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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(El Dorado)

In re RHONDA J., a Person Coming Under
the Juvenile Court Law.

EL DORADO COUNTY DEPARTMENT OF SOCIAL
SERVICES,

Plaintiff and Respondent,

v.

NICOLE R.,

Defendant and Appellant.

C042637

(Super. Ct. No.
SDP20010012)

Nicole R. (appellant), the mother of Rhonda J. (the minor),
appeals from the juvenile court's order establishing guardianship
of the minor. (Welf. & Inst. Code, §§ 366.26, 395; further section
references are to this code.) She contends the court committed
reversible error in delegating to the minor's guardians the power
to determine whether visitation between appellant and the minor

will occur. We conclude that appellant has failed to preserve the issue for appeal. Accordingly, we shall affirm the order.

BACKGROUND

On July 26, 2001, the eleven-year-old minor was removed from parental custody and placed in foster care after her parents were arrested and incarcerated for leading Nevada and California law enforcement on a high-speed chase through the Sierra Nevada while fleeing in a stolen vehicle from an assault and burglary. The minor was in the car with her parents during the police pursuit. The parents had a significant history of criminal activity moving from state to state and, when arrested, they were in possession of numerous false identification papers.

On July 30, 2001, the El Dorado County Department of Social Services filed a section 300 petition, alleging the minor came within the provisions of section 300, subdivisions (b) and (g), due to her parents' negligence and criminal activity. The court sustained the allegations, adjudged the minor a dependent of the court, and ordered her detained in foster care. Visitation was provided for both parents.

At a contested 12-month review hearing on August 14, 2002, the court found that the parents had failed to complete the terms of the reunification plan. The court terminated reunification services and set a section 366.26 hearing.

At the section 366.26 hearing on November 13, 2002, the court found that, although the minor was adoptable, she was over the age of twelve and objected to adoption, wishing instead for a legal guardianship. Consequently, the court found that terminating

parental rights would be detrimental to the minor. (§ 366.26, subd. (c)(1)(B).)

Over the parents' objections, the court ordered guardianship as the permanent plan for the minor, appointed the legal guardians, and terminated dependency. As to visitation, the court stated: "Further visitation between the child and the parents would not be detrimental to the physical or well-being of the child. I want to reiterate once again I have heard today that the parents have discussed this matter with the child. I have heard from the child that that is distressing to her. She wants to visit with her parents, not listen to what's going on in this case or what's going to happen in the future. [¶] . . . [¶] . . . Visitation between the child and her parents may be continued at the discretion of the legal guardians. And I'm going to advise the parents again that it's at the discretion of the legal guardian and that any conduct between the parents and the child with regard to talking about this case will end any further visitation and telephone contact."

The written order signed by the court reads: "Visitation between the child[] and the parents . . . continue [] subject to the following conditions[:] At the discretion of the legal guardians."

At no time did appellant object in the juvenile court to the terms of the visitation order or make a request for a more specific order.

DISCUSSION

When a guardianship is established, the juvenile court must define the rights of the parties to visitation and shall make an order for visitation, unless it would be detrimental to the physical or emotional well-being of the child. (§ 366.26, subd. (c)(4).)

Appellant contends the court's visitation order improperly delegates authority to the guardians to determine the issue of visitation. The contention is waived because appellant did not raise the issue in the juvenile court. (*In re Richard K.* (1994) 25 Cal.App.4th 580, 590 ["As a general rule, a party is precluded from urging on appeal any point not raised in the trial court"]; cf. *In re Daniel C. H.* (1990) 220 Cal.App.3d 814, 838.)

We note, however, that although guardianship has been established and the dependency terminated, the juvenile court retains jurisdiction over the minor. (§§ 366.3, subd. (a), 366.4.) Thus, the visitation order contemplates that the court retains the ability to oversee the issue of visitation should it be unjustly denied or should the guardians become convinced further visitation is detrimental to the minor.

DISPOSITION

The order is affirmed.

SCOTLAND, P.J.

We concur:

DAVIS, J.

ROBIE, J.