

I. THE FACT THAT ANOTHER MAN WAS J.'S BIOLOGICAL FATHER WAS IRRELEVANT FOR THE PURPOSES OF PRESUMED FATHER STATUS UNDER SECTION 7611.

The significance of presumed father status in a dependency case is that only presumed fathers are eligible for reunification services. (Welf. & Inst. Code §361.5 subd. (a); *In re A.A.* (2003) 114 Cal.App.4th 771, 779-780.) The purpose of reunification services is to maintain the child's existing family relationships, not to create new ones. (*In re Sarah C.* (1992) 8 Cal.App.4th 964, 975.) It is existing families that the dependency statutes seek to keep together. (*In re A.A., supra*, 114 Cal.App.4th at p. 788.) As the Court of Appeal and the Supreme Court have made clear, it is the existence of an existing parent-child relationship between the child and the person claiming presumed father status that is controlling in dependency cases. Where the man claiming presumed father status has a parent-child relationship with the child, the mere identification of another man as the biological father is insufficient to rebut the presumption in favor of the man who has the parent-child relationship with the child. Such a case is not an "appropriate case" in which to rely on biology to rebut the presumption under section 7612, subdivision (a). (See *e.g., In re Nicholas H.* (2002) 28 Cal.4th 56, 63 [fact that presumed father was not biological father did not rebut presumption where nonbiological father had parent-child relationship with the child]; *In re Elijah V.* (2005) 127 Cal.App.4th 576, 583-584 [presumption of paternity not rebutted where biological father failed to take any action to assume parental responsibilities]; *In re A.A., supra*, 114 Cal.App.4th 771, 788-789 [as a matter of law, presumption in favor of man with existing parent-child relationship not rebutted by evidence that another man who did not maintain a

relationship with the child was the biological father of the child]; *In re Kiana A.* (2001) 93 Cal.App.4th 1109, 1118-1119 [presumption not rebutted where biological father had no relationship with the child].) Here, T., not W., the biological father, had the existing parent-child relationship with the child. Consequently, this was not an appropriate case in which the juvenile court could find under section 7612, subdivision (a), that the presumption in T.'s favor was rebutted by W.'s biological contribution to J.'s existence, and therefore, the trial court was not permitted to engage in the weighing process mandated by section 7612, subdivision (b). (*In re A.A., supra*, 114 Cal.App.4th at 788. Compare, *In re Jesusa V.* (2004) 32 Cal.4th 588, 608 [where the biological father has obtained presumed father status, biology is merely one factor that the court must consider along with many others in engaging in the weighing process required by section 7612, subdivision (b)].)