

## IN THE SUPREME COURT OF CALIFORNIA

IN RE PHOENIX H. et al., Persons Coming )  
Under the Juvenile Court Law. )

\_\_\_\_\_  
SAN DIEGO COUNTY HEALTH AND )  
HUMAN SERVICES AGENCY, )

Plaintiff and Respondent, )

v. )

M. H., )

Defendant and Appellant. )  
\_\_\_\_\_ )

S155556

Ct.App. 4/1 D050304

San Diego County  
Super. Ct. No. SJ11392

### MODIFICATION OF OPINION

#### THE COURT:

The opinion in this case, filed on December 21, 2009 and appearing at 47 Cal.4th 835, is modified by adding the following new paragraph as the second full paragraph on page 846 of the opinion:

Citing *In re Mary G.* (2007) 151 Cal.App.4th 184, M.H. argues she was denied equal protection of the law because ‘appellate courts around the state have adopted different procedures to follow when appointed counsel determines that there are no appealable issues under *Sade C.*’ The decision in *Mary G.* does not assist M.H. In *Mary G.*, a father who had voluntarily acknowledged paternity in Michigan was denied the status of a presumed parent even though he would have qualified as a presumed parent had he signed an identical form in California. The Court of Appeal held that the father was denied equal protection of the law because ‘the disparate treatment . . . is based solely on geography, and location of a father inside or outside the state bears no more relation to the purposes of the presumed father statute than differing locations of fathers within California.’ (*Id.* at p. 200.) Unlike the father in *Mary G.*, who was entitled to presumed parent status upon filing a proper acknowledgment of paternity either inside or outside California, M.H. was entitled to personally file a brief only upon a showing of good cause. Because M.H. made no such showing, the Court of Appeal did not abuse its

discretion. (Cf. *People v. Wilkinson* (2004) 33 Cal.4th 821, 838 [exercise of a prosecutor's discretion does not violate equal protection principles].)

There is no change in the judgment.