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IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re C.S. et al., Persons Coming
Under the Juvenile Court Law.

B272463
(Los Angeles County
Super. Ct. No. DK02336)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

CARLOS A.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los
Angeles County, Debra Losnick, Juvenile Court Referee.
Dismissed.

Cristina Gabrielidis, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and William D. Thetford, Deputy County Counsel, for Plaintiff and Respondent.

* * * * *

This juvenile dependency appeal must be dismissed because none of the issues raised on appeal were decided in the sole order identified in father's notice of appeal.

BACKGROUND

Then 12-year-old C.S. and nine-year old I.A. (the children) were detained from mother in November 2013. They were placed with their maternal grandmother, where they were living prior to the start of the dependency proceedings. The children had a close relationship with their grandmother. On February 20, 2014, the juvenile court took jurisdiction over the children.¹ Carlos A., the children's father (father) had not been located and did not participate in the jurisdictional or dispositional hearing. The court did not order reunification services for father.

Father, who was incarcerated, contacted a social worker on June 17, 2014. In February 2015, the Los Angeles County Department of Children and Family Services (DCFS) reported that father approved of the children living with their maternal

¹ The court also took jurisdiction over another child A.M. Jurisdiction was then terminated as to A.M., and his father (not the children's father), was awarded sole legal custody.

grandmother. He wanted her to adopt them. On February 19, 2015, the court terminated mother's reunification services.

On October 6, 2015, father filed a Welfare and Institutions Code² section 388 petition, requesting to change a court order. Father argued that he did not receive proper notice of the section 300 petition underlying the juvenile court's assumption of jurisdiction and requested that the court vacate the jurisdictional and dispositional findings.

On February 22, 2016, father's counsel argued that father was not properly served with notice of the proceedings and that, as a result, the dispositional hearing should be held anew. Counsel requested the court return to "the dispositional hearing." Counsel did not request a new jurisdictional hearing and no argument was made that jurisdiction as to mother was error.

The court granted father's section 388 petition finding that father had not been properly given notice of the earlier proceedings. As father's counsel requested at the hearing, the court ordered a new disposition hearing as to father only. The court trailed the scheduled section 366.26 hearing.

In advance of father's scheduled disposition hearing, DCFS reported that father had a lengthy criminal record dating back to 1990. Father was serving a life sentence and a consecutive six-year sentence. Father's current convictions were for kidnapping, making a terrorist threat, and robbery. Father acknowledged that he had been arrested for sexual intercourse with a minor under 18. Father indicated that he

² Undesignated statutory citations are to the Welfare and Institutions Code.

no longer wanted maternal grandmother to adopt the children, but instead wanted her to be their legal guardian.

At the March 24, 2016 disposition hearing, father remained incarcerated but appeared telephonically. The court found father to be a presumed father. Father's counsel argued that although father may be incarcerated for life, there was a possibility he could be released sooner. The court denied father reunification services.

On April 28, 2016, the court held another hearing. Neither father nor his counsel appeared at the April 28 hearing. At the April 28, 2016 hearing, the juvenile court found that jurisdiction continued to be necessary and found that the children were appropriately placed with their grandmother, who was likely to adopt them.

DISCUSSION

Father filed a writ petition challenging *only* the orders made at the April 28, 2016 hearing. Father's writ petition was construed as a notice of appeal.

In his opening brief, father does not challenge any order made on April 28, 2016. He argues that the juvenile court erred "when it failed to hold a new jurisdictional hearing." (Capitalization, boldface & italics omitted.) Father also argues that the court erred in removing the children from father and failing to place them in his care. As we shall explain, these issues are not cognizable on appeal because the notice of appeal encompasses only the orders made April 28, 2016.

"A timely notice of appeal vests jurisdiction in the Court of Appeal." (*Adoption of Alexander S.* (1988) 44 Cal.3d 857, 864.) "Because the right to appeal is strictly statutory, a judgment or order is not appealable unless a statute expressly

makes it appealable. [Citations.] ‘Appeals in dependency proceedings are governed by section 395. . . .’ [Citations.] Section 395 provides in pertinent part that ‘[a] judgment in a proceeding under Section 300 may be appealed in the same manner as any final judgment, and any subsequent order may be appealed as an order after judgment.’ ” (*In re Michael H.* (2014) 229 Cal.App.4th 1366, 1373, fn. omitted.)

“ ‘[J]uvenile dependency proceedings are proceedings of an ongoing nature and often result in multiple appealable orders.’ ” (*In re Michael H., supra*, 229 Cal.App.4th at pp. 1373-1374.) A notice of appeal that omits reference to the judgment or order challenged on appeal is insufficient to confer jurisdiction on this court. (*In re Daniel D.* (1994) 24 Cal.App.4th 1823, 1831-1832.) Although notices of appeal must be liberally construed, “it is well ‘beyond liberal construction’ to view an appeal from one order as an appeal from a ‘further and different order.’ ” (*Baker v. Castaldi* (2015) 235 Cal.App.4th 218, 225.) Here, the notice of appeal unambiguously challenges only orders made on April 28, 2016. It cannot be construed as appealing a different order.³ Father

³ Father cites *In re Josiah S.* (2002) 102 Cal.App.4th 403 for the proposition that this court has jurisdiction. In that case, the court construed a notice of appeal from a contested postpermanency review hearing to include a subsequent order denying of a section 388 petition. (*Josiah S.*, at p. 418.) However, the issues were interrelated and the mother had not timely received a report, causing the court to liberally construe the notice of appeal. (*Ibid.*) In contrast, here father demonstrates no similar interrelated issues.

makes no argument concerning the juvenile court's April 28 order, and therefore his appeal must be dismissed.

DISPOSITION

The appeal is dismissed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.