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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re Charlotte T., a Person Coming
Under the Juvenile Court Law.

B347414

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. 25CCJP01383)

Plaintiff and Respondent,

v.

Haley T.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County. Tara Newman, Judge. Dismissed.

Johanna R. Shargel, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

On May 8, 2025, the Los Angeles County Department of Children and Family Services (DCFS) detained then six-month old Charlotte T. from Haley T. (mother). In early April 2025, DCFS received a referral in which the caller reported concern for Charlotte because mother had dropped out of rehab, “might be on a binge,” and no one in her family had been able to reach her for two days. Maternal grandmother (MGM), who resided in Indiana, told DCFS that mother moved to California from Indiana in 2020 to go to rehab, but mother had relapsed, gotten pregnant with Charlotte in 2024, and Charlotte was exposed to fentanyl in utero due to mother’s substance abuse.

A social worker went to mother’s home in Los Angeles to speak with her. Mother reported she suffered unspecified physical and emotional abuse as a child and did not have a good relationship with MGM or other family members. Mother confirmed she moved to California from Indiana in January 2020. She admitted a history of substance abuse beginning in 2018, including use of marijuana, Xanax, heroine, and fentanyl. She admitted to using, under medical supervision, Suboxone during her pregnancy with Charlotte as part of her effort to get clean, and that she relapsed after she gave birth to Charlotte. Mother said she agreed for Charlotte to live temporarily with a maternal aunt in late 2024 because of her ongoing substance abuse issues. However, mother asserted she was now maintaining her sobriety and was almost six months clean. Mother said she was involved in an “intensive outpatient substance abuse treatment program” with Cast Treatment Center.

Mother told the social worker that Tarry B. (father) was the biological father of Charlotte. Mother said that because of the poor relationship she had with her own mother, she was trying to

develop a relationship with the paternal grandmother (PGM) so that Charlotte could have a grandparent in her life.

DCFS scheduled a drug test for mother on April 11, 2025, to confirm she was clean. Mother failed to appear. After additional unsuccessful efforts to reschedule, mother did appear at a rescheduled test on April 25, 2025.

DCFS received word from Cast Treatment Center that it had no record of mother being a client of theirs within the past seven years. DCFS also received the results of mother's drug test from April 25, 2025 which were positive for fentanyl.

DCFS filed a petition alleging Charlotte was at substantial risk of danger due to mother's current substance abuse and unresolved history of substance abuse which rendered mother incapable of providing proper care and supervision of Charlotte. (Welf. & Inst. Code, § 300, subd. (b)(1).)

The detention report indicated a prior referral to DCFS in October 2024 based on Charlotte exhibiting withdrawal symptoms at birth.

In discussions with father, DCFS confirmed that a paternity test showed he was Charlotte's biological father. Father, who is employed and lives in Torrance, reported growing up in a stable family environment in Kentucky with both parents and siblings. He said he had strong bonds with his family and denied ever experiencing abuse or neglect. Father said he drank occasionally for social reasons and denied any history of substance abuse. Father also denied any criminal history. Father stated his willingness to care for Charlotte and that PGM, who lived in California, would assist him in doing so.

On May 27, 2025, the juvenile court ordered Charlotte detained from mother and released to the custody of father.

The court ordered mother to have visitation with Charlotte a minimum of three times per week for three hours per visit. DCFS was ordered to assess the appropriateness of closing the case with a juvenile custody order.

Thereafter, DCFS reported that father offered to pay for a monitor for visitation in the event the court was willing to terminate jurisdiction. Father was described as cooperative and compliant with DCFS's recommendations and orders, and appropriate with Charlotte. There were no observed safety concerns regarding Charlotte being in father's care.

At the start of the disposition hearing on July 1, 2025, counsel for mother requested a continuance under the Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, § 3400 et seq.; UCCJEA), asserting that Michigan may be the home state with proper jurisdiction. When asked by the court, mother stated she lived in California and had been doing so for four years. Mother stayed with her sister in Michigan for seven weeks while her sister had temporary custody of Charlotte following Charlotte's discharge from the hospital. Thereafter, mother returned to California with Charlotte. The juvenile court denied the continuance request, explaining Charlotte was born in California and mother was a resident of California and UCCJEA was not applicable. No other claims under the UCCJEA were made by mother.

The juvenile court terminated jurisdiction with a juvenile custody order awarding joint legal custody of Charlotte to mother and father and sole physical custody of Charlotte to father. (Welf. & Inst. Code, § 362.4.) The court ordered a minimum of nine hours of monitored visitation for mother per week. Mother and father were ordered to attend mediation services to work out

a visitation schedule and to agree on a monitor. If the parties agreed that a professional monitor would be used, father would be responsible for the costs.

Mother appealed from the juvenile court's order of July 1, 2025.

Mother's appointed counsel filed a brief pursuant to *In re Phoenix H.* (2009) 47 Cal.4th 835 (*Phoenix H.*) in which no issues were raised. In her attached declaration, counsel stated she advised mother of her review of the record and that she could not find any arguable appellate issues. Counsel also stated she provided mother with a copy of her brief and the record, and told mother she could file a letter with the court attempting to show good cause that an arguable issue does exist. Counsel said she was willing to brief any issues at the request of the court.

Thereafter, mother filed a letter, an amended letter, and a request for judicial notice asserting that good cause existed for further briefing. Mother says the juvenile court abused its discretion in denying a continuance under the UCCJEA, DCFS was biased against her, one of the DCFS workers had a close relationship with PGM, DCFS relied on incomplete medical records, and DCFS wrongly relied on a positive test result that showed she had recently used fentanyl. Mother presented copies of a "hair follicle" drug test she had performed on July 17, 2025 by Omega Laboratories that screened for various substances and it was negative for fentanyl.

The Supreme Court in *Phoenix H.* explained that when appointed counsel for a parent in a dependency appeal has determined there are no arguable issues for challenging a juvenile court order or judgment, a reviewing court is not required to allow full briefing by the parent "unless the parent

can establish good cause by showing that an arguable issue does, in fact, exist. The Court of Appeal is not required to permit the parent to pursue an appeal that has no arguable merit.” (*Phoenix H., supra*, 47 Cal.4th at p. 845.) Where good cause is not shown, the reviewing court may dismiss the appeal. (*Id.* at pp. 845, 846.)

Mother’s central point in her request that we find good cause to order further briefing, notwithstanding her counsel’s assessment of the record, is that she has remained sober and is not currently using fentanyl or any other illicit drugs, pointing to the records she presented that purport to show a negative test result from July 17, 2025—more than two weeks *after* the juvenile court had ruled on this matter, terminating jurisdiction pursuant to a juvenile custody exit order.

Mother has not demonstrated good cause that an arguable issue exists for challenging the court’s order of July 1, 2025. Because we find no arguable appellate issue, we also deny mother’s request for judicial notice which consisted almost exclusively of documents that are either not properly the subject of judicial notice or were not before the juvenile court on July 1, 2025. Accordingly, the appeal shall be dismissed. Mother may seek modifications of the visitation and custody order in the family court in accordance with the law.

DISPOSITION

The appeal is dismissed.

VIRAMONTES, J.

WE CONCUR:

STRATTON, P. J.

WILEY, J.