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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re B.R., a Minor.

2d Civ. No. B289367
(Super. Ct. No. 15PR-0158)
(San Luis Obispo County)

M.R. et al.,

Petitioners and Respondents,

v.

D.R.,

Objector and Appellant.

D.R. (mother) appeals from an April 2018 order terminating her parental rights to her four-year-old son, B.R. The order frees B.R. to be adopted by his guardians, who had petitioned the court to terminate mother's parental rights pursuant to Probate Code section 1516.5. That section authorizes termination of parental rights for children in probate guardianships when the guardianship has continued for at least

two years and the court finds adoption by the guardian would benefit the child.

After reviewing the entire record, mother's court-appointed counsel informed this court he could find no arguable issues to raise on mother's behalf. Counsel requested and this court granted leave for mother to personally file a letter setting forth a good cause showing that an arguable issue of reversible error does exist. (*In re Phoenix H.* (2009) 47 Cal.4th 835, 844.)

Mother has since submitted a letter challenging the probate court's issuance of letters of guardianship. Noting that she was not represented by counsel when she agreed to the guardianship, mother argues that she "was strongly coerced by the guardians during the guardianship proceeding and . . . had no idea of what [she] was agreeing to. [Specifically, she] had no idea [her] rights could be terminated." She asserts that if she had received court-appointed counsel, the guardians would not have obtained guardianship over B.R., her parental rights would not have been terminated and she would have her son.

We conclude mother has not made a good cause showing that an arguable issue of reversible error does exist. Accordingly, we dismiss the appeal.

BACKGROUND

The guardians are mother's father and his wife, mother's step-mother. In 2015, they petitioned under the Probate Code to be named B.R.'s legal guardians. Mother, who was not represented by counsel, consented to the guardianship. Permanent letters of guardianship subsequently issued. Mother did not appeal the order granting those letters.

After a series of disputes between the guardians and mother, the guardians petitioned to terminate appellant's

parental rights. (Prob. Code, § 1516.5.) Following an evidentiary hearing, in which mother was represented by counsel, the court granted the petition. It found that adoption by the guardians was in B.R.'s best interests.

DISCUSSION

An appealed-from judgment or order is presumed correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) It is up to an appellant to raise claims of reversible error or other defect and present argument and authority on each point made. If an appellant does not do so, the appeal may be dismissed. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

In her letter brief, mother challenges the order terminating her parental rights by attacking the permanent letters of guardianship. She contends the result would have been different had she been represented by counsel in the guardianship proceedings.

“An order granting the letters of guardianship is final and appealable under Probate Code section 1301, subdivision (a). [Citation.] A notice of appeal must ordinarily be filed 60 days after the date of service of a notice of entry of judgment or 180 days after entry of judgment. [Citation.]” (*Adoption of Myah M.* (2011) 201 Cal.App.4th 1518, 1531.) Here, the order granting the letters of guardianship was filed in 2015, and the notice of appeal from the order terminating parental rights was filed on June 5, 2018. Because mother's challenge to the 2015 guardianship order is untimely, we do not have jurisdiction to review that order and to consider whether counsel should have been appointed in that proceeding. (*Ibid.*)

Given our lack of jurisdiction over the issues raised by mother, we conclude mother has not made a good cause showing that an arguable issue of reversible error does exist.

DISPOSITION

The appeal is dismissed.

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PERREN, J.

We concur:

YEGAN, Acting P. J.

TANGEMAN, J.

Linda D. Hurst, Judge
Superior Court County of San Luis Obispo

Christopher Blake, under appointment by the Court
of Appeal, for Objector and Appellant.

No appearance for Petitioners and Respondents.