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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re A.B., a Person Coming Under the  
Juvenile Court Law.

SAN BERNARDINO COUNTY  
CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

BRITTNEY P.,

Defendant and Appellant.

E059202

(Super.Ct.No. J243190)

OPINION

APPEAL from the Superior Court of San Bernardino County. Cheryl C. Kersey,  
Judge. Affirmed.

Megan Turkat Schirn, under appointment by the Court of Appeal, for Defendant  
and Appellant.

Jean-Rene Basle, County Counsel, Adam E. Ebright, Deputy County Counsel, for  
Plaintiff and Respondent.

Brittney P., defendant and appellant (hereafter mother), appeals from the trial court's order under Welfare and Institutions Code section 366.26<sup>1</sup> terminating her parental rights to her daughter, A.B., who was three months old when she was removed from mother's custody and placed with her maternal great-grandmother and great-aunt. By the time of the parental rights termination hearing, the maternal great-grandmother and great-aunt wanted to adopt A.B. At that hearing, the social worker raised mother's claim that great-grandmother had allowed A.B. to have contact with a maternal great-uncle, who had been convicted of molesting mother when she was a child. Great-grandmother testified at the hearing that the photograph of the maternal great-uncle holding A.B., which mother offered to support her claim, had been taken while A.B. was still living with mother. Mother denied great-grandmother's assertion.

Although counsel for A.B. acknowledged her confidence in the placement with great-grandmother had been shaken by mother's allegation, she nevertheless was not convinced great-grandmother had failed to protect A.B., and she thought they should try to preserve that placement. To that end, A.B.'s attorney suggested the trial court order great-grandmother to participate in counseling, and have the therapist provide an update addressing the issue of great-grandmother's ability to protect A.B. The trial court agreed. Father's attorney, in turn, asked the trial court to continue the section 366.26 hearing "to ensure the placement is stabilized and Court and counsel are satisfied that [great-grandmother] can protect [A.B.]"

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<sup>1</sup> All references are to the Welfare and Institutions Code unless indicated otherwise.

The trial court denied father's continuance request, ordered great-grandmother to participate in therapy to address the protection issues, and after making the necessary findings, terminated mother and father's parental rights. Mother appeals from that judgment.

## **DISCUSSION**

Mother contends the trial court abused its discretion in denying father's request to continue the section 366.26 hearing. The record does not indicate that mother joined in the continuance request, although she clearly objected to A.B.'s continued placement with great-grandmother. Even if mother had joined in father's request for a continuance, and had preserved the issue for review on appeal, we would review the trial court's ruling on that request under the abuse of discretion standard.

More particularly, under section 352, subdivision (a), "[t]he juvenile court may continue a dependency hearing at the request of a parent for good cause and only for the time shown to be necessary. [Citations.] Courts have interpreted this policy to be an express discouragement of continuances. [Citation.] The court's denial of a request for continuance will not be overturned on appeal absent an abuse of discretion. [Citation.] Discretion is abused when a decision is arbitrary, capricious or patently absurd and results in a manifest miscarriage of justice. [Citation.]" (*In re Karla C.* (2003) 113 Cal.App.4th 166, 179-180.)

Mother claims good cause to continue the section 366.26 hearing existed because the safety of A.B.'s placement with great-grandmother was in question. In other words, mother contends she has a right to participate in placement decisions and the trial court

cannot terminate her parental rights in violation of that purported right. Mother's assertion is incorrect.

*In re Lauren R.* (2007) 148 Cal.App.4th 841, the only authority mother cites to support her claim, does not involve the issue of a parent's right to participate in placement decisions. In that case, the child and de facto parent/caretaker appealed from the order removing the child from the caretaker's home and placing her for adoption with the child's maternal aunt. (*Id.* at pp. 845, 852.) The issue in the case was whether at the section 366.26 hearing the trial court correctly relied on the preference for relative placement rather than the preference for caretaker placement. The appellate court concluded the trial court had erred and, to restore the parties to their prior positions, the trial court reversed the orders terminating parental rights. (*In re Lauren R.*, at p. 861.) The appellate court also directed the trial court to reinstate the order terminating parental rights after the trial court conducted a new placement hearing. (*Ibid.*) Contrary to mother's suggestion, the case does not create or recognize an obligation on the part of the court to protect a parent's interest in the placement of the child.

Mother has not cited any authority that gives her an interest in the placement of A.B. that survives the trial court's decision to terminate reunification services and set the selection and implementation hearing. Section 361.3, subdivision (a)(2), authorizes the court, if appropriate, to consider a parent's wishes regarding placement when a child initially is removed from the parent's physical custody. However, once the trial court makes the findings at the selection and implementation hearing necessary to support selection of adoption as the permanent plan, mother's right is limited to showing that one

of the statutory exceptions exists to the termination of parental rights. (See § 366.26, subd. (c)(1)(B).) Mother does not claim any of those exceptions apply in this case.

Because mother has failed to show she has a right to participate in placement decisions that precludes the trial court from terminating her parental rights, we must conclude mother has failed to show the trial court abused its discretion in denying father's request to continue the section 366.26 hearing.

**DISPOSITION**

The judgment is affirmed.

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McKINSTER  
Acting P. J.

We concur:

RICHLI  
J.

MILLER  
J.