

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

M.V.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO  
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF  
SOCIAL SERVICES,

Real Party in Interest.

F064484

(Super. Ct. No. 11CEJ300038-1)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Brian M. Arax, Judge.

M.V., in pro. per., for Petitioner.

No appearance for Respondent.

Kevin Briggs, County Counsel, and William G. Smith, Deputy County Counsel, for Real Party in Interest.

-ooOoo-

---

\* Before Levy, Acting P.J., Cornell, J., and Gomes, J.

M.V. (mother) in propria persona seeks an extraordinary writ (Cal. Rules of Court, rule 8.452) from the juvenile court's order terminating reunification services and setting a Welfare and Institutions Code section 366.26 hearing as to her one-year-old daughter, Kailyn V.<sup>1</sup> On review, we conclude mother's petition fails to comport with the procedural requirements of section 366.26, subdivision (*l*) and California Rules of Court, rule 8.452 and is inadequate. Accordingly, we will dismiss her petition.

### **PROCEDURAL AND FACTUAL HISTORY**

In February 2011, five-month-old Kailyn and her parents lived out of a car that contained rotten food and marijuana as well as bore a strong odor of methamphetamine. Although the child was sick, the parents had not taken her to a doctor. There was also ongoing hostility and domestic violence between the parents that placed Kailyn at a substantial risk of abuse or neglect. Additionally, mother had mental health issues that negatively affected her ability to provide adequate care, supervision, and protection to Kailyn.

Consequently, Kailyn was detained and the underlying dependency proceedings commenced. The court soon after exercised its dependency jurisdiction over Kailyn.

Mother attended a May 26, 2011, dispositional hearing, at which the juvenile court removed Kailyn from parental custody and ordered reunification services for the parents. Reunification services included parenting, random drug testing, and evaluation as well as any recommended treatment for substance abuse, domestic violence, and mental health. The court also gave mother notice of her appellate rights. Mother did not appeal the court's decision.

The same day, mother signed and filed with the court a form notification of a permanent mailing address in Minneapolis, Minnesota, where her family lived. On

---

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

June 3d, mother relocated to Minnesota. The day before mother left for Minnesota, she had her last visit with Kailyn, who remained placed in California.

In the meanwhile, mother's sister, who lived in St. Paul, Minnesota, had requested placement of the child. The department initiated the Interstate Compact on Placement of Children (ICPC) process, to assess the maternal aunt's home. However, it was understood the process could take months to complete. The juvenile court authorized the department to place the child with the maternal aunt once the ICPC was approved.

In the early summer of 2011, mother was referred to a Minnesota parenting class and a domestic violence class for victims, but she refused to attend either. She did attend a substance abuse evaluation and a mental health evaluation. Based on the mental health evaluation, mother needed to be admitted to a mental health clinic and receive psychotropic medication while being treated at the clinic. However, mother refused to take psychotropic medication. Her refusal not only adversely impacted her ability to receive mental health treatment, it also prevented her from being assessed for drug treatment. Although alternative arrangements were made for a psychiatrist to assess her for substance abuse treatment, mother did not attend the appointment. Arrangements were also made for mother to random drug test in Minnesota, but she did not participate in that program either.

Despite mother's return to Minnesota to live with family, she was later asked to leave due to her mental health issues. A Minnesota social worker explained to the family what would need to be done in order to expedite and move services along for mother; however, her family reportedly believed she was cursed and refused to have her around family members.

Although mother was not in compliance with the court's reunification plan, she stated she was willing and able to participate in any services that were required of her in

order to get her child back. She also wanted Kailyn to “come home and be with her family.”

The ICPC process for placing the child with the maternal aunt remained ongoing into 2012. The aunt’s home needed to be approved through licensing for foster care in order for the home study to be completed. This meant all of the adults in the home would need to have fingerprints taken and pass a background check. The aunt, however, was initially reluctant to go through the process. As of late December, the fingerprint and background checks had cleared the maternal aunt’s family. The next step would be to assign the case for a home study, which would hopefully be completed by mid-February.

The juvenile court eventually conducted a status review hearing in the child’s case in late February 2012. Real party in interest Fresno County Department of Social Services submitted the matter on reports it prepared, detailing the events since the May 2011 dispositional hearing and recommending that the court terminate services.

Mother did not attend the hearing. Her attorney, who had no evidence to introduce, argued against termination of services.

Having found that mother made minimal progress and the father made no progress toward alleviating and mitigating the causes of the child’s removal, the juvenile court terminated reunification services and set a section 366.26 hearing to select and implement a permanent plan for the child. The court also suspended the parents’ visitation rights with the child.

## **DISCUSSION**

### **Inadequate Petition**

The purpose of writ proceedings such as this is to facilitate review of the juvenile court’s order setting a section 366.26 hearing to select and implement a permanent plan for the child. (Cal. Rules of Court, rule 8.450(b).) The court’s decision is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is up to mother to raise

one or more claims of reversible error or other defect and present argument and authority on each point made. This court will not independently review the record for possible error. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

As discussed below, mother fails to raise any claim of juvenile court error. As a result, we will dismiss her petition as facially inadequate.

In her form petition, mother leaves empty the spaces provided to allege how the court's setting order was erroneous and to summarize the factual basis for her petition. She instead attaches to her petition two pages of complaints and observations, much of which is difficult to decipher. She also has submitted two letters purportedly from a residential dual diagnosis treatment center. According to those letters dated in March and April 2012, mother entered the center on February 15, 2012.

It appears mother believes her parental rights have already been terminated, which they have not. Mother also expresses agreement with Kailyn being placed with her maternal aunt, but not being adopted by her. In addition, mother wants visits with Kailyn as well as reunification services. What mother fails to do is to articulate what error(s) the court made in setting the section 366.26 hearing.

For example, while mother claims she should be able to visit Kailyn once she is placed in Minnesota, mother fails to explain how the court's order suspending visitation, following her failure to maintain any contact with the child, was erroneous.

To the extent mother expresses a desire for reunification services, she ignores the evidence that she failed to participate in and comply with the services the court ordered for her during the reunification period. Even assuming mother entered a residential dual diagnosis treatment center in February 2012, that evidence was not before the juvenile court and thus cannot be considered by this court.

Mother also complains she did not receive hearing notices before June 3, 2011, which was when she moved to Minnesota. However, she points to no evidence in the

record to support her complaint nor does she explain how she was prejudiced as a result. In addition, her complaint about hearing notices is untimely. Mother could have raised it by way of appeal from the juvenile court's May 26, 2011, dispositional order. (§ 395, subd. (a).) However, despite the notice she received that day of her appellate remedy, mother did not appeal.

### **DISPOSITION**

The petition for extraordinary writ is dismissed. This opinion is immediately final as to this court.