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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

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

B238447
(Los Angeles County
Super. Ct. No. CK84537)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

RON M.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.
Anthony A. Trendacosta, Juvenile Court Referee. Affirmed and remanded to the juvenile
court with directions.

Amy Z. Tobin, under appointment by the Court of Appeal, for Defendant and
Appellant.

John F. Krattli, County Counsel and Melinda S. White-Svec, Deputy County
Counsel, for Plaintiff and Respondent.

This dependency proceeding involves A.M. (minor). Ron M. (father) appeals from an exit/custody order made at a review hearing pursuant to Welfare and Institutions Code section 364 (section 364). He contends that the JV-200 Custody Order signed by the juvenile court must be corrected because it imposes two extra conditions on visitation not contained in the juvenile court's oral ruling and its initial written ruling. In a letter, the Department of Children and Family Services (Department) has advised us that it takes no position on the issue. Upon review, father's arguments are well-taken. The judgment is affirmed but the matter is remanded to the juvenile court to conform the order to its oral ruling regarding visitation.

FACTS

In January 2001, the minor was declared a dependent and placed in the custody of Stephanie A. (mother) under the Department's supervision. On November 4, 2011, the juvenile court held a contested section 364 hearing. Ten days later, the juvenile court terminated jurisdiction and orally pronounced that the parents were granted joint legal custody of the minor. Mother was granted sole physical custody and given the authority to choose the minor's therapist. Regarding visitation, the juvenile court stated that "[f]ather should have unmonitored day visits, at least once a month, or more as arranged between the parents, depending upon [father's] presence in California. [¶] Father should have unmonitored overnight[] visits upon the commencement of conjoint counseling." The juvenile court stated that it would "print that out" and then issued a written order for custody and visitation that utilized the same language as the oral ruling.

Subsequently, mother's counsel prepared a JV-200 Custody Order. Counsel attached form JV-205 to specify visitation. The form stated that father "shall have unmonitored day visits at least once per month, or more, as arranged by parties, depending upon his presence in California. Father shall have unmonitored overnight visits, depending on his presence in California, upon commencement of and continued participation in conjoint counseling."

The juvenile court signed the JV-200 Custody Order and entered it as a judgment. This appeal followed.

DISCUSSION

The JV-200 Custody Order imposes two conditions on father's overnight visits that the juvenile court did not specify in its oral pronouncement or first written order: it requires father to be present in California, and it requires him to be a continuing participant in conjoint counseling. The question is whether the oral ruling prevails over the JV-200 Custody Order.

The answer is yes.

Case law is divided as to whether oral or written rulings control in juvenile dependency proceedings. (*In re Maribel T.* (2002) 96 Cal.App.4th 82, 86 [an oral custody order controlled over a written custody order]; *In re Aryanna C.* (2005) 132 Cal.App.4th 1234, 1241, fn. 5 [an oral ruling controlled over a conflicting written ruling]; *In re Jerred H.* (2004) 121 Cal.App.4th 793, 798, fn. 3 [written ruling controlled over oral ruling]; *In re Jennifer G.* (1990) 221 Cal.App.3d 752, 756, fn. 1 [same].) We need not enter this debate. In our view, *In re Karla C.* (2010) 186 Cal.App.4th 1236, 1259–1260, fn. 9 (*Karla C.*) is on point. There, as here, multiple written orders were internally inconsistent. On that basis, the court concluded that the juvenile court's oral ruling prevailed. (*Ibid.*)

Based on *Karla C.*, the juvenile court's oral ruling prevails and the JV-200 Custody Order must be modified.

DISPOSITION

The judgment is affirmed. The matter is remanded to the juvenile court to conform the JV-200 Custody Order to its oral ruling on father's visitation.

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_____, J.
ASHMANN-GERST

We concur:

_____, P. J.
BOREN

_____, J.
DOI TODD