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

In re FABIAN S., a Person Coming Under
the Juvenile Court Law.

MERCED COUNTY HUMAN SERVICES
AGENCY,

Plaintiff and Respondent,

v.

CECILIA S.,

Defendant and Appellant.

F067939

(Super. Ct. No. JP000516)

OPINION

THE COURT*

APPEAL from orders of the Superior Court of Merced County. Brian L. McCabe,
Judge.

Karen J. Dodd, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

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* Before Poochigian, Acting P.J., Detjen, J., and Peña, J.

Cecilia S. (mother) appealed from an August 2013 order terminating parental rights (Welf. & Inst. Code, § 366.26) to her five-year-old son, Fabian S.¹ After reviewing the entire record, mother's court-appointed appellate counsel informed this court she had found no issues to raise on mother's behalf. 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 did exist. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844.)

Mother has now submitted a letter in which she asks for another chance to care for Fabian. She also offers her explanation for why she did not participate in court-ordered services. Her letter neither addresses the termination proceedings nor sets forth a good cause showing that any arguable issue of reversible error occurred at the termination hearing. (*In re Phoenix H., supra*, 47 Cal.4th at p. 844.) As a result, we will dismiss her appeal.

PROCEDURAL AND FACTUAL SUMMARY

Respondent Merced County Human Services Agency (agency) initiated dependency proceedings on behalf of Fabian in December 2011. Fabian, who was then three years old, lived with mother in a home that posed many health and safety hazards. There was also minimal food in the home. Mother tested positive for amphetamine and methamphetamine but denied she was using drugs. She also had untreated mental health issues.

In February 2012, the juvenile court exercised its dependency jurisdiction over Fabian and removed him from parental custody. The court also ordered a number of reunification services for mother. Over the following year, mother failed to regularly

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

participate in the court-ordered services. At most, during the first six months of services, she completed a parenting class and sporadically visited Fabian.

During the second six months, mother made no effort to comply with court-ordered services and made no progress towards alleviating the causes that required Fabian's out-of-home placement. Her last visit with Fabian was in September 2012. Consequently, in April 2013, the juvenile court terminated reunification services and set a section 366.26 hearing to select and implement a permanent plan for Fabian.

Mother attended the permanency planning hearing, at which she asked to make a statement. She told the court she could not justify a lot of things she previously did. However, she did care for Fabian. She denied the claim that she had not seen him. She added that she knew she could do better in the future. She asked for the opportunity to prove he could be with her.

The court, having found Fabian was likely to be adopted, 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 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.) Here, mother does not raise any claim of error or other defect against the termination order from which she appeals. She merely asks for another chance to care for Fabian.

To the extent mother assumes the court should have granted her a chance at reunification at the permanency planning hearing, she overlooks the law regarding the purpose of a permanency planning hearing. Once the juvenile court terminates reunification services, as the court did here in April 2013, the focus shifts to the child's

needs for permanency and stability. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) At the permanency planning hearing, the court's proper focus was on Fabian to determine whether it was likely he would be adopted and if so, order termination of parental rights. If, as in this case, the child is likely to be adopted, adoption is the norm.

While a parent may petition a court to modify a prior order, the party must show a change of circumstance or new evidence as well as that the proposed change would promote the child's best interests. (§ 388; Cal. Rules of Court, rule 5.570.) Here, mother met neither test, let alone established that another attempt at reunification would promote Fabian's needs for permanency and stability. Therefore, there can be no arguable claim that the court erred.

DISPOSITION

This appeal is dismissed.