

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re ISAAC H., a Person Coming Under
the Juvenile Court Law.

B265796
(Los Angeles County
Super. Ct. No. DK07111)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

GLADYS E.,

Defendant and Appellant,

M.S. et al.,

Respondents.

APPEAL from an order of the Superior Court of Los Angeles County, D. Zeke Zeidler, Judge. Dismissed.

Liana Serobian, under appointment by the Court of Appeal, for Defendant and Appellant.

M.S. and L.S., in pro. per., for Respondents M.S. and L.S.

No appearance for Plaintiff and Respondent Los Angeles County Department of Children and Family Services.

In this dependency case (Welf. & Inst. Code, § 300 et seq.), Gladys E. (Mother) appeals from a juvenile court order granting de facto parent status to her son's foster parents, M.S. and L.S. (the S.'s). She contends the court abused its discretion in making the order because the S.'s failed to prove they met the criteria for de facto parent status. The S.'s filed a motion to dismiss the appeal, arguing Mother lacks standing to challenge the order granting de facto parent status because she is not aggrieved by the order. Agreeing with the S.'s position, we grant their motion and dismiss the appeal.

BACKGROUND

On August 25, 2014, sheriff's deputies took 18-month-old Isaac H. into protective custody when they detained 16-year-old Mother outside a liquor store, after receiving a call from the owner alleging Mother was intoxicated and incoherent and had attacked a patron. Deputies took Mother to a hospital for evaluation. On August 26, 2014, DCFS placed Isaac in foster care with the S.'s. One week later, when the hospital released Mother, a dependent minor, DCFS placed Mother in a group home. Mother and Isaac previously had been living together in a different group home. Isaac remained placed with the S.'s at all times relevant to this appeal.

On March 30, 2015, the juvenile court declared Isaac a dependent of the court under Welfare and Institutions Code section 300, subdivision (b), after Mother waived her rights and pleaded no contest to the following allegation which the court sustained: "The child, Isaac H[.]'s mother, Gladys E[.], used alcohol and marijuana which resulted in the mother suffering substance induced psychosis and engaging in an altercation in the presence of the child. Such conduct by the mother endangers the child's physical health and safety." The court ordered reunification services and visitation for Mother.

On May 8, 2015, the S.'s filed a request for de facto parent status, describing the daily care they provided for Isaac and attaching four declarations from family friends in support of the request. The juvenile court scheduled a hearing on the matter for June 9,

2015. The day of the hearing, Mother filed an opposition, arguing the S.'s did not satisfy the definition of a de facto parent set forth in California Rules of Court, rule 5.502(10). At the hearing, the court granted the S.'s request for de facto parent status. None of the parties presented oral argument supporting or opposing the request.¹

DISCUSSION

Mother challenges the juvenile court's order granting the S.'s request for de facto parent status. The S.'s argue Mother lacks standing to challenge the order and therefore we should grant their motion to dismiss.

As defined in the California Rules of Court, a de facto parent is "a person who has been found by the court to have assumed, on a day-to-day basis, the role of parent, fulfilling both the child's physical and psychological needs for care and affection, and who has assumed that role for a substantial period." (Cal. Rules of Court, rule 5.502(10).) De facto parent status accords "standing to participate as a party in the dispositional hearing and any hearing thereafter at which the status of the dependent child is at issue." (Cal. Rules of Court, rule 5.534(e).) De facto parents may "assert and protect their own interest in the companionship, care, custody and management of the child." (*In re B.G.* (1974) 11 Cal.3d 679, 693.) Courts "liberally" grant de facto parent status to qualified caregivers "to ensure that all legitimate views, evidence, and interests are considered in dispositional proceedings involving a dependent minor." (*In re Kieshia E.* (1993) 6 Cal.4th 68, 76.) In ruling on a request for de facto parent status, the juvenile "court does not consider whether the order would be detrimental" to the child or in the child's "best interests," but "considers the applicant's adherence to the role of parent and whether the applicant has information that is in the child's best interests for the court to receive." (*In re Leticia S.* (2001) 92 Cal.App.4th 378, 383, fn. 5.)

"De facto parents are not part of any adversarial aspect of a dependency case." (*In re B.F.* (2010) 190 Cal.App.4th 811, 817.) Their "nexus with the proceeding" is a

¹ DCFS did not take a position on the de facto parent status request below, and has not appeared on appeal.

“separate interest and relationship with the child,” apart from the parent’s efforts to reunify with the child. (*In re Vanessa Z.* (1994) 23 Cal.App.4th 258, 261.) De facto parent status does not confer the rights and preferences granted to parents or guardians. (*In re Kieshia E.*, *supra*, 6 Cal.4th at p. 77 & fn. 7.) For example, de facto parents “do not have the right to reunification services, custody, or visitation.” (*Clifford S. v. Superior Court* (1995) 38 Cal.App.4th 747, 752.)

In their motion to dismiss the appeal, the S.’s argue Mother lacks standing to challenge the order granting de facto parent status because she is not aggrieved by the order. “Generally, parents can appeal judgments or orders in juvenile dependency matters. [Citation.] However, a parent must also establish she is a ‘party aggrieved’ to obtain a review of a ruling on the merits. [Citation.] Therefore, a parent cannot raise issues on appeal from a dependency matter that do not affect her own rights. [Citation.] Standing to appeal is jurisdictional.” (*In re Frank L.* (2000) 81 Cal.App.4th 700, 703.)

In her opposition to the motion to dismiss, Mother asserts she “is aggrieved by the addition of a third party adversary to an already adversarial” proceeding. Her assertion is based on a misapprehension of de facto parent status. As we explained above, de facto parents have no role in “any adversarial aspect of a dependency case.” (*In re B.F.*, *supra*, 190 Cal.App.4th at p. 817.) The S.’s interests in this case were separate and apart from Mother’s interest. Mother’s interest was to reunify with Isaac. The juvenile court’s grant of de facto status to the S.’s did not affect or prejudice Mother’s interest. Mother could make the same case for reunification whether or not the S.’s were Isaac’s de facto parents. (See *In re Vanessa Z.*, *supra*, 23 Cal.App.4th at p. 261 [father could not challenge the order denying de facto parent status to his relatives because he was not aggrieved by the order; see also *In re Daniel D.* (1994) 24 Cal.App.4th 1823, 1835-1836 [same holding as to the mother].)²

² We are not persuaded by Mother’s argument that, while a parent has no standing to challenge an order *denying* de facto parent status as the cases cited above hold, a parent does have standing to challenge an order *granting* de facto parent status. Again, the S.’s de facto parent status did not impact Mother’s reunification efforts and they were

Mother also argues she is aggrieved because “de facto parents may petition the court to access the confidential record” in the dependency proceeding. A petition to access the confidential record, which must be made in accordance with California Rules of Court, rule 5.552 and based on a showing of good cause, is not before us on appeal.

Because Mother has not demonstrated she was aggrieved by the juvenile court’s order granting the S.’s de facto parent status, we dismiss her appeal from the order.

DISPOSITION

The appeal is dismissed.

NOT TO BE PUBLISHED.

CHANEY, Acting P. J.

WE CONCUR:

JOHNSON, J.

LUI, J.

not in an adversarial position with Mother in the dependency proceedings. Mother lacks standing to challenge the order granting the S.’s request for de facto parent status.