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

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

TULARE COUNTY HEALTH AND  
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

MATTHEW B.,

Defendant and Appellant.

F064534

(Super. Ct. No. JJV065184A)

**OPINION**

**THE COURT**\*

APPEAL from orders of the Superior Court of Tulare County. Charlotte A. Wittig, Commissioner.

Donna B. Kaiser, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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\* Before Cornell, Acting P.J., Kane, J., and Detjen, J.

Matthew B. (father) appealed from an order terminating parental rights (Welf. & Inst. Code, § 366.26) to his son, 16-month-old Ryan.<sup>1</sup> After reviewing the entire record, father's court-appointed appellate counsel informed this court she had found no arguable issues to raise in this appeal. Counsel requested and this court granted leave for father to personally file a letter setting forth a good cause showing that an arguable issue of reversible error does exist. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844.)

Father has since written this court to ask that we reverse the termination order because he feels he has been unjustly treated during earlier phases of Ryan's dependency. On review, we conclude father's letter does not amount to a good cause showing that an arguable issue of reversible error exists.

#### **PROCEDURAL AND FACTUAL BACKGROUND**

Ryan suffered severe physical abuse while in the parents' care pursuant to section 300, subdivision (e). On or near January 24, 2011, the child was suffering from a broken femur which would ordinarily not be sustained except as a result of the unreasonable or neglectful acts or omissions of the parents. The conduct of both parents endangered the child's physical safety and emotional health and well-being, and placed the child at risk of physical and emotional harm or damage. In early July 2011, the parents stipulated to a factual basis for the subdivision (e) allegation and the juvenile court found the allegation true.

Later in July 2011, the juvenile court found there was clear and convincing evidence to support its exercise of jurisdiction under section 300, subdivision (e). It also removed Ryan from parental custody and denied the parents reunification services

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

pursuant to section 361.5, subdivision (b)(5).<sup>2</sup> Having done so, the juvenile court set a hearing pursuant to section 366.26 to select and implement a permanent plan for Ryan.

The parents sought extraordinary writ relief from the setting order and more specifically the juvenile court's order denying the parents reunification services. In our opinion denying the parents' petition (*Matthew B. v. Superior Court* (Nov. 18, 2011, F062980 [nonpub. opn.])), this court concluded there was no error as the parents failed to meet their burden of proving that reunification services would likely prevent re-abuse or that failure to try reunification would be detrimental to Ryan.

The juvenile court later conducted its section 366.26 hearing at which it found Ryan was likely to be adopted and terminated parental rights.

### DISCUSSION

An appealed-from judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is appellant's burden to raise claims of reversible error or other defect and present argument and authority on each point made. If appellant fails to do so, the appeal should be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) Father does not raise any claim of error or other defect against the termination order from which he appeals. Thus, we have no reason to reverse. (*Ibid.*)

Instead, father complains for the first time about the social worker managing Ryan's case at the outset of these proceedings and about the alleged pressure he felt from his attorney and Ryan's attorney to accept the section 300, subdivision (e) jurisdictional allegation and stipulate to a factual basis for that allegation. Father has forfeited these complaints by not raising them in a more timely fashion. (*In re Anthony B.* (1999) 72

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<sup>2</sup> Section 361.5, subdivision (b)(5) states that "reunification services need not be provided to a parent ... when the court finds, by clear and convincing evidence, ... [¶] ... [¶] [t]hat the child was brought within the jurisdiction of the court under subdivision (e) of Section 300 because of the conduct of that parent ...."

Cal.App.4th 1017, 1022-1023 [issues which could have been raised by writ petition and were not are forfeited on review of a termination order].) In addition, especially with regard to father's claim regarding counsel, there is no support for it in the record. Indeed, father overlooks the record of the July 2011 jurisdictional hearing. At that hearing, father specifically agreed on the record that: there was a factual basis for the jurisdictional finding; no one threatened him in order to make him agree; and he understood all the procedural rights he was waiving.

### **DISPOSITION**

The appeal is dismissed.