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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

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

C081056

PLACER COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES,

(Super. Ct. No. 53003853,
53003854, 53003855)

Plaintiff and Respondent,

v.

K.S.,

Defendant and Appellant.

Kathryn S., mother of the minors, appeals from orders of the juvenile court terminating her parental rights. (Welf. & Inst. Code, §§ 366.26, 395.)¹ Mother argues that reversal is required because the “relative caretakers” were not informed they had the

¹ Further undesignated statutory references are to the Welfare and Institutions Code.

option to choose guardianship rather than adoption as the permanent plan.² Respondent asserts that mother lacks standing to raise this issue. We agree with respondent and will dismiss the appeal.

I. BACKGROUND

In September 2013, the Placer County Department of Health and Human Services (Department) filed a petition to detain six-year-old B.C., five-year-old J.C. and two-year-old C.C., due to mother's failure to provide appropriate care and supervision.³ The home was unsafe and filthy with inadequate food. The family had a lengthy history of similar contacts with the Department but the minors were not previously removed.

At the initial hearing in September 2013, the court detained the three minors. The juvenile court sustained the petition, adjudged the minors dependents and ordered reunification services in January 2014. After more than 18 months of services, mother failed to reunify and her services were terminated in June 2015. Throughout the reunification period, the minors were placed with the step-aunt and step-uncle who met the minors' needs and were committed to providing them a long-term home.

The report for the section 366.26 hearing stated the minors were likely to be adopted by the "nonrelative extended family member" caregivers. (§ 362.7.) The minors had been in this placement since October 2013.

At the section 366.26 hearing, mother and her counsel agreed that the minors were currently placed with a nonrelative extended family member caretaker, i.e., the mother's step-sister. Mother asked the court to place the minors in guardianship rather than terminating her parental rights and cutting off her ability to reunify "when the time is

² Because we find mother lacks standing, we do not address whether or not the caretakers can be properly characterized as relative caretakers entitled to information about the permanency options of guardianship and adoption.

³ Two older siblings were also named in the petition but are not subjects of this appeal.

right.” While sympathetic to mother’s situation, the court found there were no legal exceptions to the preference for adoption and terminated mother’s parental rights, designating the nonrelative extended family member caregivers as the prospective adoptive parents.

II. DISCUSSION

Mother contends the court erred in terminating her parental rights because the “relative caretakers” were not informed of the option of guardianship as a permanent plan. Respondent asserts that mother may not raise this issue on appeal because she lacks standing to assert it. We agree with respondent.

“Not every party has standing to appeal every appealable order. Although standing to appeal is construed liberally, and doubts are resolved in its favor, only a person aggrieved by a decision may appeal. [Citations.] An aggrieved person, for this purpose, is one whose rights or interests are injuriously affected by the decision in an immediate and substantial way and not as a nominal or remote consequence of the decision.” (*In re K.C.* (2011) 52 Cal.4th 231, 236.) A parent has no standing to assert errors that affect only another party who does not appeal. (*In re Sarah M.* (1991) 233 Cal.App.3d 1486, 1503, disapproved on other grounds in *In re Chantal S.* (1996) 13 Cal.4th 196, 204; *In re Frank L.* (2000) 81 Cal.App.4th 700, 703.)

Mother argues that she has standing to assert the issue because if the caretakers had been informed of the choice between guardianship and adoption, they might have selected guardianship and her parental rights would not have been terminated.

If the court finds that the child is likely to be adopted, the court shall terminate parental rights unless “[t]he child is living with a relative who is unable or unwilling to adopt the child because of 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 through legal guardianship, and the removal of the child from the custody of his or her relative would be detrimental to the

emotional well-being of the child.” (§ 366.26, subd. (c)(1)(A).) The assessment prepared by the adoption agency must include the fact that a relative caregiver has been given “information regarding the permanency options of guardianship and adoption, including the long-term benefits and consequences of each option, prior to establishing legal guardianship or pursuing adoption.” (§ 366.22, subd. (c)(2)(B); see also §§ 366.21, subd. (i)(2) (A) & (B) and 361.5, subd. (g)(2)(A) & (B).) The “relative caregiver’s preference for legal guardianship over adoption, if it is due to circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, shall not constitute the sole basis for recommending removal of the child from the relative caregiver for purposes of adoptive placement.” (§ 366.22, subd. (c)(2)(A).)

It is clear from the statutes relating to the issue that it is the relative caretaker, not the parent, who has the right to notification of the permanency options and the right to select between them. If no notice is given, it is the relative’s, not the parent’s, interests which have been directly affected. Any effect on mother’s interests is “a nominal or remote consequence” of the violation of the caretaker’s statutory rights. (*In re K.C.*, *supra*, 52 Cal.4th at p. 236.) Thus, mother lacks standing to assert the relative caretaker’s interest in notification of the permanency options.

III. DISPOSITION

The appeal is dismissed.

/S/

RENNER, J.

We concur:

/S/

BUTZ, Acting P. J.

/S/

HOCH, J.