

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION EIGHT

Adoption of X.D.

Nos. B343632, B343634 (Cal. Ct. App. Sept. 29, 2025) · No. B343632; B343634 · Decided September 29, 2025

SUMMARY

The California Court of Appeal reversed orders determining that Raymon M. qualified as a Kelsey S. father in an adoption proceeding involving minor X.D. The court held that the trial court improperly excluded screenshots of threatening text messages and that, when considered, the evidence was insufficient to support Raymon’s claim to parental rights. The court also concluded that retaining Raymon’s parental rights was not in X.D.’s best interests and directed the trial court to allow the adoption to proceed.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Eight
WRITING FOR THE COURT	Rubin, J.; Wiley, Acting P. J.; Viramontes, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Eight
DECIDED	September 29, 2025
DOCKET	B343632; B343634
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated appeals from findings and orders of the Los Angeles County Superior Court in adoption and parental-rights proceedings.
STANDARD OF REVIEW	Evidentiary rulings are reviewed for abuse of discretion. Factual findings concerning Kelsey S. status are reviewed for substantial evidence, while application of the legal standard to undisputed facts is reviewed independently.
PRECEDENTIAL VALUE	published
PARTIES	Cliff D. et al., Jessica W., X.D., a Minor v. Raymon M.

TOPICS

- adoption
- family law procedure
- authentication
- evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding screenshots of text messages allegedly sent by Raymon threatening Jessica and her unborn child on authentication, hearsay, and Evidence Code section 352 grounds.
2. Whether substantial evidence supported the trial court's finding that Raymon qualified as a Kelsey S. father by promptly assuming full parental responsibilities during Jessica's pregnancy.
3. Whether, after determining that Raymon was not a Kelsey S. father, the record established that it was in X.D.'s best interest for Raymon to retain parental rights under Family Code section 7664, subdivision (b).

HOLDINGS

1. The trial court abused its discretion by excluding exhibit P-107. Jessica's testimony, the identifying information on the screenshots, Raymon's admission that the telephone number belonged to him, the contact name, and corroborating contents were sufficient to authenticate the writing. Once authenticated, the exhibit was admissible for non-hearsay purposes concerning Jessica's state of mind and conduct and under applicable hearsay exceptions, and its probative value was not substantially outweighed by undue prejudice.
2. Raymon did not qualify as a Kelsey S. father. Substantial evidence did not support the trial court's finding that he promptly demonstrated a full commitment to his parental responsibilities during the pregnancy and shortly thereafter.
3. On the existing record, no reasonable trier of fact could find that X.D.'s best interest would be served by allowing Raymon to retain parental rights and preventing the adoption from proceeding.

KEY QUOTATIONS

“The foundation requires that there be sufficient evidence for a trier of fact to find that the writing is what it purports to be, i.e., that it is genuine for the purpose offered.” (22)

“To satisfy Kelsey S. criteria, a child’s biological father must show first, that he promptly stepped forward to assume full parental responsibilities for his child’s well-being; second, the child’s mother or some third party thwarted his efforts to assume his parental responsibilities; and third, a willingness to assume full custody of the child.” (29)

“The constitutional protection afforded to a biological father’s inchoate parental interest depends on his ability to demonstrate a prompt and full commitment to his parental responsibilities beginning shortly after learning of the pregnancy.” (38)

FACTUAL BACKGROUND

Jessica became pregnant with X.D. while in a relationship with Raymon, who had a history of drug abuse and domestic violence against her. Two weeks after learning of the pregnancy, Raymon struck Jessica in the face

while she was pregnant, after which she left him and sought refuge in domestic-violence and sober-living facilities. Raymon made intermittent inquiries and provided money intended for Jessica and their older child, but did not promptly take legal action or provide meaningful support for X.D. during the pregnancy. X.D. was placed with Cliff and Rebecca immediately after birth and lived with them as his only parents; Raymon learned of the adoption and X.D.'s birth months later.

PROCEDURAL HISTORY

The prospective adoptive parents sought approval of their adoption of X.D. and termination of Raymon's parental rights. After a trial, the juvenile court found that Raymon qualified as a Kelsey S. father, ordered supervised visitation, and permitted the adoption to proceed only with his consent unless he was found unfit. The prospective adoptive parents, Jessica, and X.D. appealed. The Court of Appeal reversed, held that the trial court improperly excluded text-message screenshots and that substantial evidence did not support Kelsey S. status, and directed the trial court to enter an order permitting the adoption to proceed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must enter an order permitting the adoption to proceed.

CASES CITED

- Adoption of Kelsey S. (1992) 1 Cal.4th 816, 823, 849-850
- Adoption of Michael H. (1995) 10 Cal.4th 1043, 1052, 1054-1055, 1060
- People v. Goldsmith (2014) 59 Cal.4th 258, 267-268
- People v. Valdez (2011) 201 Cal.App.4th 1429, 1435
- People v. Rodriguez (1999) 20 Cal.4th 1, 9-10
- People v. Jacobs (2007) 156 Cal.App.4th 728, 740-741
- County of Kern v. T.C.E.F., Inc. (2016) 246 Cal.App.4th 301, 316
- People v. Calhoun (2019) 38 Cal.App.5th 275, 314-315
- People v. Perez (2017) 18 Cal.App.5th 598, 619, 621
- People v. Cruz (2020) 46 Cal.App.5th 715, 730
- People v. Flinner (2020) 10 Cal.5th 686, 729
- People v. Wilson (2021) 11 Cal.5th 259, 305
- People v. Flores (2020) 9 Cal.5th 371, 410
- People v. Doolin (2009) 45 Cal.4th 390, 438-439
- People v. Cudjo (1993) 6 Cal.4th 585, 609
- In re Tanis H. (1997) 59 Cal.App.4th 1218, 1228
- Francisco G. v. Superior Court (2001) 91 Cal.App.4th 586, 595

- Adoption of Arthur M. (2007) 149 Cal.App.4th 704, 721
- In re Elijah V. (2005) 127 Cal.App.4th 576, 583
- Adoption of H.R. (2012) 205 Cal.App.4th 455, 457-459, 466
- Adoption of Baby Boy W. (2014) 232 Cal.App.4th 438, 448, 452
- Adoption of O.M. (2008) 169 Cal.App.4th 672, 675, 679-680
- People v. Humphrey (1996) 13 Cal.4th 1073, 1079
- In re D.S. (2014) 230 Cal.App.4th 1238, 1246
- Adoption of A.S. (2012) 212 Cal.App.4th 188, 215, 218
- Adoption of Myah M. (2011) 201 Cal.App.4th 1518, 1539, 1543
- Cynthia D. v. Superior Court (1993) 5 Cal.4th 242, 258
- In re Hunter S. (2006) 142 Cal.App.4th 1497, 1508

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