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

TRACY R.,

Petitioner,

v.

THE SUPERIOR COURT OF KERN
COUNTY,

Respondent;

KERN COUNTY DEPARTMENT OF
HUMAN SERVICES,

Real Party in Interest.

F065393

(Super. Ct. No. JD123329-00)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Gerald Walbaum, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.)

Tracy R., in pro. per., for Petitioner.

No appearance for Respondent.

Theresa A. Goldner, County Counsel, and Kelley D. Scott, Deputy County Counsel, for Real Party in Interest.

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* Before Levy, Acting P.J., Cornell, J., and Kane, J.

Tracy R. in propria persona seeks an extraordinary writ (Cal. Rules of Court, rule 8.452) from the juvenile court's orders issued at a hearing on a Welfare and Institutions Code section¹ 388 petition brought by the Kern County Department of Human Services (department) at which the juvenile court set aside the legal guardianship, reinstated dependency and set a section 366.26 hearing as to Tracy's 10-year-old daughter, A. Tracy contends the guardian agreed to return A. to her care after she completed a parenting class and that she did not fully understand the proceedings because she was not assisted by a certified deaf interpreter. We deny the petition.

PROCEDURAL AND FACTUAL SUMMARY

In April 2010, the juvenile court exercised its dependency jurisdiction over then eight-year-old A. after sustaining allegations that her father sexually abused her and that Tracy failed to protect her. Tracy and the father are hearing-impaired and were assisted by a sign language interpreter. In May 2010, Tracy and the father waived their right to reunification services both by completing and signing a "Waiver of Reunification Services" (form JV-195) and expressly waiving their rights before the juvenile court with the assistance of a sign language interpreter. Consequently, the juvenile court denied them both reunification services, appointed A.'s maternal aunt and uncle as her legal guardians and terminated its jurisdiction over A.

In June 2012, the maternal aunt and uncle filed a section 388 petition asking the juvenile court to set a section 366.26 hearing so that they could adopt A. The guardians stated in the petition that Tracy visited A. every other week under supervision, but that the father had not contacted the guardians to visit A. since the guardianship was established. However, Tracy was pressuring A. to visit her father and on one occasion

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

lured A. to the side of the maternal grandmother's house where the father was hiding. A. became frightened at the sight of her father and she hid behind her guardian. She asked her guardian for assurance that her father would not molest her again.

In July 2012, the juvenile court conducted the hearing on the guardians' section 388 petition. Tracy and the father appeared represented by their attorneys and assisted by a sign language interpreter. At the conclusion of the hearing, the juvenile court granted the guardians' section 388 petition and set a section 366.26 hearing. This petition ensued.

DISCUSSION

A lower court's judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Consequently, an "appellant must affirmatively demonstrate error by an adequate record." (*Bennett v. McCall* (1993) 19 Cal.App.4th 122, 127.) With respect to writ petitions challenging the setting of a section 366.26 hearing, rule 8.452 specifies, inter alia, that the writ petition must include a summary of the significant facts and identify contested legal points with citation to legal authority and argument. (Rule 8.452(b).) At a minimum, the writ petition must "adequately inform the court of the issues presented, point out the factual support for them in the record, and offer argument and authorities that will assist the court in resolving the contested issues." (*Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 583.)

Tracy did not provide a summary of the facts, citation to the appellate record or legal authority to support a claim of juvenile court error. In fact, she does not challenge the correctness of the juvenile court's findings and orders at the setting hearing. Rather, she contends that her sister, A.'s guardian, promised to return A. to her custody after she and the father completed a parenting class. In addition, she contends that she has a limited understanding of American Sign Language and requires a certified deaf

interpreter in order to fully participate in the proceedings. Ordinarily, we would dismiss such a petition as facially inadequate. However, in this case, we decline to do so.

Having reviewed the record on appeal, we find no support for Tracy's contentions. There is no evidence that Tracy's sister agreed to return A. to Tracy's custody. Further, there is no evidence that Tracy required a certified deaf interpreter in order to meaningfully participate in the proceedings. According to the record, the juvenile court provided her the assistance of a certified sign language interpreter. At no time did Tracy inform the juvenile court that such an interpreter was insufficient or that she did not understand the proceedings.

We conclude, based on the foregoing, that Tracy failed to meet her burden of demonstrating juvenile court error on this record and deny the petition.

DISPOSITION

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.