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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re Marriage of HENRY and
HUI CHONG O'NEILL.

2d Civil No. B279072
(Super. Ct. No. D358314)
(Ventura County)

HENRY O'NEILL,

Respondent,

v.

HUI CHONG O'NEILL,

Appellant.

Hui O'Neill (Wife) appeals from a judgment of dissolution of marriage granted to Henry O'Neill (Husband). She contends (1) the trial court erred when it bifurcated the marital status issue from other issues in the case; (2) she was not given a "meaningful opportunity" to defend herself against Husband's petition; and (3) the court erred when it denied her request to compel Husband's medical evaluation. We affirm.

FACTS AND PROCEDURAL HISTORY

Husband filed a petition for dissolution of marriage. Wife filed a motion to quash the summons and to dismiss the petition. She declared that Husband lacked the mental capacity to make “a reasoned decision” to dissolve their marriage. After a hearing in which Husband testified about his mental health, the court denied Wife’s motion.

The trial court bifurcated the issue of the parties’ marital status from other issues in the case. It granted a status-only judgment of dissolution. Wife filed a notice of appeal from the status-only judgment.¹

DISCUSSION

Record Citations

Wife’s opening brief is deficient because she does not cite to the record. “Each and every statement in a brief regarding matters that are in the record on appeal, whether factual or procedural, must be supported by a citation to the record.” (*Lona v. Citibank, N.A.* (2011) 202 Cal.App.4th 89, 96, fn. 2; see Cal. Rules of Court, rule 8.204(a)(1)(C).) Facts that are not supported by proper record citations will not be considered. (*Mueller v. County of Los Angeles* (2009) 176 Cal.App.4th 809, 816, fn. 5.) Because Wife’s contentions are not supported by citations to the record, we disregard them. (*Lueras v. BAC Home Loans Servicing, LP* (2013) 221 Cal.App.4th 49, 60.)

¹ Although Wife also filed a notice of appeal from a subsequent judgment on other issues, her brief only mentions the status-only judgment. Accordingly, we review only those issues pertaining to the status-only judgment. (*Pfeifer v. Countrywide Home Loans, Inc.* (2012) 211 Cal.App.4th 1250, 1282.)

Bifurcation

Wife contends the trial court erred when it bifurcated the marital status issue from the other issues in the case. However, she does not support this contention with any legal analysis.

To succeed on appeal, an appellant must show error. (*City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 286.) To demonstrate error, the appellant must provide us with argument supported by legal analysis. (*Id.* at pp. 286-287.) We may disregard conclusory arguments that are not supported by authority or reasoning. (*Id.* at p. 287.) Although Wife quotes the relevant law regarding bifurcation, she offers no legal analysis. Because she does not demonstrate error, we disregard this contention.

Due Process

Wife contends her “due process rights” were violated because she was not given a meaningful opportunity to present a defense to Husband’s petition. We disagree.

Due process requires an opportunity to be heard at a “meaningful time and in a meaningful manner” before deprivation of a protected interest. (*Los Angeles Police Protective League v. City of Los Angeles* (2002) 102 Cal.App.4th 85, 91-92.) But here, Wife had a meaningful opportunity to be heard on the marital status issue. The trial court provided Wife an opportunity to present evidence and conduct direct and cross-examination of Husband and other witnesses.

Wife asserts that she did not have adequate time to prepare for trial because she received late discovery responses. The record demonstrates otherwise. The trial court ordered Husband to respond to discovery requests and continued the trial

one month after the due date of those responses. Wife does not demonstrate that this was inadequate. Nor does she show that the delay in receiving discovery was prejudicial to her. For example, she does not explain how the delay prevented her from obtaining information that could have helped her case. Because she was not deprived of a meaningful opportunity to be heard, her due process rights were not violated.

Mental Capacity Evaluation

Wife contends the trial court should have ordered Husband to undergo a medical evaluation to determine if he had the mental capacity to dissolve the marriage. We disagree.

A person is presumed to have the capacity to dissolve their marriage. (*In re Marriage of Greenway* (2013) 217 Cal.App.4th 628, 639 (*Greenway*).) When the presumption is challenged, “the determination of a person’s mental capacity is fact specific, and the level of required mental capacity changes depending on the issue at hand.” (*Ibid.*) The “threshold is low” to show mental capacity to dissolve a marriage. (*Id.* at p. 643.) We review the trial court’s determination of mental capacity for substantial evidence. (*Id.* at p. 648.)

Substantial evidence supports the finding that Husband had the mental capacity to dissolve the marriage. The trial court asked Husband several questions about his mental health, and Husband answered them to the court’s satisfaction. The court was able to observe Husband during his testimony. Wife asserted that he suffered from Alzheimer’s disease and dementia, but she provided no evidence to prove these assertions. Husband denied that he suffered from such ailments and testified that he had never been diagnosed with them. She did not rebut the presumption that Husband had the mental capacity to

dissolve their marriage. Moreover, Wife does not cite to any cases stating that a medical evaluation is required to determine a person's mental capacity.

DISPOSITION

The judgment is affirmed. Because Husband did not participate in this appeal, there are no costs on appeal to award. (*In re Marriage of Fregoso & Hernandez* (2016) 5 Cal.App.5th 698, 704.)

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TANGEMAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

JoAnn Johnson, Commissioner

Superior Court County of Ventura

Hui Chong O'Neill, in pro. per., for Appellant.

No appearance for Respondent.