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

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

Adoption of O.B., a Minor.

R.O.,

Petitioner and Respondent,

v.

A.B.,

Objector and Appellant.

E062162

(Super.Ct.No. INA1300071)

OPINION

APPEAL from the Superior Court of Riverside County. Otis Sterling III, Judge.

Reversed with directions.

Leslie A. Barry, under appointment by the Court of Appeal, for Objector and Appellant.

Nicole Williams for Petitioner and Respondent.

A.B., the biological father of O.B., appealed from a judgment terminating his parental rights as to O.B. after a hearing on the Petition for Freedom From Parental Custody and Control filed by stepfather R.O. (Fam. Code, §§ 7802, 7822.) On February

9, 2015, the parties filed a joint application and stipulation for reversal of judgment and remand. After our own careful review of the entire record, we conclude that the superior court did fail to appoint counsel for A.B. and to consider appointment of counsel for O.B., and we reverse with the requested directions.

#### FACTS

On February 14, 2014, R.O. filed a Petition for Freedom From Parental Custody and Control. A.B. opposed the petition but was not appointed counsel to represent him as required by Family Code sections 7860 and 7862. There is no indication that the superior court considered whether the interests of O.B. required representation by counsel as required by Family Code section 7861. Regardless, the court held a hearing on the petition and granted it, thereby terminating A.B.'s parental rights as to O.B.

#### STIPULATION

A stipulated reversal under Code of Civil Procedure section 128, subdivision (a)(8), is permissible in a dependency case when the parties agree that reversible error occurred, and the stipulated reversal will expedite the final resolution of the case on the merits. (*In re Rashad H.* (2000) 78 Cal.App.4th 376, 380-382.) Although this matter involves a Petition for Freedom From Parental Custody and Control, the same reasoning and holding applies.

In the stipulation, the parties agree that the court denied A.B. his statutory and due process right to counsel and failed to consider whether counsel should be appointed for minor O.B. Therefore, reversal of the judgment is appropriate with directions to the court to vacate the order terminating parental rights; appoint counsel for A.B., if he so desires;

and consider whether appointment of counsel for O.B. is appropriate. Thereafter, the court shall conduct a new trial on R.O.'s petition.

DISPOSITION

The order granting the Petition for Freedom From Parental Custody and Control and terminating parental rights is reversed as to A.B.

The juvenile court is directed to vacate the order terminating parental rights; appoint counsel for A.B., if he so desires; and consider whether appointment of counsel for O.B. is appropriate. Thereafter, the court shall conduct a new trial on R.O.'s petition.

Pursuant to the parties' stipulation, the clerk of this court is directed to issue the remittitur immediately. (Cal. Rules of Court, rule 8.272(c)(1).)

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RAMIREZ  
P. J.

We concur:

HOLLENHORST  
J.

McKINSTER  
J.