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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

R.K.,

Petitioner,

v.

THE SUPERIOR COURT OF
SANTA BARBARA COUNTY,

Respondent;

SANTA BARBARA COUNTY
CHILD WELFARE SERVICES,

Real Party in Interest.

2d Juv. No. B280024
(Super. Ct. Nos. 1461156 &
1461157)
(Santa Barbara County)

R.K. petitions for extraordinary writ review of the
juvenile court's order terminating reunification services and

setting the matter for a permanency plan hearing. (Welf. & Inst. Code,¹ § 366.26, subd. (d)(1).) We deny the petition.

BACKGROUND

In May 2015, Santa Barbara County Child Welfare Services (the County) took R.K.'s daughters, C.K. and S.K., into protective custody. The juvenile court conducted a contested dispositional hearing that November, and declared C.K. and S.K. dependents of the court.

The court held a six-month review hearing in June 2016, and determined that R.K. had not received reasonable reunification services. It ordered services continued.

The court held a 12-month permanency hearing in July, just two weeks after the six-month review hearing. It found that the County had offered R.K. reasonable services during the preceding two weeks.² It ordered services continued for another six months, and set the matter for an 18-month permanency review hearing.

The case plan developed after the permanency hearing ordered R.K. to demonstrate an ability to care for his daughters, to express his anger appropriately, to develop positive support systems, to obtain a steady source of income, and to maintain contact with his social worker. R.K. and the social worker began biweekly meetings to review the plan, assisted by

¹ All further statutory references are to the Welfare and Institutions Code.

² We dismiss as moot R.K.'s appeal from this finding in a separate opinion (B276807).

an American Sign Language (ASL) interpreter.³ At the meetings R.K. reported that he was homeless. He had applied for Section 8 housing assistance. He was also looking into emergency housing. He was willing to live in a homeless shelter, but wanted help from the social worker to find something long term. He said that he had been unemployed since 2009, but did not need assistance to secure a job; he was using other services to find employment. He also received Social Security income.

R.K. attended therapy once or twice each week, where he addressed his parenting skills. During his sessions the therapist grew concerned that R.K. did not understand his problems with aggression and violence. The therapist also thought that R.K. would benefit from the presence of a second ASL interpreter to ensure that nothing was lost in translation. R.K. disliked the dual interpreters and left during one of the sessions.

R.K. had supervised two-hour visits with his daughters each week. He brought healthy foods to the visits. He would redirect the children when necessary. The social worker wanted to transition R.K. to unsupervised visits, but needed to ensure that he had auto insurance and car seats first.

After an interim status hearing in September, R.K. did not contact the County for nearly six weeks. During that time the social worker made multiple efforts to contact him. He stopped attending therapy. He missed three visits with his daughters. He later told the social worker he left to “think things through” and to look for work in other states.

³ An ASL interpreter was present at all of R.K.’s meetings with the social worker except for one, at which the social worker used an iPad to communicate with R.K.

R.K. contacted the County again in November. He said that his lack of communication was due to a broken phone. He confirmed that he had stopped attending therapy. Visits with his daughters resumed, but R.K. continued to miss meetings with his social worker and his therapist. He requested a new therapist, which the social worker attempted to secure.

Later that month, the County recommended termination of R.K.'s reunification services. R.K. remained homeless and unemployed. He did not meet the objectives in his case plan regarding his anger issues, therapy, stable housing and income, a support system, and contact with County officials.

At the conclusion of the 18-month permanency review hearing in January 2017, the juvenile court found that the County had provided R.K. with reasonable services. It found that the case plan was appropriate, but R.K. failed to complete it. He had not secured housing and had not made plans to have C.K. and S.K. live with him. He remained unemployed. He went on an extended trip without informing the County. He had no support system. The court found that returning R.K.'s daughters to him would create a substantial risk of detriment. It ordered cessation of services and set the matter for a hearing to terminate R.K.'s paternal rights.

DISCUSSION

Adequacy of Reunification Services

R.K. contends that he did not receive reasonable family reunification services from July to December 2016. We disagree.

Reunification services must be tailored to the specific needs of each family, and should be designed to eliminate those conditions that led to the juvenile court's jurisdictional finding.

(*Patricia W. v. Superior Court* (2016) 244 Cal.App.4th 397, 420.) When the parent has a developmental disability, “that condition must be the ‘starting point’ for a family reunification plan” (*Ibid.*) The providing agency must make “reasonable efforts” to help the parent comply with the reunification plan. (*Ibid.*) It remains the parent’s obligation to participate in reunification services. (*In re Raymond R.* (1994) 26 Cal.App.4th 436, 441.) That more reunification services could have been provided does not render the services unreasonable. (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.)

The juvenile court determines the reasonability of family reunification services by a preponderance of the evidence. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 595.) We review the court’s findings for substantial evidence. (*In re B.S.* (2012) 209 Cal.App.4th 246, 252.) In doing so, we view the evidence in a light most favorable to the County. (*In re Misako R., supra*, 2 Cal.App.4th at p. 545.) We do not reweigh evidence, judge witness credibility, or resolve conflicts in evidence. (*In re Casey D.* (1999) 70 Cal.App.4th 38, 52-53.) We draw all reasonable inferences in favor of the judgment. (*In re Misako R.*, at p. 545.) If “two or more inferences can reasonably be deduced from the facts,” we will not substitute our view of the evidence for that of the court below. (*Ibid.*) To decide whether the court properly found that the services provided to R.K. were reasonable, we examine the period from the 12-month permanency hearing until the 18-month permanency review hearing. (*Tonya M. v. Superior Court* (2007) 42 Cal.4th 836, 846.)

Substantial evidence supports the juvenile court’s determination that the County provided R.K. with reasonable reunification services. After the 12-month permanency hearing,

the County social worker met with R.K. four times to review the case plan before R.K. stopped attending their scheduled meetings. An ASL interpreter was present at all but one of these meetings. The social worker set up visits for R.K. and his daughters. She encouraged R.K. to utilize available resources to secure housing, and helped him with various applications. She pushed him to apply for food stamps and CalWorks benefits and to find employment. She provided R.K. with lists of support service providers. She requested therapists for R.K. after he stopped meeting with his previous provider. She reminded him about court dates. She attempted to contact him several times after he stopped attending their meetings.

These services were specifically tailored to the needs of R.K. and his daughters. They took into account R.K.'s disability, homelessness, and unemployment. They were focused on the goals outlined in the case plan. And even though R.K. stopped attending meetings and visitations, the social worker continued to reach out to him to ensure that he could take advantage of the services.

The juvenile court properly found that the County provided reasonable services to R.K. Accepting R.K.'s contention to the contrary would require this court to reweigh the evidence, something it cannot do.

Detriment to the Children

R.K. next claims that the juvenile court improperly found that reunification would pose a detriment to the safety and well-being of his daughters. Again, we review this claim for substantial evidence (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 763), and reject it.

A parent's failure to comply with a reunification plan is relevant to a finding of detriment. (*Jennifer A. v. Superior Court* (2004) 117 Cal.App.4th 1322, 1341.) So, too, is his or her living situation: In *Sue E. v. Superior Court* (1997) 54 Cal.App.4th 399, 404, for example, the parents' "inadequate" living environment, past neglect of their children, and failure to utilize offered services supported a finding of detriment. And in *In re John V.* (1992) 5 Cal.App.4th 1201, 1212-1213, instability in the mother's housing, employment, budgeting, and living partners supported a finding of detriment.

Here, R.K. failed to meet the objectives in his case plan. He did not have stable housing or employment. He had no family support system. He skipped meetings with the County social worker and quit attending therapy sessions. These facts provide substantial evidence to support the juvenile court's finding of detriment.

Denial of Additional Reunification Services

R.K. finally asserts that the juvenile court should have ordered continued reunification services beyond the 18-month review period. We disagree.

In general, the juvenile court lacks jurisdiction to extend reunification services past 18 months from the date of the children's removal from the parents' custody. (*Los Angeles County Dept. of Children etc. Services v. Superior Court* (1997) 60 Cal.App.4th 1088, 1091-1093.) The court has discretion to extend these services, for up to six months, upon a showing of good cause. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1016 (*Mark N.*), superseded by statute on another ground as stated in *Earl L. v. Superior Court* (2011) 199 Cal.App.4th 1490, 1504.) In exercising that discretion, the court should consider:

“the failure to offer or provide reasonable reunification services; the likelihood of success of further reunification services; whether [the children’s] need for a prompt resolution of [their] dependency status outweighs any benefit from further reunification services; and any other relevant factors the parties may bring to the court’s attention. [Citation.]” (*Id.* at p. 1017.)

Courts have found good cause to extend reunification services past 18 months when the agency failed to develop a reunification plan (*In re Dino E.* (1992) 6 Cal.App.4th 1768, 1778-1780), failed to accommodate a parent’s mental illness (*In re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1793-1796), or failed to provide reasonable services (*In re J.E.* (2016) 3 Cal.App.5th 557, 566-567; *In re Alvin R.* (2003) 108 Cal.App.4th 962, 973-974; *Renee J. v. Superior Court* (2002) 96 Cal.App.4th 1450, 1465-1466; *Mark N., supra*, 60 Cal.App.4th at p. 1016; *In re Daniel G.* (1994) 25 Cal.App.4th 1205, 1216-1217). But no similar circumstances were present here. The County developed a reunification plan for R.K. and his daughters. Both R.K.’s social worker and his therapist employed ASL interpreters. And the County provided reasonable reunification services to R.K. The juvenile court did not abuse its discretion when it declined to extend reunification services past 18 months.

DISPOSITION

We deny the petition for extraordinary writ.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Arthur A. Garcia, Judge

Superior Court County of Santa Barbara

Madeleine Nantze, for Petitioner.

No appearance for Respondent.

Michael C. Ghizzoni, County Counsel, Toni Lorien,
Senior Deputy County Counsel, for Real Party in Interest.