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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re E.V., a Person Coming Under the
Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES

Plaintiff and Respondent,

v.

C.V.,

Defendant and Appellant.

B270868

(Los Angeles County
Super. Ct. No. CK95935)

APPEAL from an order of the Superior Court of Los Angeles County, Robin Kesler, Juvenile Court Referee. Reversed with directions in part; affirmed in part.

Linda Rehm, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel and Jessica Paulson-Duffy, Deputy County Counsel for Plaintiff and Respondent.

Patricia Bell for the Minor.

C.V., the mother of the child, E.V., appeals from a Welfare and Institutions Code section 366.26 guardianship order. The mother argues the juvenile court failed to enter proper visitation orders as required by Welfare and Institutions Code section 366.26, subdivision (c)(4)(C) which states, “The court shall also make an order for visitation with the parents or guardians unless the court finds by a preponderance of the evidence that the visitation would be detrimental to the physical or emotional well-being of the child.” The parties have stipulated to a limited reversal of visitation order to allow the entry of a proper order. In addition, the parties have stipulated to immediate remittitur issuance. The cause having been presented to us, we accept the parties’ stipulation.

The parties agree there was noncompliance with Welfare and Institutions Code section 366.26, subdivision (c)(4)(C). We concur in their assessment in this regard. Further, the parties agree the visitation portion of the guardianship order must be reversed and remanded to permit entry of a proper order. Our ability to accept a stipulated reversal in the dependency context is discussed in the case of *In re Rashad H.* (2000) 78 Cal.App.4th 376, 379-382. The present case involves reversible error—the issuance of a visitation order that fails to comply with Welfare and Institutions Code section 366.26, subdivision (c)(4)(C). (*In re Rebecca S.* (2010) 181 Cal.App.4th 1310, 1313; *In re M.R.* (2005) 132 Cal.App.4th 269, 274 .) Under any circumstances, that limited aspect of the guardianship order concerning visitation would be reversed. Thus, a stipulated reversal advances those interests identified in Code of Civil Procedure section 128, subdivision (a)(8). (*In re Rashad H., supra*, 78 Cal.App.4th at pp. 379-382; see *Union Bank of California v. Braille Inst. of America, Inc.* (2001) 92 Cal.App.4th 1324, 1329-1330.)

The visitation portion of the Welfare and Institutions Code section 366.26 guardianship order is reversed. Upon remittitur issuance, the juvenile court is to issue a visitation order which complies with Welfare and Institutions Code section 366.26, subdivision (c)(4)(C). The guardianship order is affirmed in all other respects. Pursuant to the parties' stipulation, the remittitur is to issue forthwith.

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TURNER, P. J.

We concur:

KRIEGLER, J.

BAKER, J.