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

In re N.C., a Person Coming Under the
Juvenile Court Law.

TULARE COUNTY HEALTH AND
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

SOPHIA F.,

Defendant and Appellant.

F067324

(Super. Ct. No. JJV056084E)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Tulare County. Jennifer Conn Shirk, Judge.

Beth Melvin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance by Plaintiff and Respondent.

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* Before Wiseman, Acting P.J., Franson, J., and Peña, J.

Sophia F. (mother) appealed from an order terminating her parental rights (Welf. & Inst. Code, § 366.26) to her three-and-a-half-year-old daughter, N.C. (child or this child).¹ After reviewing the entire record, mother'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 mother 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.)

Mother has since submitted a letter in which she claims she "has been doing everything that it takes to get [this child] back into [her] custody" and they "had a very close bond together." On review, we conclude mother has failed to make a good cause showing that an arguable issue of reversible error does exist.

PROCEDURAL AND FACTUAL HISTORY

Mother has a lengthy history of physically abusing her children and failing to protect them from exposure to domestic violence and her substance abuse. As a consequence, she lost custody of and failed to reunify with four children as of this child's birth in late 2009. In early 2011, mother was again engaged in domestic violence with this child's stepfather so as to place her at risk of suffering serious physical harm.

Consequently, in the summer of 2011, a juvenile court exercised its dependency jurisdiction over the child but permitted her to remain in mother's care provided the stepfather not reside with mother. In less than a year's time, mother violated the court's order as well as engaged in domestic violence in the child's presence. This led to the child's placement in foster care for several months.

In the meantime, mother was arrested and sentenced on a charge of being under the influence of a controlled substance.

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

The court returned the child to mother's custody in August 2012, with family maintenance services. The family maintenance case plan included mother's compliance with drug court services, participation in parenting classes and domestic violence counseling, and maintaining stable housing. There was also the ongoing order that the stepfather not reside in mother's home.

However, within a few months, the court ordered the child detained in foster care, as mother was not complying with drug court services, was arrested once more, was moving so frequently that she was not providing the child with stable housing, and was again living with the stepfather.

In January 2013, the juvenile court removed the child from parental custody and denied reunification services (§ 361.5, subd. (b)(10) & (11)). The court found that mother had made minimal progress toward alleviating the causes necessitating the child's placement in foster care and reunification was no longer in the child's best interest. At most, mother was in compliance with her parenting classes. The juvenile court in turn set a section 366.26 hearing to select and implement a permanent plan for the child.

Respondent Tulare County Health and Human Services Agency (agency) reported to the court in the spring of 2013 that the child was likely to be adopted by her foster parents who had cared for her in the spring and summer of 2012 as well as since November 2012 and expressed a desire to adopt her. The agency considered the foster parents to be the child's prospective adoptive parents. The child had a close relationship with them and was thriving in their home. The agency acknowledged that mother regularly visited the child and loved her. Also, the child appeared to enjoy mother's company. However, the child did not experience separation anxiety, get upset or appear concerned at the end of the visits. She also appeared happy to leave with the prospective adoptive parents. The agency concluded by recommending that the court terminate parental rights.

On the eve of the section 366.26 hearing, mother petitioned the court (§ 388) to order reunification services for her. She alleged reunification services would be best for the child because, in mother's opinion, she and the child shared a strong bond. According to a letter attached to the petition, mother entered a drug recovery program on March 1, 2013, and had attended 10 sessions as of mid-April 2013. She also started attending AA meetings in the latter part of March 2013.

The agency responded by reporting on mother's historic pattern of participating in and completing services only to relapse soon thereafter. It appeared mother did not recognize her patterns of behavior over the years and was not able to make positive changes for herself and her children. Consequently, the agency recommended the court deny mother's section 388 petition.

At a combined hearing on mother's petition and the agency's recommendation to terminate parental rights, the court swore in mother and permitted her to make a statement. Mother said she was working her hardest to be a better parent. She was still in the drug treatment program and was not using drugs. She also claimed she and the child had a beautiful bond on a weekly basis. Mother further stated that both she and the child cry at the end of visits.

The court denied mother's petition because it could not find that either there had been a change in circumstance or the proposed modification was in the child's best interest. !(RT 265)! Then, having found clear and convincing evidence that the child would likely be adopted, the court 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.)

Although mother claims she “has been doing everything that it takes to get [this child] back into [her] custody” and the two of them “had a very close bond together,” mother does not raise any claim of error or other defect against the termination order she appeals from. Thus, we have no reason to reverse or even modify the orders in question. (*In re Sade C.*, *supra*, 13 Cal.4th at p. 994.)

First, there can be no arguable claim that the juvenile court abused its discretion by denying mother’s section 388 petition to modify the order denying her reunification services. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318.) She failed to prove a change of circumstance, much less that an order for reunification services at this late stage would promote the child’s best interests. (§ 388, subd. (a); Cal. Rules of Court, rule 5.570.)

In addition, at the termination hearing, the court’s proper focus was on the child, to determine whether it was likely she would be adopted and if so, order termination of parental rights in order to meet her need for permanency and stability. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) If, as in this case, the child is likely to be adopted, adoption is the norm. Indeed, the court must order adoption and its necessary consequence, termination of parental rights, unless one of the specified circumstances provides a compelling reason for finding that termination of parental rights would be detrimental to the child. (*In re Celine R.* (2003) 31 Cal.4th 45, 53.) Here, there was no compelling reason.

DISPOSITION

The appeal is dismissed.