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

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

KERN COUNTY DEPARTMENT OF HUMAN
SERVICES,

Plaintiff and Respondent,

v.

VICTORIA E.,

Defendant and Appellant.

F070971

(Super. Ct. No. JD131584-00)

OPINION

THE COURT*

APPEAL from orders of the Superior Court of Kern County. Louie L. Vega,
Judge.

John L. Dodd, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

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* Before Gomes, Acting P. J., Kane, J. and Smith, J.

Victoria E. appealed from the juvenile court's order terminating her parental rights (Welf. & Inst. Code, § 366.26)¹ as to her three-year-old son J.B. After reviewing the juvenile court record, Victoria's court-appointed counsel informed this court he could find no arguable issues to raise on Victoria's behalf. This court granted Victoria leave 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.*))

Victoria submitted a letter in which she claims "allegations about the cops report as well [as] the CPS [report]" present arguable issues that require this court's review. She attached certificates evidencing her completion of four courses in April and May of 2015, which provided instruction and/or counseling in learning to protect, family strengthening, outpatient drug treatment, and anger management. She also attached her certificate of baptism, dated November 2, 2014.

We conclude Victoria 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

Dependency proceedings were initiated in October 2013 by the Kern County Department of Human Services (department) after Victoria and then one-year-old J.B. were discovered by law enforcement living in a shed with no running water or electricity. The police arrested Victoria for being under the influence of a controlled substance and child endangerment and took J.B. into protective custody.

Victoria told the investigating social worker she was homeless and had been trying unsuccessfully to obtain government assistance. She said J.B.'s father was in state

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

prison. J.B.'s father (hereafter "the father") remained incarcerated throughout these proceedings.

The department filed a dependency petition alleging under section 300, subdivision (b) that Victoria failed to provide J.B. adequate shelter and was unable to provide him regular care because of her substance abuse.

In January 2014, the juvenile court exercised its dependency jurisdiction over J.B. pursuant to the petition, ordered him removed from Victoria and the father's custody and ordered reunification services for both parents. Victoria's services plan required her to participate in substance abuse counseling and counseling for failure to protect, and to submit to random drug testing. The department placed J.B. in foster care.

Over the ensuing months, Victoria did not participate in counseling and she drug tested four times, each time testing positive for methamphetamine. She was arrested for possessing a controlled substance and ultimately ordered to complete substance abuse counseling as a condition of probation. She visited J.B. at the end of March 2014, and subsequently severed contact with the department.

In July 2014, the juvenile court convened the six-month review hearing. The court found that Victoria's whereabouts were unknown despite reasonable efforts to locate her and that Victoria and the father had made no progress toward reunifying with J.B. The court terminated their reunification services and set a section 366.26 hearing.

The juvenile court convened the section 366.26 hearing in October 2014. In its report for the hearing, the department recommended the juvenile court terminate parental rights and free J.B. to be adopted by his foster parents. The department advised the juvenile court that J.B. was attached to Victoria and willingly went to her when she visited him. However, he also willingly returned to his foster parents and did not appear to show any emotional distress when separating from Victoria. The department believed that J.B.'s attachment to Victoria had diminished during the time she was not visiting him

and that the benefit of adoption to him outweighed any detriment that would result from severing his relationship with her.

Victoria appeared at the section 366.26 hearing in October 2014, and the juvenile court continued the matter until December 15, 2014. Prior to the hearing, the department filed a supplemental report informing the court that J.B.'s foster parents wanted to adopt him and that he appeared comfortable in their presence.

On December 12, 2014, Victoria filed a section 388 petition asking the juvenile court to reinstate reunification services because she was participating in substance abuse counseling and counseling to learn to protect and was regularly attending Narcotics/Alcoholics Anonymous meetings. She explained that providing her reunification services would be beneficial to J.B. by strengthening their parent/child attachment.

On December 15, 2014, the juvenile court denied Victoria's section 388 petition without an evidentiary hearing. The court also conducted the continued section 366.26 hearing. Victoria appeared with her attorney who did not present evidence, but argued that J.B. should be placed with his maternal grandmother. The juvenile court found J.B. was adoptable and terminated Victoria's and the father's parental rights.

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.)

At a termination hearing, the juvenile court's focus is on whether it is likely the child will be adopted and if so, order termination of parental rights. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) If, as in this case, the child is likely to be adopted, the juvenile court must terminate parental rights unless the parent proves there is a compelling reason for finding that termination would be detrimental to the child under

any of the circumstances listed in section 366.26, subdivision (c)(1)(B) (exceptions to adoption).

In this case, Victoria did not argue at the section 366.26 hearing that any of the exceptions to adoption applied. Further, the substance of her appeal is an attempt to have this court review evidence related to her compliance with her reunification plan.

However, it is not our role as a reviewing court to reexamine the evidence. (*In re Walter E.* (1992) 13 Cal.App.4th 125, 139-140.) Because Victoria failed to show good cause that an arguable issue exists, we dismiss the appeal.

DISPOSITION

The appeal is dismissed.