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

In re STEFAN B., a Person Coming Under the
Juvenile Court Law.

KINGS COUNTY HUMAN SERVICES
AGENCY,

Plaintiff and Respondent,

v.

ROBERT B.,

Defendant and Appellant.

F070495

(Super. Ct. No. 12JD0066)

OPINION

THE COURT*

APPEAL from an order of the Superior Court of Kings County. Jennifer Lee Giuliani, Judge.

Jamie A. Moran, under appointment by the Court of Appeal, for Defendant and Appellant.

Colleen Carlson, County Counsel, and Risé A. Donlon, Deputy County Counsel, for Plaintiff and Respondent.

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* Before Hill, P.J., Gomes, J. and Smith, J.

Appellant Robert B. (father) is the father of Stefan B., who was removed from parental custody and adjudged a juvenile court dependent (Welf. & Inst. Code, § 300)¹ based on his parents' long histories of substance abuse and criminal activity. In this appeal, father challenges the juvenile court's October 2014 order transferring this case from Kings to Fresno County. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND²

This dependency was originally filed by the Kings County Human Services Agency (agency) in August 2012, after then 12-year-old Stefan was removed from the home of his mother, Betty C. (mother), a resident of Hanford, due to her use of methamphetamine and arrest on drug charges. Stefan was initially placed with his paternal grandmother in Hanford.

In October 2012, Stefan was adjudged a dependent of the juvenile court and the court granted the parents reunification services. The court subsequently terminated services at the 12-month review hearing in October 2013, and set a section 366.26 permanency planning hearing. By this time, Stefan was no longer living with his grandmother in Hanford but, due to behavioral problems, had been placed in a group home in Merced County.

At the section 366.26 hearing in March 2014, the juvenile court found the appropriate permanent plan for Stefan was long-term foster care with the permanency goal of legal guardianship. The court also changed the agency's proposed findings to reflect that mother—who was incarcerated during most of the dependency proceedings—had made partial progress towards alleviating or mitigating the causes of Stefan's

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

² In light of the narrow appellate issue presented, a brief factual summary will suffice.

removal from her custody by completing a number of classes and programs while she was in custody.

When mother was released from custody, she completed additional programs and entered a voluntary residential treatment program in Fresno County. In August 2014, mother filed a section 388 petition requesting that the juvenile court reinstate family reunification services or order family maintenance services. In an interim review report, the agency recommended that the juvenile court grant mother's petition and transfer the case to Fresno County, where mother was living and planned to remain.

The juvenile court heard mother's section 388 petition on October 7, 2014. During the hearing, father objected to the agency's recommendation to transfer the case to Fresno County on the ground that, although he had previously lived in Fresno, he currently lived in Hanford and, therefore, a transfer from Kings to Fresno County would be "an inconvenience to him."³ The juvenile court rejected father's argument, granted mother's petition to reinstate her reunification services, and ordered the case transferred from Kings to Fresno County. In making the transfer order, the court specifically found that mother was a resident of Fresno County and that transferring the case to Fresno County was in Stefan's best interest.

DISCUSSION

Father's sole contention on appeal is that the juvenile court erred when it transferred the case from Kings to Fresno County pursuant to section 375.⁴ Whether to

³ In addition to making the objection as stated by his attorney, father personally addressed the court with the following argument: "I gave ... an address change here a while back, your Honor. It said I live in Hanford. My case has been in Hanford since this case ... was placed in this courtroom. I ask that it remain in this county because basically it has been in this county, this is where the visitations have occurred, and this is where it should end six months from now."

⁴ Section 375 provides, in pertinent part: "Whenever a petition is filed in the juvenile court of a county other than the residence of the person named in the petition, or whenever, subsequent to the filing of a petition in the juvenile court of the county where that minor resides, the residence of the person who would be legally entitled to the custody of the minor were it not for the existence of a court order issued pursuant to this chapter is changed to another county, the

transfer a case is a matter for the juvenile court's sound discretion; and the exercise of that discretion will be upheld on appeal unless it exceeds the bounds of reason. (*Maribel M. v. Superior Court* (1998) 61 Cal.App.4th 1469, 1478; *In re R.D.* (2008) 163 Cal.App.4th 679, 684.)

Father does not dispute the juvenile court's finding that the transfer order was in Stefan's best interests. (See *In re R.D.*, *supra*, 163 Cal.App.4th at p. 687 [transferring court is required to make findings as to whether transfer is in child's best interests].) Father asserts that, when section 375 is properly read in conjunction with California Rules of Court, rule 5.610,⁵ it supports the conclusion that the court erred in transferring the case because neither Stefan, nor anyone currently entitled to physical custody of Stefan, resided in Fresno County. Although father does not dispute that placement with mother in Fresno was anticipated based on her progress under her reunification plan, father observes that mother remained a "non-custodial parent by this point" and thus asserts her "presence" in Fresno provided "an insufficient basis for the transfer of this entire case to that county."

Father's statutory interpretation is unpersuasive and unsupported by authority. As has been repeatedly noted by the courts which have analyzed section 375, "[j]urisdiction can be transferred to a parent's county of residence even though the children live in or are wards of a different county than where the parent resides." (*In re Lisa E.* (1986) 188 Cal.App.3d 399, 403; accord, *In re Christopher T.* (1998) 60 Cal.App.4th 1282, 1291–1292 ["it is clear section 375 allows a transfer to the county of the natural parent's residence"]; *In re J.C.*, *supra*, 104 Cal.App.4th at p. 992, italics omitted ["section 375

entire case may be transferred to the juvenile court of the county where that person then resides" (§ 375, subd. (a).)

⁵ Like its predecessor, former California Rules of Court, rule 1425, rule 5.610 permits, but does not require, transfer of a juvenile case to the county where the child resides. (See *In re J.C.* (2002) 104 Cal.App.4th 984, 992.)

permits, but does not require, a court to transfer a juvenile case to the county where the parent resides”].) Here, the juvenile court’s order transferring the case to Fresno County was proper because that is the county where mother resided. Father has not shown an abuse of the court’s discretion in transferring the case to Fresno County.

DISPOSITION

The order transferring the case to Fresno County is affirmed.