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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re K.S. et al., Persons Coming Under the
Juvenile Court Law.

B242163

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. CK77112)

Plaintiff and Respondent,

v.

ANTHONY S.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County.

Elizabeth Kim, Judges. Affirmed.

Maryann M. Milcetic, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Anthony S. (Father) appeals from an order terminating his parental rights and selecting adoption as the permanent plan for his daughters, K.S. and Antoinette S. We affirm the challenged order.

FACTS AND ANALYSIS

In a previous appeal, Father sought to set aside all paternity, jurisdictional and dispositional findings made by the juvenile court in connection with K. and Antoinette on the grounds he was not provided notice of the dependency proceedings. We affirmed the juvenile court's orders. (*In re K.S. et al.* (August 14, 2012, B236646) [nonpub. opn.])

In the interim, the children's foster mother expressed a desire to adopt the children and she submitted to a home study. When she passed, the matter proceeded to a Welfare and Institutions Code section 366.26 hearing. The juvenile court found clear and convincing evidence of adoptability and terminated Father's parental rights.

Father timely appealed. We appointed counsel on July 3, 2012, and she filed an opening brief in accord with the procedures outlined in *In re Phoenix H.* (2009) 47 Cal.4th 835. We notified Father by letter that he could submit any issues that he wished us to consider. Father's letter brief, filed on September 21, 2012, repeats the arguments regarding notice that were presented in the previous appeal. Father also states his wish for K. and Antoinette to know his two other children and to "grow up to love one another as sisters and not strangers to come."

While we do not question Father's sincerity, adoption must be selected as the permanent plan for an adoptable child and parental rights terminated unless we find a compelling reason for determining that termination would be detrimental to the child under any of the circumstances listed in Welfare and Institutions Code section 366.26, subdivision (c)(1)(B).¹ (*In re Bailey J.* (2010) 189 Cal.App.4th 1308, 1314.) None of

¹ The circumstances under which termination would be detrimental to the child include:

“(i) The parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.

“(ii) A child 12 years of age or older objects to termination of parental rights.

those circumstances are present here. Father has thus failed to establish that an arguable issue exists with respect to the juvenile court's termination order. (*Ibid.*)

DISPOSITION

The juvenile court's order is affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

GRIMES, J.

“(iii) The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

“(iv) The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances, that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment and the removal of the child from the physical custody of his or her foster parent or Indian custodian would be detrimental to the emotional well-being of the child. This clause does not apply to any child who is either (I) under six years of age or (II) a member of a sibling group where at least one child is under six years of age and the siblings are, or should be, permanently placed together.

“(v) There would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption.

“(vi) The child is an Indian child and there is a compelling reason for determining that termination of parental rights would not be in the best interest of the child” (Welf. & Inst. Code, § 366.26, subd. (c)(1)(B).)