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CERTIFIED FOR PUBLICATION

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re O. S., a Person Coming Under the Juvenile Court Law.	
SAN DIEGO COUNTY HEALTH AND HUMAN SERVICES AGENCY,  Plaintiff and Respondent,  v.  LEE C.,  Defendant and Appellant.	D040033, D040385  (Super. Ct. No. J512788)
In re O. S.  on Habeas Corpus.	ORDER MODIFYING OPINION  [ <b>NO CHANGE IN JUDGMENT</b> ]

THE COURT:

It is ordered that the opinion filed on October 23, 2002, be modified as follows:

1. On page 5, the second full paragraph, the first full sentence is deleted.

2. On page 6, the first paragraph, that portion of the last sentence that reads: "Because the issue was the termination of Lee's parental rights" is deleted and the words "Under the facts of this case" are inserted so that the sentence now reads:

Under the facts of this case, he had a constitutional right to effective counsel.

3. On page 7, the last paragraph, that portion of the paragraph that reads: "The Agency does not address the merits of Livingstone's competency, but merely asserts Lee did not suffer prejudice, because as an alleged father, he was not entitled to notice. However," is deleted so that the paragraph now begins with the word:

An

4. On page 8, the first full paragraph, the words "The Agency also" are deleted and the words "The Agency does not address the merits of counsel's competency, but" are inserted in their place so that the full sentence now reads:

The Agency does not address the merits of counsel's competency, but asserts Lee cannot establish prejudice because his motion would have failed as the Agency could not locate him with only his name.

**There is no change in the judgment.**

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KREMER, P. J.

Copies to: All parties