

SUPREME COURT OF CALIFORNIA

Kings County Human Services Agency v. J.C.

52 Cal. 4th 231 (Cal. 2011) · Decided July 21, 2011

SUMMARY

The California Supreme Court held that a father whose parental rights were terminated, and who did not challenge that termination, lacked standing to appeal an order denying the dependent child’s grandparents’ petition for placement. The court explained that only a person whose rights or interests are immediately and substantially affected by an order may appeal. Because the father had acquiesced in the termination of his parental rights, reversal of the placement order would not advance any argument against termination.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                              |
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| COURT                 | Supreme Court of California                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Werdegar, J.; Cantil-Sakauye, C.J.; Kennard, J.; Baxter, J.; Chin, J.; Corrigan, J.; Gilbert, J.                                                                                                                                                                                             |
| JURISDICTION          | California                                                                                                                                                                                                                                                                                   |
| DECIDED               | July 21, 2011                                                                                                                                                                                                                                                                                |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Father appealed from a juvenile court order denying the dependent child's grandparents' petition to modify placement and from the judgment terminating his parental rights. The Court of Appeal dismissed father's appeal for lack of standing. The California Supreme Court granted review. |
| STANDARD OF REVIEW    | The court independently determined whether father was an aggrieved person with standing to appeal the placement order.                                                                                                                                                                       |
| PRECEDENTIAL VALUE    | Published California Supreme Court opinion; precedential.                                                                                                                                                                                                                                    |
| PARTIES               | J.C., father v. Kings County Human Services Agency                                                                                                                                                                                                                                           |

TOPICS

- appellate procedure
- family law procedure
- termination of parental rights
- parental rights
- child custody

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether a father whose parental rights have been terminated, and who does not challenge that termination, has standing to appeal an order denying the dependent child's grandparents' petition to modify the child's placement.

## HOLDINGS

1. A parent whose parental rights have been terminated has standing to appeal an order concerning the dependent child's placement only if reversal of the placement order would advance the parent's argument against termination of parental rights. Because father did not contest termination, he had no remaining legally cognizable interest that made him aggrieved by the placement order and therefore lacked standing to appeal it.

## KEY QUOTATIONS

*“We hold the father does not have standing to appeal the order concerning placement.” (234)*

*“A parent’s appeal from a judgment terminating parental rights confers standing to appeal an order concerning the dependent child’s placement only if the placement order’s reversal advances the parent’s argument against terminating parental rights.” (238-239)*

## FACTUAL BACKGROUND

K.C., a dependent child, was removed from his mother's custody and placed with a foster parent who wished to adopt him. K.C.'s paternal grandparents, with whom his siblings had been placed, petitioned to have K.C. placed with them, but the agency opposed placement based on concerns about the grandparents' household, parental access, and their ability to care for another child. The juvenile court denied the placement petition, selected adoption, and terminated the parents' rights; father did not challenge termination and argued only that the placement ruling should be reversed.

## PROCEDURAL HISTORY

The Kings County Juvenile Court denied the grandparents' Welfare and Institutions Code section 388 petition to modify the child's placement, selected adoption as the permanent plan, and terminated both parents' parental rights. Father appealed both rulings but challenged only the placement decision and did not contest termination of his parental rights. The Court of Appeal dismissed his appeal for lack of standing and also dismissed the grandparents' appeal as untimely. The Supreme Court affirmed.

## DISPOSITION

affirmed

## CASES CITED

- In re Esperanza C. (2008) 165 Cal.App.4th 1042, 1054, 1061-1062
- In re H.G. (2006) 146 Cal.App.4th 1, 10-11, 18
- In re Aaron R. (2005) 130 Cal.App.4th 697, 702-703
- In re L. Y. L. (2002) 101 Cal.App.4th 942, 948
- County of Alameda v. Carleson (1971) 5 Cal.3d 730, 737
- Estate of Colton (1912) 164 Cal. 1, 5
- In re Marilyn H. (1993) 5 Cal.4th 295, 306, 309
- In re Nolan W. (2009) 45 Cal.4th 1217, 1228
- In re A.M. (2008) 164 Cal.App.4th 914, 925
- In re Stephanie M. (1994) 7 Cal.4th 295, 317
- In re Carissa G. (1999) 76 Cal.App.4th 731, 736
- Cesar V. v. Superior Court (2001) 91 Cal.App.4th 1023, 1035

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