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

In re A.B. et al., Persons Coming Under  
the Juvenile Court Law.

MADERA COUNTY DEPARTMENT  
OF SOCIAL SERVICES/CHILD  
WELFARE SERVICES,

Plaintiff and Respondent,

v.

REBECCA S.,

Defendant and Appellant.

F068215

(Super. Ct. Nos. MJP016836, MJP016837,  
MJP016838)

**OPINION**

**THE COURT\***

APPEAL from orders of the Superior Court of Madera County. Thomas L.  
Bender, Judge.

Julie E. Braden, 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 Poochigian, J.

Rebecca S. (mother) appealed from orders terminating her parental rights (Welf. & Inst. Code, § 366.26) to her three children, who range from nine to twelve years of age.<sup>1</sup> Mother's court-appointed appellate counsel informed this court that, after reviewing the entire record, she found no arguable issues to present 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 did exist. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844.)

Mother wrote us in March 2014, requesting additional time to submit a brief. Although this court granted her request, mother did not submit a supplemental letter brief within the time permitted or thereafter. This leaves us with only mother's March 2014 correspondence in which she raised multiple complaints, but without citation to either the appellate record or any legal authority. We conclude mother has not made a good cause showing that an arguable issue of reversible error does exist.

#### **PROCEDURAL AND FACTUAL SUMMARY**

In 2012, mother was unable to provide regular care for her children due to her mental illness. She was also unable to provide the children with adequate food or clothing. Consequently, respondent Madera County Department of Social Services (the department) detained the children and initiated dependency proceedings under section 300, subdivision (b) (neglect).

At a February 2012 detention hearing, mother's attorney asked the superior court to appoint a guardian ad litem for mother. The court questioned mother, who seemed highly agitated. She admitted she was and that she suffered from depression and various anxiety disorders. However, she understood the nature of the proceedings and the need to assist her attorney. Mother also informed the court that she did not want a guardian ad

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

litem appointed on her behalf. The court denied counsel's request, noting its belief that mother understood the nature of the proceedings and could assist counsel. However, if that changed, the court would revisit the issue. The issue did not arise again.

In April 2012, the court exercised its dependency jurisdiction over the children, adjudged them juvenile dependents and removed them from mother's physical custody. The court also ordered reunification services for mother. Mother did not appeal.

Over the next year, the department provided reasonable reunification services to help mother overcome the problems that led to the children's removal. However, mother failed to regularly participate in those services and made minimal or no progress.

In the spring of 2013, the court terminated reunification efforts and set a section 366.26 hearing to select and implement a permanent plan for the children. It also found mother's visitation with the children was detrimental to them, due to mother's erratic behavior, and terminated visitation until it was deemed safe for the children to visit. Mother neither appealed nor sought extraordinary writ review of the court's findings and orders.

In preparation for the section 366.26 hearing, the department reported that the children were likely to be adopted if parental rights were terminated. Their foster family, who had cared for the children for more than a year, wished to adopt them and the children favored adoption. Because the children were happy and cared for in their placement, their maternal grandmother elected not to pursue having the children placed with her. The department recommended the court select a permanent plan of adoption and terminate parental rights.

At the section 366.26 hearing, mother testified that the children were bonded to her and that she still served a parental role towards the children. She objected to the department's recommendation.

The court found the children adoptable and 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 an appellant's burden to raise claims of reversible error or other defect, supported by citations to the appellate record, and present argument and legal authority on each point made. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) If an appellant fails to do so, the appeal may be dismissed. (*Ibid.*)

Mother does not raise any claim of error or other defect against the termination orders from which she appealed. At most, in her March 2014 correspondence, she made a number of unsupported complaints about earlier stages of the dependency proceedings. Her complaints were: the superior court should have appointed a guardian ad litem for her at the commencement of the case due to her mental illness; she did not receive a case plan until November 2012; she could not communicate with her attorney; her attorney did not zealously represent her; and the maternal grandmother was not considered for placement of the children in her home. None of mother's claims amounts to a good cause showing that an arguable issue of reversible error exists. (*In re Phoenix H., supra*, 47 Cal.4th at p. 844.)

A parent's mental illness does not compel the appointment of a guardian ad litem. The issue is rather one of mental competency, the test for which is whether the parent has the capacity to understand the nature or consequences of the proceeding and to assist counsel in preparing the case. (*In re James F.* (2008) 42 Cal.4th 901, 910.) Here, the superior court found mother could understand the nature of the proceeding and assist her counsel. Therefore, appointment of a guardian ad litem was not warranted.

Mother's claim regarding when she received the case plan ignores previously uncontested findings that the department provided her with reasonable services during the reunification period. Those findings are no longer subject to this court's review. (*In re Elizabeth M.* (1991) 232 Cal.App.3d 553, 563 [appellant may not challenge prior orders

for which the statutory time for filing an appeal has passed]; § 366.26, subd. (l) [review of issues related to a court's order setting a § 366.26 hearing is barred if not raised by timely petition for extraordinary writ].)

To the extent mother complains she could not communicate with her attorney and her attorney did not zealously represent her, her claims are conclusory. There is no record before this court to support her complaints. Therefore, there is nothing for this court to review.

Finally, mother's claim that the maternal grandmother was not considered for placement of the children in her home overlooks the evidence that the maternal grandmother withdrew her name from consideration for possible relative placement.

#### **DISPOSITION**

This appeal is dismissed.