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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re MARIA A., a Person Coming Under
the Juvenile Court Law.

B242835

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. CK79343)

Plaintiff and Respondent,

v.

E. A.,

Defendant and Appellant.

APPEAL from orders of the Los Angeles County Superior Court.
Jacqueline Lewis, Temporary Judge (Cal. Const., art. VI, § 21). Affirmed.

Michelle L. Jarvis, under appointment by the Court of Appeal, for Appellant.

No appearance for Respondent.

The juvenile dependency court entered orders freeing Maria A. for adoption. Appellant E.A., Maria's father, appeals. We affirm.

FACTS

M.H. (Mother) is the mother of seven children. J.M. is the father of four children born between 1994 and 2004; he is deceased. Appellant E.A. is the father of three more children: E.A., Jr. (born in 2006); G.A. (born in 2008); and Maria A. (born in May 2010). Only Maria and her father, E.A., are involved in the current appeal.

Between 2006 and 2009, multiple referrals were submitted to the Los Angeles Department of Children and Family Services (DCFS) alleging that the six children then in the family home were at risk of general neglect. Initial referrals were determined to be unfounded or inconclusive. In September 2009, DCFS received a referral again alleging the children were at risk of general neglect. DCFS substantiated the latest referral, detained the children, and placed them in out-of-home care.

As noted above, Maria was born in May 2010. Shortly before Maria was set to be released from the hospital, a DCFS social worker submitted a "hospital hold" to allow for an assessment of her well-being in the family's home. On May 13, 2010, a social worker met and talked to Mother and E.A. at the hospital. Mother and E.A. denied they had been neglectful to any of their children, and maintained that the allegations regarding the other children were not true.¹

On May 20, 2010, DCFS filed a juvenile dependency petition as to newborn Maria. On December 16, 2010, the court found an amended petition true under Welfare and Institutions Code section 300, subdivisions (b), (d) and (j).² Among the allegations found true were that Maria's teenage brother, Jose M. had sexually abused his two sisters,

¹ The social worker submitted the hold because Mother and E.A. had previously stated to the social worker on different occasions that they did not understand why the other children were removed from the family home. The social worker was concerned that neither parent was taking responsibility for their actions which led to the detention of the other children.

² All further section references are to the Welfare and Institutions Code.

while the children were living with Mother. The sexual abuse included vaginal penetration, oral copulation and other sexual activities. Mother knew or reasonably should have known that Jose was sexually abusing the children and failed to protect them. Maria's siblings were current dependents of the court because of the use of inappropriate discipline, including E.A.'s use of a belt. Mother also suffered from psychological problems, and the family home was filthy, unsanitary and hazardous. The court removed Maria from her parents' care, and ordered DCFS to provide reunification services. We subsequently affirmed the court's jurisdictional orders. (See *Department of Children Services v. E.A.* (Jan. 13, 2011, B223767) [nonpub. opn.].)

Following jurisdiction and disposition, DCFS filed regular reports, and the court conducted regular review hearings. At an 18 month review hearing on March 5 and 6, 2012, the court heard testimony and argument; in the end the court terminated the reunification services and set a permanent plan hearing. (See § 366.26.) In making its orders, the court recognized that the parents had participated in services, but found not enough progress was made to allow the children to be returned to the family home safely. The parents were advised in open court of their right to seek review of the court's orders by extraordinary writ. E.A. filed a notice of intent to pursue a writ. On May 24, 2012, the matter was deemed non-operational. (See Cal. Rules of Court, rule 8.452.)

On July 10, 2012, the section 366.26 hearing was argued to the court. At that time, E.A.'s counsel argued that the child-parent continuing benefit and the sibling-relationship exceptions to adoption should be applied. (See § 366.26, subd. (c)(1)(B).) The court rejected the arguments and terminated E.A.'s parental rights. E.A. filed a timely notice of appeal.

DISCUSSION

We appointed counsel to represent E.A. on appeal. On October 24, 2012, E.A.'s counsel filed an opening brief in accord with the procedures outlined in *In re Phoenix H.* (2009) 47 Cal.4th 835. We notified E.A. by letter that he could submit any issues that he wished us to consider.

In November 2012, E.A. sent a letter, written in Spanish, to our court. Our court forwarded the letter to E.A.'s counsel for consideration, with directions to then return the original and a translation of the letter. On December 7, 2012, E.A.'s counsel complied with our directions. E.A.'s letter brief expresses his strong desire to maintain a parental relationship with Maria, and includes information -- some of which is supported by documentation -- showing his participation in parenting programs.

While we do not question E.A.'s sincerity, we affirm the dependency court's decision that adoption is the best permanent plan for Maria. Adoption must be selected as the permanent plan for an adoptable child and parental rights terminated unless 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). (See *In re Bailey J.* (2010) 189 Cal.App.4th 1308, 1314.) The record before us on appeal supports the dependency court's conclusion that such circumstances are not present here. E.A. has not persuaded us that any arguable issue exists with respect to the juvenile court's termination order. (*Ibid.*)

DISPOSITION

The juvenile dependency court's orders are affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

GRIMES, J.