Filed 12/30/25 In re A.H. CA1/5

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

In re A.H., a Person Coming Under the Juvenile Court Law.	
SAN FRANCISCO HUMAN SERVICES AGENCY, Plaintiff and Respondent, v. A.H., Defendant and Appellant.	A173237 (San Francisco City & County Super. Ct. No. JD22-3285)

Appellant A.H. (appellant), an alleged father, appeals from the juvenile court's denial of his Welfare and Institutions Code section 388[1] petition seeking to set aside prior jurisdictional and dispositional findings based upon inadequate notice of the dependency proceeding. He contends that the San Francisco Human Services Agency (Agency) failed to conduct a reasonably diligent search and that the juvenile court failed to conduct parentage inquiries required by the California Rules of Court. We affirm.

[1] All undesignated statutory references are to the Welfare and Institutions Code. All rule references are to the California Rules of Court.

BACKGROUND[2]

In November 2022, the Agency filed a section 300 petition seeking to detain then one-year-old A.H. (Minor) after her mother I.H. (Mother) had a public mental breakdown and was placed on an involuntary psychiatric hold. The petition further alleged that appellant, the alleged father, had failed to protect Minor and that his whereabouts and ability to care for Minor were unknown. The detention report stated that the Agency had been unable to make contact with the alleged father and that the Agency only had his name and a date of birth in 1989. The report also noted that Mother had previously signed a statement stating that Minor's father was unknown.

The Agency also filed a search declaration detailing its efforts to locate appellant. Someone with the same name was located in San Francisco County Jail, but he was age 37, while appellant would have been 33.[3] The Agency was unable to get information about appellant's relatives from Mother, and the Agency was not able to locate appellant in its searches of eight other databases.

Subsequently, Mother failed to comply with an order to bring Minor to the Agency to be assessed, and Mother and Minor's whereabouts remained

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[2] On August 1, 2025, appellant requested that this court take judicial notice of the record in a separate appeal in the same matter, case number A173714. Appellant argued that both appeals "involve the same parties, documents and hearings" and "[u]tilizing different clerk's transcripts with different pagination in each of these proceedings would be unduly cumbersome and time consuming." This court deferred ruling on the request; the request is now denied because the record in case number A173714 includes proceedings that occurred after the date of the order at issue in the present case.

[3] Appellant does not claim he was the person the Agency located in San Francisco County Jail.

unknown through October 2023, despite the Agency's search efforts. In November 2023, an amended section 300 petition was filed alleging that Minor was found and removed from Mother's custody after a shooting at a house where Mother and Minor were staying.

Also in November 2023, the Agency filed a declaration of due diligence detailing its continued unsuccessful efforts to find appellant. The declaration indicated that the Agency searched 10 state and federal agency databases, or contacted the agencies; that it searched five public websites;[4] and that it searched jail databases for 15 counties, including San Mateo County (where appellant alleges he was held).

In an order filed in December 2023, the juvenile court found that notice had been given as required by law, reasonable efforts had been made to locate the alleged father, and his whereabouts were unknown.

In January 2024, Mother submitted to the allegations in a second amended petition and the juvenile court sustained the petition. In February, the Agency again asked Mother about the alleged father; she said he was not present for the birth and is not on the birth certificate, they are not a couple, and she "does not know where he is" or "how to reach him."

In August 2024, at the time of the six-month review hearing, the Agency recommended that Mother's reunification services be terminated. The Agency reported that Minor was thriving in a foster home. The contested hearing was continued to February 2025. The Agency's addendum report for the February hearing continued to recommend termination of reunification services.

[4] The juvenile court described one of the databases as "a nationwide database for determining a person's custody status."

The February 2025 report also included an address for appellant at a San Mateo County jail facility. Mother's counsel had located him, as reflected in a January 24 e-mail. Counsel was appointed for appellant on February 5.

According to a March 5, 2025 declaration, on February 27, the Agency contacted the San Mateo County Sheriff and learned that, on January 7, appellant had been sentenced to two years at a state hospital. On March 5, the Agency located appellant at Atascadero State Hospital. The Agency was informed that appellant was born in 1988 (not in 1989), and on a different month and day from the birthdate that Mother had previously given to the Agency.

In March 2025, appellant filed a section 388 petition seeking to set aside the prior findings, based upon inadequate notice to him. The supporting papers stated that he was in jail in San Mateo County at the time of the November 2022 detention hearing and that he was transferred to Atascadero State Hospital on February 4, 2025. The Agency opposed the section 388 petition, arguing the Agency had exercised reasonable diligence in searching for appellant. Minor's counsel also opposed the petition.

In May 2025, the juvenile court issued a decision denying appellant's section 388 petition. It acknowledged that appellant, as an alleged father, was entitled to notice of the proceedings, and that he had not received notice of any hearing prior to February 2025. However, the court found that the Agency's search was reasonably diligent. The court reasoned that, "[w]hen the Agency conducted a search for [appellant] before the initial detention hearing in November 2022, the Agency had limited information: [M]other's assertion that the child's father was unknown, a very common first name for a potential alleged father . . . , a moderately common surname . . . , and a birthdate. . . . In preparation for the November 2023 further detention

hearing, the Agency conducted additional due diligence. It searched numerous databases, including vinelink.com, the go-to database used to determine whether a person has a pending case and is in custody. Although the Agency's November 2023 search was thorough, systematic, and made in good faith, [appellant's] whereabouts were unknown."

The present appeal followed.[5]

DISCUSSION

Appellant contends the juvenile court erred in concluding the Agency exercised reasonable diligence in searching for him in order to provide notice of the proceedings. He also argues the court failed to make parentage inquiries required by the Rules of Court. Appellant has not shown a basis to reverse the court's order denying his section 388 petition.

I. *The Adequacy of the Agency's Search for Appellant*

A. *Legal Background*

"Due process requires that a parent is entitled to notice that is reasonably calculated to apprise him or her of the dependency proceedings and afford him or her an opportunity to object." (*In re Justice P.* (2004) 123 Cal.App.4th 181, 188 (*Justice P.*).) Alleged fathers like appellant "have fewer

[5] The present appeal is one of several recent matters in this court brought by appellant. In case number A173715, this court denied appellant's petition for writ relief, which sought an order vacating the juvenile court's June 2025 order setting a section 366.26 permanency planning hearing. (*A.H. v. Superior Court* (Sept. 12, 2025, A173715) [nonpub. opn.].) This court concluded the juvenile court did not err in denying appellant's requests for either biological or presumed father status. Subsequently, this court dismissed a separate appeal, case number A173714, based on appellant's counsel's representation that the decision in case number A173715 "resolved all issues that could be raised in [case number] A173714." Based on a similar representation from counsel, this court also dismissed appellant's petition for writ of habeas corpus (case number A173897).

rights in dependency proceedings and are not entitled to custody, reunification services, or visitation," but "they nonetheless possess due process rights to be given notice and an opportunity to appear, to assert a position, and to attempt to change their paternity status." (*In re Daniel F.* (2021) 64 Cal.App.5th 701, 712 (*Daniel F.*).)

A "child welfare agency must act with diligence to locate a missing parent. [Citation.] Reasonable diligence denotes a thorough, systematic investigation and an inquiry conducted in good faith." (*Justice P.*, *supra*, 123 Cal.App.4th at p. 188.) This includes searching " 'standard avenues available to help locate a missing parent' " as well as " ' "specific ones most likely, under the unique facts known to the [Agency], to yield [a parent's] address." ' " (*Daniel F.*, *supra*, 64 Cal.App.5th at p. 712.) But it "is not always possible to litigate a dependency case with all parties present. The law recognizes this and requires only reasonable efforts to search for and notice missing parents. Where reasonable efforts have been made, a dependency case properly proceeds." (*Justice P.*, at p. 191; see also *Daniel F.*, at p. 712 ["There is no due process violation where a child welfare services agency has exercised reasonable diligence to provide notice to a parent whose whereabouts are unknown"].)

"When an alleged father claims that a lack of notice of the proceedings caused him to fail to achieve presumed father status prior to expiration of the reunification period, his remedy is to file a section 388 petition." (*Daniel F.*, *supra*, 64 Cal.App.5th at p. 712.) "We review the court's ruling on the section 388 petition for abuse of discretion [citation], but consider de novo whether inadequate notice violated [appellant's] due process rights. [Citation.] An error in attempted notice is subject to a harmless beyond a reasonable doubt

standard of prejudice." (*In re Mia M.* (2022) 75 Cal.App.5th 792, 806 (*Mia M.*).)

B. *Analysis*

In arguing the juvenile court erred in concluding the Agency conducted an adequate search, appellant does not suggest the Agency ignored any information in its possession. Accordingly, the present case is distinguishable from the main cases he relies upon. In particular, in *Mia M.*, *supra*, 75 Cal.App.5th 792, multiple persons informed the child welfare agency that the alleged father lived in Oklahoma, but the agency made no effort to locate him there. (*Id.* at pp. 797–798, 808.) The court held the evidence "was woefully inadequate to support a finding that the [agency] exercised reasonable diligence trying to find father, given the unique facts already known to the [agency]." (*Id.* at p. 808; see also *In re J.R.* (2022) 82 Cal.App.5th 569, 589 [child welfare agency was informed that the mother resided in El Salvador but failed to contact the El Salvadoran government for help in locating her].) *Daniel F.*, *supra*, 64 Cal.App.5th 701 is also distinguishable. There, the agency had contact with the alleged father's sister early in the proceedings but did not ask her how to contact him for six months. (*Id.* at p. 713; see also *In re A.H.* (2022) 84 Cal.App.5th 340, 371 [agency had phone calls with alleged father near time of detention hearing but did not ask about his whereabouts].) In the present case, appellant points to no unique facts that the Agency disregarded. As the juvenile court observed, "Here, the Agency searched the standard avenues likely to produce relevant information about [appellant] based on the limited data it possessed. This is simply not a situation where the Agency had reason to suspect certain sources of information might help locate [appellant] but then failed to pursue those leads."

Instead, appellant criticizes the Agency's search in other respects. He argues there is no indication the Agency asked Mother's relatives about his whereabouts.[6] He also argues "there is no indication that [M]other was ever asked about his relatives or previous addresses." The latter argument appears to be contradicted by the record: The Agency's November 2022 declaration states that "MO" was asked about relatives and she provided "[n]o more information." In any event, appellant cites no evidence in the record that either of those sources—Mother or any known relatives—would have disclosed information about his whereabouts.[7] As explained in *In re Emily R.* (2000) 80 Cal.App.4th 1344, 1353, appellant bore the burden of showing the child welfare agency "could have found his current address by reasonably available means." (See also *ibid.* ["because the record on appeal contains no declaration or testimony of appellant, he is unable to establish that had" certain records been checked his address "would have [been] ascertained"].)

Similarly, as the juvenile court pointed out, the circumstance that Mother's counsel found appellant in jail in San Mateo County in 2025 is not evidence that the Agency could have found him during its previous searches, or at any particular earlier point in time. We do not know why the Agency's searches failed to uncover appellant at the San Mateo County jail, where he claims he was at the time of the searches. But appellant does not argue an

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[6] Appellant does not specifically refer to Mother's relatives, but he cites no evidence the Agency had contact information for any of his relatives.

[7] Appellant makes references to assertions in his JV-505 parentage statement, addressed in detail in this court's decision in *A.H. Superior Court*, *supra*, A173715, but he concedes that document is "not part of the record for purposes of this appeal."

otherwise reasonable search is a violation of due process because the search inexplicably failed to locate a parent.

In any event, even if there were notice error, it was harmless beyond a reasonable doubt. (*Mia M.*, *supra*, 75 Cal.App.5th at p. 806.) As this court concluded in *A.H. v. Superior Court*, *supra*, A173715, appellant's JV-505 failed to establish a basis to elevate him to presumed father status and the juvenile court found reunification services were not in Minor's best interest. (See *Francisco G. v. Superior Court* (2001) 91 Cal.App.4th 586, 596 [presumed fathers are entitled to reunification services, but biological fathers may receive reunification services only "if the [juvenile] court determines that the services will benefit the child"].) Assuming appellant is Minor's biological father, he makes no effort on appeal to argue that the juvenile court might have found it was to Minor's benefit to provide reunification services during appellant's incarceration. (Cf. *In re R.A.* (2021) 61 Cal.App.5th 826, 839 [notice error was not harmless where *presumed father* was entitled to reunification services while incarcerated and was free from custody when section 388 petition was filed].)

II. *The Juvenile Court's Parentage Inquiry Obligation*

Appellant contends the juvenile court failed to make parentage inquiries it was obligated to make under the Rules of Court. As explained in *In re A.H.*, *supra*, 84 Cal.App.5th at page 364, "Rule 5.635 imposes a *continuing* duty on the juvenile court to inquire about parentage *at every hearing* from the very beginning of a dependency case until the question of parentage has been resolved; it specifies steps the court must take to address the issue of parentage with every person present at each hearing *and* with local child support authorities; and, if there has been no prior determination of parentage, it requires the court to make such a determination."

Appellant contends the juvenile court failed to make the inquiries required by rule 5.635 at hearings in January and March 2024. However, as he concedes, the record does not contain transcripts of *every* hearing. In particular, at a November 28, 2023 jurisdiction hearing, the juvenile court accepted the Agency's declaration of due diligence, found that reasonable efforts had been made to find the alleged father, and found that his whereabouts were unknown. We are obligated to presume that the court complied with rule 5.635 at hearings for which there is no transcript on appeal, including the November 2023 hearing that addressed parentage. (Evid. Code, § 664 ["It is presumed that official duty has been regularly performed"]; see also *People v. Houston* (2012) 54 Cal.4th 1186, 1210.) Consequently, we also presume that any information Mother was inclined to offer at that time was elicited in response to the juvenile court's inquiries.

Additionally, appellant has not shown he was prejudiced by any failure of the juvenile court to inquire about parentage. First, he fails to cite any evidence in the record that such an inquiry would have disclosed his whereabouts. Appellant refers to Mother's testimony at a June 26, 2025 hearing where she testified that she had been in contact with appellant until he was incarcerated. But the transcript of that hearing is not part of the record on appeal. In any event, we are obligated to presume that, just as she failed to give that information to the Agency, she failed to give that information to the juvenile court when it made its parentage inquiry (or inquiries) earlier in the dependency proceeding. We will not speculate why Mother waited until her June 2025 testimony to disclose that information. Appellant also refers to his JV-505 parentage statement, despite his concession that it is not part of the record. But he fails to show the information therein would have enabled the Agency to find him.

Second, also on the question of prejudice, appellant has not shown that he might have received reunification services if he had been located after the January and March 2024 hearings upon which he focuses his argument. (*In re James F.* (2008) 42 Cal.4th 901, 918 (*James F.*) ["If the outcome of a proceeding has not been affected, denial of a right to notice and a hearing may be deemed harmless and reversal is not required"].)[8] As noted in the harmless error analysis regarding the alleged notice error, this court concluded in *A.H. v. Superior Court*, *supra*, A173715 that the juvenile court did not err in denying appellant's request to be elevated to a presumed father and the court found reunification services were not in Minor's best interest. Assuming appellant would have been elevated to biological father, appellant does not argue the juvenile court might have found it was to Minor's benefit to provide reunification services during appellant's incarceration. (See *Francisco G. v. Superior Court*, *supra*, 91 Cal.App.4th at p. 596.)

Neither has appellant shown he was prejudiced by the Agency's failure to send him a JV-505 form in its first mailing after he was located in January 2025. Appellant makes no attempt to show the juvenile court's best interest finding would have been different if he had submitted his JV-505 parentage statement a couple months earlier.

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[8] We reject appellant's contention that failure to make the parentage inquiry required by the Rules of Court is structural error mandating reversal. He relies on *In re Jasmine G.* (2005) 127 Cal.App.4th 1109, which held that "the failure to attempt to give a parent statutorily required notice of a selection and implementation hearing is a structural defect that requires automatic reversal." (*Id.* at p. 1116.) The present situation is not analogous, and "the California Supreme Court has cautioned against using the structural error doctrine in dependency cases." (*In re A.D.* (2011) 196 Cal.App.4th 1319, 1326 [citing *James F.*, *supra*, 42 Cal.4th 901 and declining to follow *Jasmine G.*].)

DISPOSITION

The juvenile court's order is affirmed.

SIMONS, J.

We concur.

JACKSON, P. J.
BURNS, J.

(A173237)