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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

In re MADISON R., a Person Coming Under the Juvenile Court Law.	
FRESNO COUNTY DEPARTMENT OF SOCIAL SERVICES, Plaintiff and Respondent, v. MICHAEL R., Defendant and Appellant.	F065552 (Super. Ct. No. 07CEJ3000298-3) **OPINION**

THE COURT[*]

APPEAL from orders of the Superior Court of Fresno County. Brian M. Arax, Judge.

Sharon Rollo, 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 Franson, J.

Michael R. (father) appealed from a 2012 order terminating parental rights (Welf. & Inst. Code, § 366.26) to his three-year-old daughter, Madison (child).[1] After reviewing the entire record, father's court-appointed appellate counsel informed this court she could find no arguable issues to raise on father's behalf. 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 did exist. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844.)

Father has since submitted a letter in which he complains the juvenile court violated the constitutional prohibition against double jeopardy when, in early 2011, it removed Madison from his custody. As discussed below, we conclude father has not made a good cause showing of arguable error by the juvenile court. We will dismiss father's appeal.

PROCEDURAL AND FACTUAL SUMMARY

In July 2010, respondent Fresno County Department of Social Services (department) detained then eight-month-old Madison and initiated the underlying juvenile dependency proceedings. The child's mother abused methamphetamine while father was incarcerated on domestic violence charges involving the mother. He had been in custody since Madison was four months old and had a history of violent criminal behavior.

Later in 2010, the juvenile court exercised its dependency jurisdiction over Madison. In the spring of 2011, the court conducted a dispositional hearing at which it adjudged Madison a juvenile dependent, removed her from parental custody and ordered reunification services for only father.

Although father completed his court-ordered services over the following year, the juvenile court found it remained detrimental to return Madison to father's custody on

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

account of his pervasive drug and mental health problems. Meanwhile, Madison neither showed any excitement when she had supervised visits with father nor displayed the kind of behavior around him that a child displays towards a parent. The juvenile court consequently terminated reunification services in the winter of 2012, and set a section 366.26 hearing to select and implement a permanent plan for Madison.

The juvenile court conducted its section 366.26 hearing in the summer of 2012. Based on the department's report, the court found it was likely that Madison would be adopted and terminated parental rights. The court, in the process, rejected father's argument that termination would be detrimental to Madison based on her relationship with him.

DISCUSSION

An appealed-from judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is up to an appellant to raise claims of reversible error or other defect and present argument and authority on each point made. If an appellant does not do so, the appeal should be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

Father neither addresses the termination proceedings nor sets forth a good cause showing that any arguable issue of reversible error at the termination hearing does exist. (*In re Phoenix H., supra,* 47 Cal.4th at p. 844.) He instead claims the juvenile court took Madison from his custody "for the past actions, of which have been paid for once." Father's argument is meritless.

First, father appears to assume that the juvenile court prosecuted him a second time for some offense. However, he provides no details or support for his claim. Second, father ignores the purpose of juvenile dependency proceedings, which is to provide for the protection and safety of children and to remove a child from parental custody only when necessary for the child's welfare. (§ 202, subd. (a).) Its purpose is not to prosecute parents. Third, father's complaint, regarding the juvenile court's 2011 dispositional order

removing Madison from his custody, is untimely. Appellate jurisdiction to review an appealable order depends upon a timely notice of appeal. (*In re Elizabeth G.* (1988) 205 Cal.App.3d 1327, 1331.) Father never appealed from the 2011 disposition order, which is now final. An appeal from the most recent order entered in a dependency matter, such as the termination order in this case, does not permit an appellant to challenge prior orders for which the statutory time for filing an appeal has passed. (*In re Elizabeth M.* (1991) 232 Cal.App.3d 553, 563.)

Accordingly, we will dismiss his appeal.

DISPOSITION

This appeal is dismissed.