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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re Marriage of DAMARIS and
ALEJANDRO CEJA.

DAMARIS GUADALUPE CEJA,

Respondent,

v.

ALEJANDRO CEJA,

Appellant.

B293924

(Los Angeles County
Super. Ct. No. LD074368)

APPEAL from a judgment of the Superior Court of Los Angeles County. Shirley K. Watkins, Judge. Affirmed.

Mario Valencia for Appellant.

Damaris G. Ceja, in pro. per., for Respondent.

MEMORANDUM OPINION

In this marriage dissolution action, Alejandro Ceja appeals the trial court's finding he was the presumed father of child D.C. and therefore obligated to pay child support. Applying Family Code section 7611, subdivision (d), the court found that "the parties lived together for a number of years, that Mr. Ceja voluntarily agreed for his name to be placed on the birth certificate for the minor when the child was less than one year old, that he and the child's mother got married, he allowed the minor to use his name and received the minor into his home and openly held the child out as his own." We review the trial court's decision for substantial evidence. (*County of Orange v. Cole* (2017) 14 Cal.App.5th 504, 509 (*County of Orange*)). We affirm.

Pursuant to Family Code section 7611, subdivision (d), a person is presumed to be a natural parent if "[t]he presumed parent receives the child into his or her home and openly holds out the child as his or her natural child." This provision creates a rebuttable presumption. (*County of Orange, supra*, 14 Cal.App.5th at p. 509.) The party seeking a finding of presumed parent status must establish the foundational facts for the presumption by a preponderance of the evidence. The burden then shifts to the opposing party to rebut the presumption by clear and convincing evidence. (*Ibid.*; Fam. Code, § 7612, subd. (a).)

In assessing whether a party satisfies the statute, "the court may consider a wide variety of factors, including the person's provision of physical and/or financial support for the child, efforts to place the person's name on the birth certificate, efforts to seek legal custody, and the breadth and unequivocal nature of the person's acknowledgment of the child as his or her

own. [Citation.] No single factor is determinative; rather, the court may consider all the circumstances when deciding whether the person demonstrated a parental relationship by holding out the child as his or her own and assuming responsibility for the child by receiving the child into his or her home.’” (*County of Orange, supra*, 14 Cal.App.5th at pp. 509–510.)

The court held a bench trial on Alejandro’s¹ presumed parent status, and the only evidence presented was his testimony and the testimony from wife Damaris Ceja, which was in conflict in significant respects. The parties were married for seven months, from November 24, 2015 to June 22, 2016. D.C. was born years earlier, in November 2005, and there was no dispute D.C. was not Alejandro’s biological child.

Damaris testified she met Alejandro in 2010. They were dating for about four years before they got married, and D.C. was five at the time. D.C. was six when they moved in with Alejandro and “established something more intimate.” Damaris and D.C. lived with Alejandro in Mexico before the marriage. Alejandro “asked for like a permit” to get D.C. into the United States. Damaris “thought that he was prepared to take this step because, according to me, we were going to become a family.” Once Damaris and D.C. lived in the United States, D.C. had Alejandro’s last name, which appeared on all school and other documentation. Alejandro went to D.C.’s school, and although he did not sign school papers, he was listed as D.C.’s father. Alejandro covered D.C. on his health insurance “for a time, but he cancelled it.” He told friends and family D.C. was his son and provided financial support for D.C. According to Damaris, he

¹ We refer to the parties by first name for clarity.

acted as a parent to D.C. during the time the couple was together.

Damaris testified Alejandro signed papers before a judge in Mexico sometime in 2015 that attested he was father to D.C. and “would assume responsibility, assuming the charge of being the only father.” Damaris also referred to a birth certificate listing Alejandro as D.C.’s father. It was signed by government officials but not the parties and was “valid for legal cases, for education, and any type of procedure that the person represented by this document would like to carry out.” The certificate was apparently dated February 14, 2006, when D.C. was less than one year old, which the court speculated might have been back-dated to the date of D.C.’s birth. The court refused to admit these documents into evidence, nor are they part of the record on appeal.

Alejandro testified he knew D.C. when he was 10 years old, not five, and he never lived with D.C. or Damaris until they moved to the United States. He claimed Damaris worked as a prostitute in a brothel in Mexico and he was trying “to give her and her son a better life” by sponsoring them to come to the United States. He intended to be a stepfather to D.C., but not adopt him.

Alejandro also denied signing the papers attesting he was D.C.’s father, and if he had, he did so mistakenly because “he was working with immigration officials down in Mexico to make it a possibility for Ms. Ceja and her son to validly enter the United States on some sort of legal status, he was made to sign a lot of documents.” He later admitted his signature was in fact on the documents attesting he was father to D.C. When questioned further about going into a court in Mexico and signing the papers,

he could not recall doing so. Alejandro claimed D.C. had his last name “because immigration, a lot of immigration paperwork that we did over there in Mexico and over here.” The court questioned whether he had committed some kind of immigration fraud to help Damaris and D.C., and Alejandro responded “I don’t recall. It was just kind of paperwork.”

In finding Alejandro the presumed father, the court implicitly credited Damaris’s testimony over Alejandro’s, and we must defer to that credibility finding on appeal. (*County of Orange, supra*, 14 Cal.App.5th at p. 509.) Damaris’s testimony was sufficient to create a presumption of Alejandro’s presumed father status, and he failed to rebut that showing.

In challenging the court’s decision on appeal, Alejandro mostly relies on cases addressing whether the evidence supported parentage by estoppel. The trial court here did not rely on that distinct legal theory in finding presumed parentage. (See *In re Marriage of Pedregon* (2003) 107 Cal.App.4th 1284, 1288.) Alejandro also suggests the marriage’s short duration defeats presumed parent status. To the contrary, “section 7611(d) does not require that cohabitation or coparenting continue for any particular period of time.” (*Charisma R. v. Kristina S.* (2009) 175 Cal.App.4th 361, 374, disapproved on other grounds in *Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 532, fn. 7.) Even so, Damaris’s testimony supported the trial court’s finding the family lived together for a number of years before marriage.

Finally, Alejandro argues the trial court improperly accorded weight to the birth certificate even though it was not admitted into evidence. The court was free to credit Damaris’s testimony regarding the birth certificate and other documents without admitting the documents themselves. We agree with

Alejandro the evidence did not support the court's finding that he voluntarily agreed for his name to be placed on the certificate when D.C. was less than one year old, given Damaris testified she met Alejandro in 2010, when D.C. was five. But Alejandro was not prejudiced by this finding because the other evidence was sufficient to support the trial court's ruling that Alejandro was D.C.'s presumed father.

DISPOSITION

The judgment is affirmed. Respondent is awarded costs on appeal.

BIGELOW, P. J.

We Concur:

GRIMES, J.

WILEY, J.