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

JOE M.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Real Party in Interest.

F065677

(Super. Ct. Nos. 11CEJ300129-1, 2, 3,
4, 5, 6, 7, 8)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Mary D.
Dolas, Commissioner.

Joe M., 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.

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*Before Wiseman, Acting P.J., Levy, J., and Detjen, J.

Joe M., in propria persona, seeks an extraordinary writ (Cal. Rules of Court, rule 8.452 (rule 8.452)) from the juvenile court's order issued at a 12-month review hearing setting a Welfare and Institutions Code section 366.26 hearing¹ as to his three youngest children. We deny the petition.

PROCEDURAL AND FACTUAL SUMMARY

In June 2011, the Fresno County Department of Social Services (department) took Joe's eight children ranging in age from three to 13 years into protective custody after finding them unsupervised in their home which was known to police as a drug house. Several days before, Joe was arrested for possession of controlled substances and driving with a suspended license. He left the children in the care of his girlfriend. The department placed the children in three separate foster homes.

In October 2011, the juvenile court exercised its dependency jurisdiction and ordered reunification for Joe and the children's mother, Gloria. Joe's court-ordered services included substance abuse treatment and random drug testing.

Over the ensuing six months, Joe failed twice to enroll in substance abuse treatment. He also failed to participate in drug testing or visit the children. Consequently, the department recommended that the juvenile court terminate his reunification services at the six-month review hearing.

In April 2012, at the six-month review hearing, the juvenile court terminated Joe's reunification services, but continued services for Gloria, and set the 12-month review hearing for August 2012.

In August 2012, Joe appeared in custody at the 12-month review hearing. The juvenile court terminated Gloria's reunification services and set a section 366.26 hearing

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

as to Joe and Gloria's four-, six-, and seven-year-old sons. The juvenile court ordered that Joe and Gloria's five older children remain in foster care. This petition ensued.

DISCUSSION

Joe contends that the juvenile court erred, stating:

“1. I was not notified. 2. My rights were not heard. 3. I have a plan.”

He asks this court to direct the juvenile court to order reunification services, to grant him custody of his children, and to allow him the opportunity to participate in decisions regarding his children. We decline to grant him the relief he seeks.

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. (Cal. Rules of Court, 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.)

Joe asserts that he was “not notified.” Presumably, he is referring to a hearing, but he does not specify which one. He also asserts that his “rights were not heard,” but does not explain how that is so. Consequently, Joe's petition falls short of providing this court sufficient information upon which to conduct a meaningful review. Further, this court will not independently review the record for possible juvenile court error. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) Finally, Joe's contention that he has a plan is not an assertion of juvenile court error.

Since Joe fails to set forth a claim of error, his petition fails to comport with rule 8.452 and is therefore inadequate on its face. Consequently, we will dismiss it.

DISPOSITION

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