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

In re I.W., a Person Coming Under the  
Juvenile Court Law.

STANISLAUS COUNTY  
COMMUNITY SERVICES AGENCY,

Plaintiff and Respondent,

v.

GEORGE W.,

Defendant and Appellant.

F069493

(Super. Ct. No. 516772)

**OPINION**

**THE COURT**\*

APPEAL from orders of the Superior Court of Stanislaus County. Ann Q.  
Ameral, Judge.

Patricia K. Saucier, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

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\* Before Levy, Acting P.J., Detjen, J., and Peña, J.

George W. is the alleged father of I.W., a one-year-old female. George appealed from an April 9, 2014 order terminating his parental rights (Welf. & Inst. Code, § 366.26)<sup>1</sup> as to I.W. After reviewing the juvenile court record, father's court-appointed counsel informed this court she could find no arguable issues to raise on George's behalf. Counsel requested and this court granted leave for George to personally file a letter setting forth a good cause showing that an arguable issue of reversible error exists. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844 (*Phoenix H.*.)

George submitted a letter in which he explains he was hospitalized and in a coma when I.W. was taken into protective custody. By the time he appeared and completed paternity testing, he contends, the Stanislaus County Community Services Agency (agency) had already initiated adoption proceedings. He expresses his overall sentiments stating, "Taking away the child of a person in the hospital, with head trauma, in a coma, seems [heartless]. Skirting due process when he becomes conscious is a bit too much."

We conclude George failed to address the termination proceedings or set forth a good cause showing that any arguable issue of reversible error arose from the termination hearing. (*Phoenix H., supra*, 47 Cal.4th at p. 844.) Consequently, we dismiss the appeal.

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

Newborn I.W. was taken into protective custody at birth in late August 2013 after she and her mother tested positive for methamphetamine. The mother had no prenatal care and was homeless. She had also exposed several of her other children to methamphetamine and cocaine in utero, lost custody of them, and failed to reunify with them. The mother identified George as I.W.'s father and said he was in a hospital in San Jose in a coma. George was not listed as I.W.'s father on the birth certificate.

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

In mid-September 2013, a social worker located George's sister who said he was in a board and care facility in Gilroy and she had frequent contact with him. She refused to provide George's telephone number, explaining that she did not want to cause him any more stress. The sister agreed to contact George's attorney and provide additional information.

In October 2013, the juvenile court ordered I.W. detained and the agency placed her in foster care.

George appeared for the first time at the dispositional hearing in November 2013, which the court set over for a contested hearing. At the contested dispositional hearing in December, the juvenile court exercised its dependency jurisdiction, denied the mother and George reunification services, and set a section 366.26 hearing. The court denied George reunification services under section 361.5, subdivision (a) because as I.W.'s alleged father, he was not entitled to them. The court also advised George of his right to file a writ petition, ordered him to return to court for the section 366.26 hearing, and ordered paternity testing for him. George did not file a writ petition.

In its report for the section 366.26 hearing, the agency recommended the juvenile court terminate the mother and George's parental rights and free I.W. to be adopted by her foster parents.

In April 2014, the juvenile court conducted the section 366.26 hearing. Neither George nor the mother appeared. George had completed paternity testing several days before the hearing and his test results were not available. He had an appointment for paternity testing prior to that which he did not keep. His attorney asked the juvenile court to continue the hearing until the paternity test results were received. The court denied the request, terminated George and the mother's parental rights, and approved a permanent plan of adoption for I.W.

This appeal ensued.

## 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 may be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

In this case, George does not raise any claim of error or other defect against the termination order from which he appeals. Rather, it appears he is claiming his due process rights were somehow violated. There is no evidence on the record, however, to support such a claim.

“Due process requires that a parent is entitled to notice that is reasonably calculated to apprise him or her of the dependency proceedings and afford him or her an opportunity to object. [Citation.] The child welfare agency must act with diligence to locate a missing parent. [Citation.] Reasonable diligence denotes a thorough, systematic investigation and an inquiry conducted in good faith. [Citation.]” (*In re Justice P.* (2004) 123 Cal.App.4th 181, 188.)

According to the record, the agency successfully located George's whereabouts through his sister who evidently notified him of the dependency proceedings and the dispositional hearing. George appeared at the dispositional hearing represented by counsel and the juvenile court ordered paternity testing for him so that he could elevate his paternity status and advocate for his parental rights. In addition, George was advised of his right to file a writ petition to challenge the juvenile court's setting of the section 366.26 hearing, but declined to do so. Further, he failed to undergo paternity testing at the earliest opportunity. Thus, George's ultimate failure to appear and establish his biological paternity before his parental rights were terminated was not the result of a lack of notice or opportunity to object.

Since George failed to raise a claim of error from the termination order, we dismiss the appeal.

**DISPOSITION**

This appeal is dismissed.