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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

SAN BERNARDINO COUNTY
CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

J.S.,

Defendant and Appellant.

E065615

(Super.Ct.Nos. J263327 &
J263328 & J263329)

OPINION

APPEAL from the Superior Court of San Bernardino County. Annemarie G. Pace, Judge. Affirmed.

Lori A. Fields, under appointment by the Court of Appeal, for Defendant and Appellant.

Jean-Rene Basle, County Counsel, Dawn M. Messer, Deputy County Counsel, for Plaintiff and Respondent.

The juvenile court declared G.S., I.S., and J.S. to be dependents of the court. (Welf. & Inst. Code, § 300, subds. (a)-(d) & (j) [(a)-(d) apply to G.S.; (a), (b) & (j) apply to I.S.; (b) & (j) apply to J.S.]¹ The juvenile court denied reunification services for Jo.S. (Father). (§ 361.5, subd. (b)(6).) Father contends the juvenile court erred by denying him reunification services as to his two sons, I.S. and J.S. (collectively the boys). Father also asserts this court should order the juvenile court to correct its written dispositional findings and minute order. We affirm the judgment.

FACTUAL AND PROCEDURAL HISTORY

A. BACKGROUND

G.S. is female and was born in March 2001. I.S. is male and was born in October 2002. J.S. is male and was born in May 2004. G.S., I.S., and J.S. (collectively, the children) share the same mother and father. The children’s mother is deceased; she died in 2009. Father and the children lived with Father’s girlfriend (Girlfriend), Girlfriend’s adult daughter, and Girlfriend’s four-year-old grandson.

B. G.S.

On December 14, 2015, G.S. was feeling overwhelmed and disclosed to a school counselor that she had been sexually abused by Father for nine years. G.S. said she was last raped by Father on December 9. G.S. told a social worker that when she was five or six years old Father would take her into a room, remove her pants and underwear and place “his finger insider of [her].” G.S. also described Father drinking alcohol,

¹ All subsequent statutory references will be to the Welfare and Institutions Code unless otherwise indicated.

coming into her bedroom at night, locking the door, removing his pants and underwear, holding G.S. down on the bed, placing his hand over G.S.'s mouth, and placing his penis in her vagina. When G.S. resisted, Father slapped G.S.'s face and arms and threatened to leave her in Mexico.

After being removed from Father's custody and placed in foster care, G.S. cut her wrists at the command of a hallucination. G.S. said she wanted to die and needed to kill herself. G.S. was held at a hospital for observation and stabilization. (§ 5150.) G.S. was diagnosed with "Major Depressive Disorder, Severe, Recurrent with Psychotic Features, PTSD."

The juvenile court found the following allegations true as to G.S.: (1) Father physically abused G.S. by punching and slapping her (§ 300, subd. (a)); (2) Father had a history of substance and alcohol abuse, which impaired his ability to provide adequate care and supervision for the children (§ 300, subd. (b)); (3) G.S. was suffering serious emotional damage caused by Father as evidenced by tearfulness, isolation, fear, and sadness (§ 300, subd. (c)); and (4) on numerous occasions, Father sexually abused G.S. including digitally penetrating G.S.'s vagina and committing the act of sexual intercourse on a monthly basis over a period of nine years (§ 300, subd. (d)). The juvenile court found visitation between G.S. and Father would be detrimental and therefore did not order visitation between the two.

C. THE BOYS

Father would drink alcohol to the point of being drunk three or four times per week. Father also smoked marijuana. Father was “mean and abusive” when he was intoxicated. Father hit I.S. when Father was drunk. Father used his fists to strike I.S.’s shoulders, arms, and back. Father had also struck I.S. with a belt. I.S. said Father struck I.S. “for no reason whether the father was drinking or not.” G.S. said Father had been striking I.S.’s arms and legs since I.S. was an infant. I.S. said Father had been abusing him since I.S. was 12 years old, but also recalled Father biting him when he was nine years old.

Father struck J.S. “once in a while,” typically as punishment. J.S. was not struck in the same manner that I.S. was struck. Father hugged J.S. and told J.S. “how much he loves him”—similar affection was not shown to I.S. and G.S. J.S. was scared of Father when Father was intoxicated. J.S. had witnessed Father strike I.S. with the buckle portion of a belt and heard I.S. scream. J.S. recalled Father being intoxicated and driving with the children in the car. Father would “swerve and drive too fast,” and the children would tell Father to slow down.

The juvenile court found the following allegations to be true in regard to the boys: (1) Father had a history of substance and alcohol abuse, which impaired his ability to provide adequate care and supervision for the boys (§ 300, subd. (b)); (2) J.S.’s siblings and I.S.’s siblings were abused or neglected and there was a substantial risk that the boys would be abused or neglected (§ 300, subd. (j)); and (3) Father physically abused I.S. by punching and hitting I.S. (§ 300, subd. (a)).

D. VISITATION AND SERVICES

I.S. did not want to visit Father because I.S. thought the visits would cause I.S. stress. I.S. was asked if he would want to have control over when he visited Father. I.S. responded, “Yes.” The children’s attorney said J.S. expressed an interest in visiting Father. Visits had not occurred between Father and the children after their removal from Father’s custody because the Department determined the visits would be detrimental. Father did not show remorse for the abuse he inflicted on the children and denied sexually abusing G.S.

The court granted supervised monthly visits between Father and the boys, at the boys’ discretion. The court found “reunification [services] need not be provided. And there’s clear and convincing evidence, pursuant to [section] 361.5 [subdivision] (b)(6), that it would not benefit them to pursue reunification services and it’s not in their best interest. [¶] The court has taken into account the acts comprising the severe sexual abuse, the circumstances under which that abuse was inflicted, the severity of any emotional trauma. The history involving abuse of three children in this case, and the likelihood, or lack thereof, that they might be safely returned to the parents within 12 months. In addition, the Court is taking into account the minors’ statements and their position on visitation with their father.”

The court adopted the Department’s recommended findings as amended, and then stated, “Reunification services are not ordered.” The findings included the following:

“Reunification services need not be provided to [Father] in that there is clear and convincing evidence that:

“(a) [G.S.], [I.S.], and [J.S.] have been adjudicated dependents pursuant to any subdivision of §300 as a result of severe sexual abuse to [G.S.], [I.S.], and [J.S.], a sibling or a half-sibling by [F]ather and it would not benefit [G.S.], [I.S.], and [J.S.] to pursue reunification services with the offending parent.–[WIC 361.5b6]”

The juvenile court did not schedule a section 366.26 hearing because there was no adult willing and able to assume legal guardianship of the children. (§ 361.5, subd. (f).)

DISCUSSION

A. REUNIFICATION SERVICES

1. *FACTUAL FINDINGS*

a) Contention

Father contends the juvenile court erred by failing to specify its factual findings when denying reunification services.

b) Background Law

““Ordinarily, when a child is removed from parental custody, the juvenile court must order services to facilitate the reunification of the family. (§ 361.4, subd. (a).)”

‘Nevertheless, as evidenced by section 361.5, subdivision (b), the Legislature recognizes that it may be fruitless to provide reunification services under certain circumstances. [Citation.] Once it is determined one of the situations outlined in subdivision (b) applies, the general rule favoring reunification is replaced by a

legislative assumption that offering services would be an unwise use of governmental resources.”” (R.T. v. Superior Court (2012) 202 Cal.App.4th 908, 914.)

The juvenile court denied reunification services to Father pursuant to section 361.5, subdivision (b)(6), which provides: “Reunification services need not be provided to a parent or guardian described in this subdivision when the court finds, by clear and convincing evidence, any of the following: [¶] . . . [¶] That the child has been adjudicated a dependent pursuant to any subdivision of Section 300 as a result of severe sexual abuse or the infliction of severe physical harm to the child, a sibling, or a half sibling by a parent or guardian, as defined in this subdivision, and the court makes a factual finding that it would not benefit the child to pursue reunification services with the offending parent or guardian. [¶] A finding of severe sexual abuse, for the purposes of this subdivision, may be based on, but is not limited to, sexual intercourse”

In determining whether reunification services would benefit the child, “the court shall consider any information it deems relevant, including the following factors: [¶] (1) The specific act or omission comprising the severe sexual abuse or the severe physical harm inflicted on the child or the child’s sibling or half sibling. [¶] (2) The circumstances under which the abuse or harm was inflicted on the child or the child’s sibling or half sibling. [¶] (3) The severity of the emotional trauma suffered by the child or the child’s sibling or half sibling. [¶] (4) Any history of abuse of other children by the offending parent or guardian. [¶] (5) The likelihood that the child may be safely returned to the care of the offending parent or guardian within 12 months with

no continuing supervision. [¶] (6) Whether or not the child desires to be reunified with the offending parent or guardian.” (§ 361.5, subd. (i).)

When a juvenile court bypasses reunification services pursuant to section 361.5, subdivision (b)(6) it must “read into the record the basis for a finding of severe sexual abuse or the infliction of severe physical harm under paragraph (6) of subdivision (b), and shall also specify the factual findings used to determine that the provision of reunification services to the offending parent or guardian would not benefit the child.” (§ 361.5, subd. (k).)

c) Analysis

Father contends the court erred by failing to specify the factual findings it relied upon in determining reunification services would not benefit the boys. As set forth *ante*, a juvenile court is required to set forth the factual findings supporting its legal conclusion that reunification services are not in the child’s best interests. (§ 361.5, subd. (k).)

The juvenile court found there was clear and convincing evidence to support a finding that reunification services would not be in the boys’ best interests. The juvenile court said it considered the factors set forth in section 361.5, subdivision (i), which are enumerated *ante*. The court also said it considered “the minors’ statements and their position on visitation with their father.” Further, the court found there was evidence the children had been declared dependents of the court “as a result of severe sexual abuse to [G.S.], [I.S.], and [J.S.], a sibling or a half-sibling by [F]ather and it would not benefit

[G.S.], [I.S.], and [J.S.] to pursue reunification services with the offending parent.—
[WIC 361.5b6]”

The foregoing informs us of the juvenile court’s legal conclusions, such as there being clear and convincing evidence. We are also informed of the factors the court considered, and the legal finding of dependency that the court considered. However, factual findings are missing. The juvenile court did not state what facts it was relying on in determining that services would not benefit the boys. (§ 361.5, subd. (k).) For example, the court did not find that Father’s lack of remorse for abusing his children would make it difficult for Father to benefit from reunification services; rather, the court only stated its conclusion that reunification would be unlikely. The court’s failure to make factual findings in support of its legal conclusions was error.

The Department contends the juvenile court did not err because the court stated it considered the factors enumerated in section 361.5, subdivision (i). We are not persuaded that the court’s statement that it considered a list of statutory factors equates with the court making factual findings.

d) Harmless Error

We now determine whether the juvenile court’s error was harmless. The error is harmless if this court determines from the record that it is not reasonably probable such factual findings would have been made in favor of Father. (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1218; see also *In re Coreienna G.* (1989) 213 Cal.App.3d 73, 84-85.) As discussed *ante*, the juvenile court must set forth the factual findings supporting its conclusion that reunification services would not benefit the child. (§ 361.5, subd. (k).)

For example, if Father had participated in services and the court found he failed to benefit from those services, that factual finding could support the conclusion that the child would receive no benefit from Father participating in further services. (*Deborah S. v. Superior Court* (1996) 43 Cal.App.4th 741, 752-753; see also § 361.5, subd. (c) [“whether . . . reunification is likely to be successful”].)

At the detention phase, the Department recommended the following services for Father: “counseling, parenting classes, anger management, substance abuse treatment, random drug testing, and case management.” The court ordered the Department to provide services to Father. The court also ordered no visitation between Father and the children.

Father demonstrated no remorse for his actions toward his children. Father asserted G.S.’s sexual abuse allegations were the result of G.S. dreaming or reading books. Father tested positive for marijuana on December 17, 2015, and December 29, 2015. Sometime after the detention hearing, Father went to G.S.’s school to attempt to visit her. The school principal did not permit Father to visit G.S. When a Department social worker questioned Father about “circumventing the court order of [not] visiting the children,” Father denied attempting to visit G.S. When speaking with the social worker, Father referred to G.S. as “being ‘mental’ because she cut on herself and is now on medication for it.”

Father was a “no show” for a drug test on February 1, 2016. Father tested negative for drugs on February 10, 2016. Father attended individual/sexual offender counseling on February 18 and 26, attended domestic violence counseling on February

22 and 29, attended anger management class on February 23, and attended parenting class on February 25. On March 16, the juvenile court found “the extent of progress made toward alleviating or mitigating the causes necessitating placement has been absent by the Father.” (All caps. omitted.)

Father’s lack of remorse for the abuse he inflicted on his children and his failure to take responsibility for his actions support the juvenile court’s finding that Father made no progress toward eliminating the problems that led to the dependency. Father’s denial that he is the problem that created the dependency case causes there to be little hope that the issues of alcoholism, physical abuse, and sexual assault will be resolved through reunification services. Additionally, because the juvenile court found zero progress on Father’s part, despite Father having enrolled in some services, we conclude it is not reasonably probable the juvenile court would have made factual findings in favor of Father. Accordingly, the juvenile court’s error was harmless.

Father contends the juvenile court’s error was not harmless because there is nothing reflecting the juvenile court took into consideration Father’s participation in the various classes and counseling sessions. In other words, the juvenile court found Father did not make progress in resolving the issues that led to the dependency, but Father asserts there is nothing reflecting the court considered his participation in the services provided.

The information about Father participating in services was provided in two separate documents both entitled “ADDITIONAL INFORMATION TO THE COURT.” The two documents were moved into evidence at the jurisdiction/disposition hearing.

The court stated it considered the documents that had been moved into evidence, which means the court considered the information about Father attending classes and counseling. Accordingly, we find Father's argument to be unpersuasive.

2. *CHILDREN AS A GROUP*

Father argues that the juvenile court improperly considered the children as a group of three when it should have separated the boys from G.S. for purposes of analyzing the issue of reunification services because they are not similarly situated. For the issue of determining if reunification services will benefit the children, the children can reasonably be grouped together. If the juvenile court approached the issue with the question of whether Father is likely to benefit from the services and therefore likely to reunify with the children, the question is applicable to all three children. (See *Deborah S. v. Superior Court, supra*, 43 Cal.App.4th at pp. 752-753 [asking if the parent would be able to reunify if given reunification services]; see also § 361.5, subd. (c) [“whether . . . reunification is likely to be successful”].)

In the instant case, Father had shown no remorse for the abuse inflicted on his children. Father's lack of remorse affects all the children equally. If Father is not remorseful, then he is unlikely to be motivated to change his behaviors despite classes and counseling. (See e.g. *In re Jasmine G.* (2000) 82 Cal.App.4th 282, 286, 288-289 [remorse and motivation to change behavior].) If Father is unlikely to change when provided with services, then it is unlikely he will reunify with his children; if Father is unlikely to reunify with his children, then his children, as a group of three, are unlikely

to benefit from Father receiving services. (§ 361.5, subd. (k).) In sum, the children could properly be considered as a group.

3. *SUBSTANTIAL EVIDENCE*

In Father's Appellant's Opening Brief, in a point heading, Father asserts "The court erred by denying father reunification services for [I.S.] and [J.S.], and substantial evidence does not support the court's finding that reunification was in [the boys'] best interests." Underneath that point heading, Father asserts (1) the juvenile court erred by failing to specify its factual findings; and (2) the juvenile court incorrectly considered the children as a group. (See Cal. Rules of Court, rule 8.204(a)(1)(B) [separate headings].) We are unable to find a substantial evidence argument. It appears Father may have used the term "substantial evidence" when he meant "harmless error."

Father addresses the substantial evidence issue in his Appellant's Reply Brief, in response to the Department's argument. Father asserts substantial evidence does not support the finding that reunification services were not in the boys' best interests. Father's argument relies on highlighting evidence that is favorable to him, such as his enrollment in services. When this court conducts a substantial evidence analysis, we must look at the evidence in the light most favorable to the judgment, resolving all conflicts in favor of the judgment, and making all reasonable inferences in favor of the judgment. (*In re G.L.* (2014) 222 Cal.App.4th 1153, 1164.)

The record reflects Father lacks remorse for the abuse he inflicted, and Father accuses G.S. of falsifying the sexual assault allegations. It can be reasonably inferred from this evidence that Father is not likely to succeed in changing his alcoholism,

physically abusive behavior, and sexually assaultive behavior despite participating in services because Father is unable to accept his role in causing the dependency. (See e.g. *In re Jasmine G.*, *supra*, 82 Cal.App.4th at pp. 286, 288-289 [remorse and motivation to change behavior].)

Additionally, Father disobeyed a court order by attempting to visit G.S. at her school. It can be inferred from this behavior that Father is unlikely to succeed with reunification services because he has difficulty following directions, and thus is unlikely to modify his behavior as directed by the service providers. Further, Father continued abusing marijuana after his children were detained, which also shows a lack of motivation to succeed at reunification.

In sum, substantial evidence supports a finding that Father is unlikely to benefit if given reunification services, which means reunification is unlikely, which means substantial evidence supports the finding that reunification services are not in the boys' best interests. (See *Deborah S. v. Superior Court*, *supra*, 43 Cal.App.4th at pp. 752-753; see also § 361.5, subd. (c) [“whether . . . reunification is likely to be successful”].)

B. CORRECTIONS

1. *FIRST CORRECTION*

a) Procedural History

The reporter's transcript and clerk's minute order of the jurisdiction hearing reflect the juvenile court found: (1) G.S. came within the court's jurisdiction under section 300, subdivisions (a), (b), (c), and (d); (2) I.S. came within the court's

jurisdiction under section 300, subdivisions (a), (b), and (j); and (3) J.S. came within the court's jurisdiction under section 300, subdivisions (b) and (j).

The reporter's transcript and clerk's minute order also reflect the court adopted the Department's recommended findings as amended. The recommended findings include the following section: "7. Continuance in the home of [Father], would be contrary to [G.S.], [I.S.], and [J.S.]'s welfare. Clear and convincing evidence shows that [G.S.], [I.S.], and [J.S.] should be removed from the physical custody of [Father] in that: [¶] b) [G.S.], [I.S.], and [J.S.] [are] suffering severe emotional damage, as indicated by extreme anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, and there are no reasonable means by which [G.S.], [I.S.], and [J.S.]'s emotional health may be protected without removing [G.S.], [I.S.], and [J.S.] from the physical custody of [Father]."

b) Analysis

Father contends the court's adopted finding 7(b) needs to be corrected because the boys were not found to come within section 300, subdivision (c), which concerns the infliction of serious emotional damage. Father asserts the court only found G.S. came within subdivision (c), so the portion of the finding 7(b) that includes the boys must be corrected by deleting the reference to the boys. Father asserts the matter "should be remanded to the juvenile court with directions to the court to correct Item . . . 7.(b) . . . to conform . . . to the actual pronouncements and findings of the juvenile court." We infer Father is requesting a nunc pro tunc correction to the finding.

“[I]t is not proper to amend an order nunc pro tunc to correct judicial inadvertence, omission, oversight or error, or to show what the court might or should have done as distinguished from what it actually did. An order made nunc pro tunc should correct clerical error[s] by placing on the record what was actually decided by the court but was incorrectly recorded. It may not be used as a vehicle to review an order for legal or judicial error by ‘correcting’ the order in order to enter a new one.” (*Hamilton v. Laine* (1997) 57 Cal.App.4th 885, 891.)

Section 361, subdivision (c)(3), provides, “A dependent child shall not be taken from the physical custody of his or her parents or guardian or guardians with whom the child resides at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence of any of the following circumstances listed in paragraphs (1) to (5), inclusive [¶] . . . [¶] (3) The minor is suffering severe emotional damage, as indicated by extreme anxiety, depression, withdrawal, or untoward aggressive behavior toward himself or herself or others, and there are no reasonable means by which the minor’s emotional health may be protected without removing the minor from the physical custody of his or her parent or guardian.”

Father appears to be asserting that unless a court makes a jurisdictional finding of serious emotional damage (§ 300, subd. (c)), it cannot make a dispositional finding of severe emotional damage (§ 361, subd. (c)(3)). We do not see where the juvenile court’s actions were erroneously recorded, such that a nunc pro tunc order could be entered. Rather, it appears Father is taking issue with the dispositional findings not mirroring the jurisdictional findings. To the extent the jurisdictional and dispositional

findings are required to match and do not, that would be a judicial error—not a clerical error. Thus, any resolution of this issue would not lead to a nunc pro tunc order.

Accordingly, we deny Father’s request for a correction.

2. *SECOND CORRECTION*

Father contends the minute orders that include the statutory language of section 361, subdivision (c)(3) in reference to the adopted 7(b) finding should be corrected. As explained *ante*, any error in this regard is judicial, and thus not the proper subject of a nunc pro tunc correction. If a dispositional finding of severe emotional damage (§ 361, subd. (c)(3)) cannot be made without first making a jurisdictional finding of serious emotional damage (§ 300, subd. (c)), then the juvenile court may have erred, but that is not the type of error that can be corrected nunc pro tunc. The clerk did not incorrectly record events, rather, the juvenile court would have made an error. Thus, we deny Father’s request for a nunc pro tunc correction.

3. *THIRD CORRECTION*

a) Procedural History

In the jurisdiction phase of the proceedings, the juvenile court found Father sexually abused G.S. (§ 300, subd. (d).)

Adopted finding 7(c) reads: “7. Continuance in the home of [Father] would be contrary to [G.S.], [I.S.], and [J.S.]’s welfare. Clear and convincing evidence shows that [G.S.], [I.S.], and [J.S.] should be removed from the physical custody of [Father] in that: . . . c) [G.S.], [I.S.], and [J.S.] or a sibling of [G.S.], [I.S.], and [J.S.] have been sexually abused or is deemed to be at substantial risk of being sexual abused by their

household or other person known to their father and there are no reasonable means by which [G.S.], [I.S.], and [J.S.] can be protected from further sexual abuse or a substantial risk of sexual abuse without removing [G.S.], [I.S.], and [J.S.] from their father or [G.S.], [I.S.], and [J.S.] do not wish to return to the father.”

b) Analysis

Father asserts finding 7(c) is erroneous because it reflects I.S. or J.S. was sexually abused, when the court did not make such a finding. Father asserts the matter “should be remanded to the juvenile court with directions to the court to correct Item . . . 7(c) . . . to conform . . . to the actual pronouncements and findings of the juvenile court.” We infer Father is requesting a nunc pro tunc correction to the finding.

The finding reads, “[G.S.], [I.S.], and [J.S.] or a sibling of [G.S.], [I.S.], and [J.S.] have been sexually abused.” The judicial finding lacks precision and can be read in multiple ways, but one way in which it can be read is that G.S. was sexually abused, and I.S. and J.S. are G.S.’s siblings. The lack of precision by the juvenile court is not a clerical error. To the extent there is an error, it is judicial. (See *In re Marriage of Padgett* (2009) 172 Cal.App.4th 830, 852 [judicial errors cannot be corrected nunc pro tunc].) Accordingly, we are not persuaded that the finding should be corrected nunc pro tunc.

4. *FOURTH CORRECTION*

a) Procedural History

Adopted finding 14(a) provides: “Reunification services need not be provided to [Father] in that there is clear and convincing evidence that: a) [G.S.], [I.S.], and [J.S.] have been adjudicated dependents pursuant to any subdivisions of §300 as a result of severe sexual abuse to [G.S.], [I.S.], and [J.S.], a sibling or a half-sibling by father and it would not benefit [G.S.], [I.S.], and [J.S.] to pursue reunification services with the offending parent.—[WIC 361.5b6]”

b) Analysis

Father contends finding 14(a) is incorrect because it does not reflect the finding that G.S. was Father’s only sexual assault victim. Father asserts the matter “should be remanded to the juvenile court with directions to the court to correct Item . . . 14.(a) . . . to conform . . . to the actual pronouncements and findings of the juvenile court.” We infer Father is requesting a nunc pro tunc correction to the finding.

The juvenile court’s finding is inartfully drafted and can be understood in multiple ways. One way in which the finding can be understood is that G.S. was sexually abused and I.S. and J.S. are her siblings. The juvenile court’s adoption of an inartfully drafted finding cannot be corrected nunc pro tunc because the record accurately reflects the inartful finding adopted by the juvenile court. Because the record accurately reflects the events there is nothing to be corrected nunc pro tunc. In sum, we deny Father’s request to order the finding be corrected nunc pro tunc. (See *Hamilton v. Laine, supra*, 57 Cal.App.4th at p. 891 [“An order made nunc pro tunc should correct

clerk error[s] by placing on the record what was actually decided by the court but was incorrectly recorded”].)

DISPOSITION

The judgment is affirmed.

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MILLER
J.

We concur:

RAMIREZ
P. J.

CODRINGTON
J.