary showing of good cause. (*Id.* at p. 844.)

The procedure in this district is to permit the parent to file a letter stating issues he or she feels should be reviewed and to determine if the identified issues warrant further briefing.<sup>1</sup> Mother filed a one-page letter in which she asserts that she did not make a knowing waiver of her rights: “I have just found that the paper work I signed without my understanding was waiving my rights, if I would have known that’s what I was doing I would never have signed.”

The referenced waiver refers to mother’s waiver of a contested jurisdictional hearing. The record shows that mother, through counsel, requested mediation of the dependency petition and, on January 16, 2014, reached an agreement in which she stipulated to jurisdiction and pled no contest to allegations that Joshua was at risk of harm from mother’s substance abuse and mental health issues and domestic violence in the home. (§ 300, subd. (b).) There is no reporter’s transcript of the proceeding but a minute order shows that the court reviewed the mediation agreement, advised mother of her right to a contested jurisdictional hearing, and explained to mother the allegations of the petition and consequences of admitting them. Mother initialed and signed a detailed waiver of rights. Mother was represented by counsel, who declared to the court that he “explained and discussed with [mother] the rights and consequences of pleading no

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<sup>1</sup> The clerk of this court wrote to mother advising her, in relevant part: “The Court offers you the opportunity to file a letter stating issues you feel should be review[ed] on appeal. Your letter must be filed within 30 days from the date of this letter. Failure to do so will result in dismissal of your appeal. [¶] Should you file a letter within the time allowed, your letter will be forwarded to the Court for determination as to whether your attorney should be directed to brief any or all issues outlined in your letter. If the Court decides to direct your attorney to provide further briefing, a letter will issue from this Court. However, should the Court decide that further briefing is not necessary, your appeal will be dismissed.”

contest.” The court found that mother made “an intelligent waiver” of her rights. Mother’s claim of an unknowing waiver of her rights is not supported by the record and thus does not raise an arguable issue that merits briefing.

While mother is not entitled to this court’s independent review of the record, we have exercised our discretion to review counsel’s summary of the procedural history of the case for any apparent errors or defects in the proceedings. Counsel’s summary states that mother and Paul C., the alleged father, reported having Native American ancestry. We reviewed the record to confirm compliance with the Indian Child Welfare Act. (§ 224.3.) The record shows that mother and the alleged father completed forms at the start of the proceedings in which they checked boxes noting grandparents of Indian descent. Mother later retracted the statement and avowed she has no Indian ancestry. Paul’s paternity was never established.<sup>2</sup> A social worker also noted that Paul and mother told her they are Romanian and the social worker noted they both spoke with “heavy accents.” The county reported that the Indian Child Welfare Act “does not apply” and the record provides no basis to challenge that conclusion.

Appointed counsel has concluded there are no arguable issues, mother has failed to assert claims that warrant further briefing, and there is no apparent defect in the proceedings. The appeal is dismissed.

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<sup>2</sup> Mother was not married to Paul and he is not listed as the father on Joshua’s birth certificate. He failed to submit to paternity testing and, shortly after dependency proceedings commenced, moved away without providing the county with a forwarding address or means of contacting him.

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Pollak, Acting P. J.

We concur:

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Siggins, J.

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Jenkins, J.

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