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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re M.M., a Person Coming Under the Juvenile Court Law.	B352523 (Los Angeles County Super. Ct. No. 20CCJP00830A)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. L.J. et al., Defendants and Appellants.	

APPEALS from an order of the Superior Court of Los Angeles County, Safaan K. Ahmed, Judge. Affirmed.

Joseph T. Tavano, under appointment by the Court of Appeal, for Defendant and Appellant L.J.

Aida Aslanian, under appointment by the Court of Appeal, for Defendant and Appellant Brittany M.

Dawyn R. Harrison, County Counsel, Jacklyn K. Louie, Assistant County Counsel, Brian Mahler, Deputy County Counsel, for Plaintiff and Respondent.

L.J. (father) and Brittany M. (mother) appeal from an order terminating dependency jurisdiction and placing their daughter M. in a legal guardianship. The parents contend that the juvenile court abused its discretion by denying their request to continue the Welfare and Institutions Code section 366.26 hearing, and terminating juvenile court jurisdiction without ensuring that visits with M. would take place.[1] We find no abuse of discretion and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Background

M. was born in February 2012. She has four younger siblings who are not subjects of this appeal. Both parents are deaf and communicate using American Sign Language (ASL); M. and her siblings are hearing.

In February 2020, the Los Angeles County Department of Children and Family Services (DCFS) filed a dependency petition alleging the children were juvenile court dependents because mother physically abused M.'s five-year-old brother L.J. by striking him with a belt (counts a-1, b-1, j-1); the parents failed to obtain appropriate services for L.J., who had been diagnosed with

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[1] All subsequent statutory references are to the Welfare and Institutions Code.

autism (counts b-2, j-2); and the parents had a limited ability to provide appropriate care and supervision of the children (counts b-3, j-3). The court sustained an amended petition in July 2020 and ordered reunification services for both parents.

M. was returned to the parents' custody in July 2021, but removed again in May 2022. In January 2023, the juvenile court set a section 366.26 hearing for May 2023.

M. has significant special needs. She was diagnosed with social, educational, cognitive processing, and speech delays in 2020, and in November 2020 she was placed on an involuntary psychiatric hold after assaulting her brother and striking herself with a lamp. Between 2021 and 2025, M. was psychiatrically hospitalized at least five more times for disruptive behaviors and suicidal ideation and she was placed in at least nine different foster homes.

In early 2025, M. was diagnosed with a moderate intellectual disability (with an estimated developmental age of five to seven years) and with a trauma disorder. She continued to struggle with emotional regulation and social interactions, and she would punch walls, physically attack her caregivers, threaten to hurt others, destroy property, and self-harm when dysregulated. She received Applied Behavior Analysis (ABA) therapy five days a week, and she was linked with wraparound and crisis teams to help during emergencies. In January 2025, DCFS reported that M.'s problematic behaviors had increased and a crisis team had been called to her placement every week. She had been prescribed antipsychotic medication to help control her behavior.

M.'s Placement With the O.'s

M. was placed with Mr. and Mrs. O. in February 2025. Mr. O. was particularly skillful in managing M.'s challenging behaviors, and her behavior improved markedly in the O.'s home. She had monthly supervised visits with her parents, which she enjoyed. She was receiving 22 hours of ABA therapy each week.

In July 2025, the O.'s said they would like to become M.'s legal guardians and to have juvenile court jurisdiction terminate. DCFS advised the parents that the O.'s were willing to assist with monitoring visits, but "parents . . . need to start planning on how they will secure interpreters after legal guardianship." DCFS encouraged the parents to contact the Regional Center for help with an ASL interpreter, but father declined.

During an August 2025 visit, father told M. that she would not be allowed to see her parents again if she were placed in legal guardianship. He encouraged her to say she wanted to remain in foster care forever.

In September 2025, DCFS requested a 60-day continuance to finalize Kin-GAP funding.[2] In October 2025, the court continued the hearing to January 2026.

In December 2025 and January 2026, DCFS reported that M. was doing exceptionally well in the O.'s home, noting that she had not been admitted to a behavioral care hospital in nearly a year and had transitioned to a lower level of therapy. She was more willing to solve problems by talking about them, and she

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[2] The Kinship Guardianship Assistance Payment (Kin-GAP) program is a state program that provides ongoing funding for children who exit the dependency system to live with relative legal guardians. (*In re Priscilla D.* (2015) 234 Cal.App.4th 1207, 1211 & fn. 2.)

was no longer engaging in many destructive behaviors such as punching walls or causing damage to the home. The O.'s were committed to supporting her into adulthood. DCFS opined that legal guardianship "is crucial for M[.]'s mental health and stability as it would provide her with the reassurance she needs to continue thriving in the care of [the O.'s]." DCFS therefore recommended that the court terminate its dependency jurisdiction and place M. in a legal guardianship with the O.'s.

At the January 9, 2026 hearing, minor's counsel asked to continue the section 366.26 hearing for 30 days to give counsel an opportunity to discuss legal guardianship with M. Father's counsel asked the court to order DCFS to speak to father about "identifying interpreter resources for visitation after the case closes." Mother's counsel joined in father's request. The court continued the hearing and ordered DCFS to provide the parents with information about interpreter resources after the case closed.

Section 366.26 Hearing

The juvenile court held a section 366.26 hearing on February 11, 2026 to consider DCFS's request to terminate jurisdiction and place M. into a legal guardianship with the O.'s. Mother's counsel asked that the court either continue the hearing and delay the establishment of the guardianship or keep the case open to permit the parents regular visitation. Counsel noted that the parents had spoken to the Greater Los Angeles Agency on Deafness (GLAD), which had agreed to help them find an ASL interpreter to assist with visits. Mother's counsel asked that the court "keep this case open until such time as we have confirmed that the parents will actually be able to have any visits going forward." Alternatively, counsel asked that if a legal

guardianship were issued, the parents be permitted more frequent visits than DCFS was recommending.

Father's counsel joined mother's arguments, noting that M. was bonded to her parents and wanted to have visits with them. Counsel asked that if a guardianship were ordered that day, the court should order more frequent visits than DCFS was recommending.

Minor's counsel asked the court to grant the legal guardianship "today," to close the case with Kin-GAP, and to permit M. twice yearly visits with the parents. Counsel argued: "M[.]'s been able to stabilize with these caregivers and has had to undergo many, many different foster homes and placements, and these caregivers are very committed to her care. She is in a multitude of different services, and this may impact some of her availability for visitation, as this regular schedule and her attendance for school and extracurriculars is something she has missed out on, often in the last few years . . . . [¶] So I do think that it is in the best interest of M[.] to grant the legal guardianship today, . . . as her case has been open since 2020, and she's been waiting for stability . . . this entire time. I have no other concerns with her care by the caregivers, and I don't believe that there's any child safety concerns needed to keep the case open. So I would ask that the court grant the legal guardianship today."

The court asked minor's counsel how frequently M. wished to visit her parents. Counsel responded that although M. wanted visits, counsel "[didn't] want to put too much of an onus on the legal guardians in case there are issues . . . . [As] noted that [M.] has had previous hospitalizations, she has services that occur daily, after school, as well as additional school supports. So I am

hesitant to put it more than the minimum there just because of all those different issues, as well as there were concerns raised about M[.] being triggered by the parents during visitation. And so I don't want her progress to be impacted . . . ."

The court then asked the parents' attorneys what they were suggesting regarding an ASL interpreter: "[W]hat is your suggestion[?] [I]f it's not that the parents get their own interpreter, what other interpreter could I order?" Mother's counsel responded that the court should maintain jurisdiction "temporarily," explaining: "As I discussed, [mother] is in communication with the organization, GLAD, who has told [the parents] that they are able to search for services that the parents may be able to access, and . . . if it comes up that there are no services that aren't paid, you know, then the court has no obligation to maintain the case forever. But I think right now when there is nothing in place except what was being paid for by the Department . . . [and] we have no idea what, if any, options the parents have, . . . I think that's a very dangerous position to leave the case in." Counsel added that "even a month would be more time for GLAD to work with our clients."

DCFS's counsel responded that the case began in 2020, and the section 366.26 hearing had been continued for several months, thus giving the parents and their attorneys "ample time [to raise] these issues." Further, although DCFS had provided resources to the parents, "there's been no offers of what the alternative could be. At some point, the parents are going to have to find resources to allow them to communicate with the child. . . . I believe, at this point, counsel has had ample opportunity to look for alternatives . . . ."

The court responded that it was going to proceed because "I don't know if there are any real orders I could do once a case is closed regarding an interpreter. . . . I don't really see what orders I can do because once I close the case, I don't have any orders I can give for . . . funding for an interpreter. That's out of my jurisdiction." Mother's counsel said: "I understand that, Your Honor, and that was not my request. My request was merely that we don't cut this case loose until we at least have an idea of whether or not . . . there are interpreters available. We can at least know that if that pans out, and, if not, the court is well within [its] rights to cut it loose and say 'the parents are on their own[.]' But given that this case has been open for a long time . . . I don't see how there is a necessity to close this case today. [¶] I'm not asking the court to make any orders going forward. I'm just asking that we at least have some idea of whether or not the parents will even be able to visit with their child once DCFS is not involved."

The court found that it would be detrimental to M. to return her to the parents' physical custody, and a guardianship was in M.'s best interest. It therefore appointed the O.'s as M.'s legal guardians. The parents were permitted a three-hour monitored visit each month, with the parents to obtain an ASL interpreter. The court found that DCFS supervision was not necessary and terminated jurisdiction with Kin-GAP funding in place.

Mother and father timely appealed from the section 366.26 order.

DISCUSSION

The parents contend the juvenile court abused its discretion by denying their request to continue the section 366.26

hearing and by terminating dependency jurisdiction. We find no error.

I. The Juvenile Court Did Not Abuse its Discretion by Denying the Parents' Request for a Continuance

Continuances in dependency cases are governed by section 352. That section provides that on a showing of good cause, a court may continue a hearing unless doing so is contrary to the child's interests. (§ 352, subd. (a)(1), (2).) In considering the child's interests, the court "shall give substantial weight to a minor's need for prompt resolution of his or her custody status, the need to provide children with stable environments, and the damage to a minor of prolonged temporary placements." (*Id*., subd. (a)(1).) A continuance shall be granted "only for that period of time shown to be necessary by the evidence presented at the hearing on the motion for the continuance." (*Id*., subd. (a)(2).) We review an order denying a request for a continuance for abuse of discretion. (*Michael G. v. Superior Court* (2023) 14 Cal.5th 609, 637.)

The parents contend the juvenile court abused its discretion by denying their request to continue the section 366.26 hearing "to determine whether or not an ASL interpreter was available to assist in visitation with M[.] going forward." We disagree. The parents were advised in July 2025—seven months before the section 366.26 hearing—that they would need to provide an interpreter for visits after the guardianship was established. DCFS encouraged the parents to contact the Regional Center for help with an interpreter, but father refused to do so. The section 366.26 hearing was continued from October 2025 to January 2026, and then to February 2026. When the juvenile court ordered the final continuance on January 9,

2026, the parents' attorneys asked the court to direct DCFS to provide the parents with information about interpreter resources for visitation after the case closed. The court did so, and the social worker met with the parents and provided them with resources regarding interpreter services. Nonetheless, as of February 11, 2026, the parents still had not obtained information about interpreter services. In view of the parents' seven-month delay in identifying an interpreter, the juvenile court was not required to conclude that there was good cause to continue the section 366.26 hearing yet again.

The evidence before the juvenile court also did not compel the conclusion that continuing the section 366.26 hearing was in M.'s best interests. As minor's counsel noted, by the time the guardianship was ordered in February 2026, the case had been open for six years. During that time, M. had been in at least nine different foster homes and had been psychiatrically hospitalized at least five times. Her current placement was stable and positive, and the O.'s were willing to support her into adulthood. The juvenile court therefore was well within its discretion in concluding that delaying permanency was not in M.'s best interest. The juvenile court did not abuse its discretion by denying the parents' request to continue the section 366.26 hearing.

II. The Juvenile Court Did Not Abuse its Discretion by Terminating Dependency Jurisdiction

Section 366.3, subdivision (a)(1) provides that if a juvenile court orders a permanent plan of guardianship, it shall retain jurisdiction over the child until the guardianship is established. After the legal guardianship is established, the court "may continue jurisdiction over the child as a dependent child of the

juvenile court or may terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the legal guardianship." (§ 366.3, subd. (a)(3).) Alternatively, if a relative or nonrelative extended family member is appointed the child's legal guardian and the guardian's home has been approved for at least six months, "the court shall, except if the relative or nonrelative extended family member guardian objects, or upon a finding of exceptional circumstances, terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship as authorized." (*Ibid*.) We review the juvenile court's decision to terminate dependency jurisdiction for abuse of discretion. (*In re J.M.* (2020) 44 Cal.App.5th 707, 718; *In re Ethan J.* (2015) 236 Cal.App.4th 654, 660.)

The parents suggest that the juvenile court erroneously believed it was required to terminate dependency jurisdiction after ordering a legal guardianship. This was error, the parents urge, because there is case law suggesting that a juvenile court has discretion to maintain dependency jurisdiction even after placing a child in a Kin-GAP guardianship, and section 366.3 permits dependency jurisdiction to be ordered in exceptional circumstances. The parents thus ask that the section 366.26 order be reversed with directions to the juvenile court to exercise its discretion to continue dependency jurisdiction with the legal guardianship in place.

The parents' claim lacks merit. As an initial matter, nothing in the transcript of the February 11, 2026 transcript suggests that the juvenile court believed it was required to terminate dependency jurisdiction when it placed M. in a legal guardianship. DCFS did not make that argument, and the juvenile court did not say the law compelled that result. There is

no indication that the juvenile court misapprehended the scope of its discretion.

Moreover, to the extent that the law permitted the juvenile court to maintain dependency jurisdiction after ordering a legal guardianship, neither party asked it to do so in this case, thus forfeiting the issue. As a general rule, a reviewing court "will not consider a challenge to a ruling if an objection could have been but was not made in the trial court." (*In re S.B.* (2004) 32 Cal.4th 1287, 1293.) The purpose of this rule "is to encourage parties to bring errors to the trial court's attention so they can be corrected." (*In re P.L.* (2024) 100 Cal.App.5th 406, 409; see also *In re H.D.* (2024) 99 Cal.App.5th 814, 817 [" 'A party forfeits the right to claim error as grounds for reversal on appeal when he or she fails to raise the objection in the trial court.' "].) Forfeiture " 'applies in juvenile dependency litigation and is intended to prevent a party from standing by silently until the conclusion of the proceedings.' " (*In re H.D.*, at p. 817.)

In the present case, neither parent asked the juvenile court to maintain dependency jurisdiction after ordering the legal guardianship. While mother's counsel asked the court at the outset of the hearing to either continue the hearing and delay the establishment of the guardianship or keep the case open, counsel did not suggest that the court order a guardianship *and* keep the case open. Counsel conceded, moreover, that "the court has no obligation to maintain the case forever." Further, when counsel for DCFS noted that "there's been no offers of what the alternative [to terminating dependency jurisdiction and ordering a legal guardianship] could be," mother's counsel clarified that he was "*not asking the court to make any orders going forward*," but was asking only that the court not "cut this case loose" until "we

at least have some idea of whether or not the parents will even be able to visit with their child once DCFS is not involved." (Italics added.) Father's counsel joined mother's argument and asked that if a guardianship were ordered, the juvenile court should permit the parents more frequent visits—*not* that it should continue dependency jurisdiction.

Had either parent asked the juvenile court to maintain dependency jurisdiction after ordering a legal guardianship, the court could have considered the request and made appropriate findings. Neither parent did so. We therefore conclude that they forfeited these contentions.[3]

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[3] We decline mother's request to consider this issue for the first time on appeal. " 'Although appellate courts have discretion to consider an issue in the first instance if it raises a question of law on undisputed facts, our Supreme Court has cautioned that such discretion should be exercised rarely and only in cases presenting an important legal issue.' [Citation.] Put another way, 'An exception to the general rule may be presented . . . where the theory presented for the first time on appeal involves only a legal question determinable from facts which not only are uncontroverted in the record, but which could not be altered by the presentation of additional evidence.' [Citation.]" (*People v. Ingram* (2024) 104 Cal.App.5th 1242, 1264–1265.) The parents' request to continue dependency jurisdiction does not raise a pure legal issue, but rather requires the exercise of discretion by the juvenile court. (*In re J.M.*, *supra*, 44 Cal.App.5th at p. 718; *In re Ethan J.*, *supra*, 236 Cal.App.4th at p. 660.) It therefore is not appropriately considered for the first time on appeal.

DISPOSITION

The February 11, 2026 order is affirmed.

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ADAMS, P. J.

We concur:

HANASONO, J.

DELGADO, J.*

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* Judge of the Santa Clara Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.