

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

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

TAMMY A.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Real Party in Interest.

F067649

(Super. Ct. No. 11CEJ300216-1)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Brian Arax,
Judge.

Tammy A., 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.

-ooOoo-

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

Tammy A., mother and petitioner, seeks an extraordinary writ (Cal. Rules of Court, rule 8.452 (rule 8.452)) from the juvenile court's order issued at a combined jurisdiction/disposition hearing on a supplemental petition in which the juvenile court found the allegations true.¹ The parents had been receiving services for over 18 months. The juvenile court terminated reunification services and set a Welfare and Institutions Code section 366.26² hearing as to petitioner's son, J.N. (six years old), and daughter, E.N. (three years old). We conclude her petition fails to comport with the procedural requirements of rule 8.452. Accordingly, we will dismiss her petition as facially inadequate.

FACTUAL AND PROCEDURAL SUMMARY

On October 16, 2011, J.R. and E.R., who were four years old and 21 months old, respectively, were detained from their parents' custody. A dependency petition was filed on behalf of the children on October 18, 2012, by the Fresno County Department of Social Services (department) alleging a serious risk of physical harm to both children due to unsanitary conditions in their home, the father's substance abuse, and domestic violence between the parents.

At the jurisdiction hearing on January 10, 2012, both parents waived their rights to a contested hearing and submitted the matter on the social worker's reports. The court found the allegations in the petition to be true. At the disposition hearing on February 1, 2012, the children were adjudged dependents of the court and the parents were granted reunification services.

¹ On August 16, 2013, we granted the request of the superior court clerk to take judicial notice in this case of the identical record in case No. F067648, a writ petition filed by the father.

² All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

At a review hearing on October 26, 2012, the court found that the parents had made significant progress in their case plan. Although the children remained dependents of the court, they were returned to the parents. Both parents were placed on family maintenance services with the father also continuing reunification services.

On January 11, 2013, the children were again detained due to the parents' continued domestic violence. On January 13, 2013, the department filed a supplemental petition alleging that the safety of the children was at risk due to the parents' ongoing inability to refrain from domestic violence and the father's failure to submit to a drug test.

The combined jurisdiction/disposition hearing on the supplemental petition was heard on June 17, 2013, July 12, 2013, and July 15, 2013. At the conclusion of the contested hearing, the juvenile court found the allegations of the supplemental petition to be true. The court ordered the children removed from the parents' care, terminated family maintenance and reunification services, and set the matter for a section 366.26 hearing in November 2013. Mother filed this petition.

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.)

In this case, petitioner does not provide a summary of the facts, citation to the appellate record, or legal authority to support a claim of juvenile court error. Rather, aside from identifying information, the writ petition is blank, including the space provided for specifying the grounds for error. Since petitioner fails to set forth a claim of error and since we do not independently review the appellate record for possible errors (*In re Sade C.* (1996) 13 Cal.4th 952, 994), her petition is facially inadequate and insufficient for review. Accordingly, we will dismiss the petition.

DISPOSITION

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