Filed 2/28/12 In re J.S. CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re J.S., Jr., a Person Coming Under the Juvenile Court Law. _____ THE PEOPLE, Plaintiff and Respondent, v. J.S., Jr., Defendant and Appellant.	B233635 (Los Angeles County Super. Ct. No. VJ39558)

APPEAL from an order of the Superior Court of Los Angeles County. Fumiko Wasserman, Judge. Affirmed.

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Susan L. Ferguson, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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A petition under Welfare and Institutions Code section 601, dated May 25, 2010, alleged three counts against J.S., Jr., then 16 years old: (1) J.S. was a habitual truant from school within the meaning of Education Code section 48262; (2) after referral on February 9, 2010 of J.S. and his parents to the School Attendance Review Board (Board), the Board "has determined that available . . . public services are insufficient and inappropriate to correct the minor's habitual truancy, and the minor's persistent and habitual refusal to obey the reasonable proper orders and directives of school authorities, and the minor's failure to respond to directives of the . . . Board and to the services provided"; and (3) after referral on April 1, 2010 of J.S. and his parents to the District Attorney's Mediation Program, the District Attorney's Office "has determined that the available community resources cannot resolve the truancy problems, and the minor has failed to respond to the directives of the District Attorney's Office and to the services provided." The petition requested that the juvenile court declare J.S. a ward of the court under the Welfare and Institutions Code. J.S. denied the petition's allegations.

On April 13, 2011, at an evidentiary hearing, Terry Gendreau, a child welfare and attendance officer for the Bellflower Unified School District, testified that J.S. was a student at Bellflower High School. After J.S. had more than three days of truancy from school, as specified in Education Code section 48262, she met with J.S., J.S.'s father (Father) and a counselor at the school site. At that meeting, the laws regarding school attendance were explained to J.S. and Father, and both J.S. and Father signed a contract in which J.S. agreed to "attend school and arrive daily to all classes on time and abide by all school regulations." After the meeting at the school site, J.S.'s attendance did not improve. During January 2010, J.S. was absent without excuse from school for the entire day on 13 days and absent without excuse for part of the day on four days. As a result, J.S. was referred to the Board, and J.S. and Father met with the Board on February 9, 2010, where the laws regarding school attendance again were explained and J.S. and Father signed another contract. Because J.S.'s attendance did not improve after the meeting with the Board, with J.S. missing 22 entire days of school without excuse in March 2010, the matter was referred to the District Attorney's Office. A District

Attorney's Mediation Hearing took place on April 1, 2010, where J.S. and Father again signed a contract regarding school attendance. At the mediation hearing, J.S. and Father were notified that, if J.S.'s attendance at school did not improve, the District Attorney's Office would file a petition in the juvenile court. J.S. again missed school on April 2 and 12, 2010 and remained habitually truant after the mediation hearing.

According to Gendreau, J.S. missed 121 days during the 2009-2010 academic year and, although he should have had 150 credits as a second-semester 11th grader, he had only 59 credits, "which is not quite enough to have completed the 9th grade." Gendreau did not believe that public services through the school or community services through the District Attorney's Mediation Program could resolve J.S.'s truancy problem, as J.S. had failed to comply with school rules and the contracts he had signed, nor had he participated in summer school, tutoring or a community outreach group providing counseling services for which he had been given referrals at the meeting with the Board.

Father testified that J.S. lived at home. Father expressed frustration to Gendreau about J.S.'s failure to attend school and told his son to go to school. Father said that, after the initial meeting with Gendreau at the school, he explained to J.S. every day that J.S. needed to go to school as he had promised in the contracts. According to Father, J.S. "says he's going to go and he doesn't; just all lies." Father is unable to take J.S. to school because of his work schedule, and no other adult in the home is available to escort J.S. to school.

After hearing the evidence, the juvenile court found the allegations in the petition true and sustained the petition, finding J.S. a ward of the court under the Welfare and Institutions Code. The court continued the matter for disposition to June 7, 2011, allowing J.S. to submit records demonstrating improved grades and attendance.

At the disposition hearing on June 7, 2011, the court considered a supplemental report and transcript, indicating that J.S. now was attending Somerset High School and had made progress in attending school, although still having about 10 unexcused absences in 75 days, and had significantly improved his grades. The court confirmed its prior adjudication of J.S. as a ward of the court, rejecting J.S.'s request that he receive

probation without being adjudged a ward of the court as provided by Welfare and Institutions Code section 725, subdivision (a). The court released J.S. to Father and placed him home on probation under the supervision of the probation officer with certain conditions. J.S. filed a notice of appeal.

We appointed counsel to represent J.S. in the matter. After examining the record, counsel filed a *Wende* brief raising no issues on appeal and requesting that we independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.)

On November 17, 2011, we directed appointed counsel to immediately send the record on this appeal and a copy of the opening brief to J.S. and notified J.S. that within 30 days from the date of the notice he could submit by letter or brief any ground of appeal, contention or argument he wished us to consider. We did not receive a response.

We have examined the entire record and are satisfied that J.S.'s attorney has fully complied with her responsibilities and that no arguable appellate issue exists. (*People v. Wende*, *supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 110.)

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED.

ROTHSCHILD, Acting P. J.

We concur:

CHANEY, J.

JOHNSON, J.