Filed 5/24/18 In re A.D. CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re A.D. et al., Persons Coming Under the Juvenile Court Law.	B283749 (Los Angeles County Super. Ct. No. DK21008)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. S.B., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County, Rudolph A. Diaz, Judge. Affirmed.

Cristina Gabrielidis, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

S.B. (mother) appeals from the juvenile court's denial of her request for a continuance for a contested disposition hearing; and the juvenile court's order removing her children A.D., age five, and A.P., age two,[1] from her custody pursuant to Welfare and Institutions Code sections 361, subdivision (c),[2] on the ground that the order was not supported by clear and convincing evidence. We conclude that the court did not abuse its discretion in denying mother's request for a continuance, and that there was substantial evidence to support the court's order removing the children from her custody. We therefore affirm.

BACKGROUND

I. Events leading to the dependency petition

At approximately 7:00 a.m. on December 25, 2016, A.P.'s father (hereafter father) arrived at mother's house after working a night shift. Shortly after he arrived, mother took his phone to, in her words, "search for . . . indications of infidelity as per our agreement to transparency." As father was sleeping in the bedroom, she threw the phone and it exploded on the kitchen floor. Father woke up to the smell of smoke and found his phone burned and broken into three pieces.

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[1] A.P. and A.D. have different fathers. Fathers are not a party to this appeal.

[2] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

The argument began to escalate, so mother put the children in their bedroom. The apartment was small enough that the children could hear voices in the living room and, sometimes, in the kitchen, from their bedroom. Father could hear the baby crying, so he went to pick her up to calm her down but mother blocked the entry to the children's bedroom. Father picked mother up and moved her to the side. He entered the children's bedroom and mother went to the kitchen. Father picked up the baby, and mother returned to the room carrying a foot-long kitchen knife. Father put the baby back in the crib, told the older daughter to watch her sister, and exited the bedroom after closing the door. Mother began "sticking" him with the knife and punching him with her other hand. Father pushed her away by hitting her in the sternum. As mother became more angry, she began to jab and slash at him with the knife.

Father was bleeding, and yelling loudly; mother and father could hear the baby crying in the bedroom. Mother started getting the children ready for church; shortly thereafter she left the apartment with the girls. Approximately five to 10 minutes later, mother returned to the apartment, leaving her children alone in the car with the engine running. Mother began hitting father and demanding he leave the apartment. She then returned to the kitchen as father began putting clothes in his bag. With his back turned to her, mother returned from the kitchen with the knife and stabbed him in the back. Father turned around and mother resumed swinging the knife and hitting him. At some point, father went back to packing his bag and mother stabbed him in the leg. Father grabbed the knife from mother and returned it to the kitchen. Meanwhile, mother threw father's bag outside. Father left the apartment to retrieve

his bag, mother chased him outside, and eventually she returned to her car. This second episode in the apartment lasted approximately 10 minutes.

After mother left with the children, father drove his car to church. By the time father arrived, he was bleeding profusely. A church member observed father bleeding and called the police and an ambulance. Mother fled with the children and father was transported to the hospital. Mother had cut father in the hand, upper left arm, lower rib area, shoulder blade, below the armpit, back, stomach, leg, and upper thigh. Father's injuries were not life-threatening, but some of his wounds required staples.

That day, the Los Angeles Department of Children and Family Services (DCFS) received an emergency referral that the children were the victims of emotional abuse by mother. An emergency worker with DCFS went to mother's home but was unable to gain access due to a security gate. The worker made contact with mother via telephone, but mother refused to meet with DCFS. Mother stated she would make herself and the children available the following day. The following day, the DCFS social worker assigned to the case contacted mother by phone. A woman answered the call, and the call then was disconnected.

The following day—December 27, 2016—the DCFS social worker made contact with mother and explained that it was very important that mother provide her with face-to-face contact with the children. Later that day, mother, the two children, and the maternal grandmother came to the DCFS office. The social worker observed no marks or other indications of physical abuse on the children. The older child was neatly groomed and dressed, and the infant, whom mother was breastfeeding, appeared

cranky. The DCFS worker explained to mother that she would need to hear mother's side of the story regarding the allegations. Mother called her attorney, and then stated that her attorney advised her to leave.[3]

The court granted DCFS's removal order on December 30, 2016. That day, the DCFS social worker attempted to call mother but there was no answer; she left a voicemail. She and another DCFS social worker made an unannounced visit to the mother's home. The lights were off in mother's apartment and the social workers were not able to gain access to the property.

On January 4, 2017, DCFS spoke with C.D. (father to A.D.), who confirmed that mother had dropped off the child four days prior, and that the child had been staying with him. A DCFS social worker attempted to call mother that day, but mother did not answer. The worker then sent mother a text asking her to "please call . . . right away in order to follow court orders." The worker received no response. Another DCFS worker spoke with father, who reported mother was not returning his calls and he did not have his child. The worker then informed father that DCFS had attempted to serve mother with a warrant, but she had fled with A.P. That worker also left mother a message to call him or her right away.

On January 9, 2017—the day of the detention hearing—mother called the court and gave them the address where A.P.

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[3] Although the report does not specifically state that mother left with the children, subsequent statements in the report indicate that she followed her attorney's advice and left the DCFS office with the children.

could be found. DCFS traveled to the area; by the time the detention hearing commenced, the child had been detained.[4]

II. Dependency Proceedings

On January 9, 2017, DCFS filed a petition alleging the court had dependency jurisdiction over the children under section 300, subdivisions (a) and (b)(1). At the detention hearing that same day, the trial court ordered the children detained from mother and released them to their respective fathers. The court ordered visits for mother three times a week, to be supervised by a DCFS approved monitor.

DCFS submitted its initial jurisdiction/disposition report on or about January 26, 2017. The report included summaries of interviews with mother, both fathers, a family friend from church, and police officers and a detective from the Los Angeles Police Department who responded to the 911 call at the church and conducted a criminal investigation against mother. The report also included DCFS's social study and the police report. The police officers stated that mother admitted to using methamphetamine on September 22, 2016, and had relapsed approximately one month prior. The family friend from church disclosed that he often saw father with "bumps and bruises," and that father admitted mother had caused them. The friend recalled an occasion approximately three to six months earlier when father told him mother "is trying to kill" him. The friend also disclosed that mother deliberately hit father with her car on one occasion.

The report noted that mother had not maintained contact with her DCFS social worker and had not made any

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[4] The record is silent as to how or where A.P. was eventually located.

arrangements to visit her children. The DCFS social worker had attempted to contact mother, but mother refused to talk with the social worker. The social worker eventually contacted mother's attorney, but he "was not cooperative" and hung up on her. The report also noted that the children were healthy and developmentally on target.

DCFS filed a first amended petition (FAP) on February 8, 2017 to add in the statement of facts supporting the petition that, in the fall of 2016, mother "ran over the father with her car resulting [in] the father landing and hanging on the hood of the car while the mother continued to drive at high speed," and "during late summer 2016, . . . mother engaged in violent . . . physical altercations swinging and punching" father.

A last minute information submitted to the court on the same date noted that the DCFS social worker handling the case spoke to mother on January 23, 2017 to inform her of the FAP. Mother stated, " 'shouldn't you be calling my attorney?' " The social worker asked mother to address the FAP, but mother refused and stated the social worker needed to contact her attorney.

Adjudication was originally set for February 8, 2017. On that date, the parties agreed to a continuance and set the hearing for February 28, 2017. The continuance was granted in part because Mother had been appointed a new attorney. Mother's attorney asked that the children's social worker and dependency investigator be on call for the February 28, 2017 hearing.

On February 21, 2017, mother's counsel submitted a witness list to the court, which included the following people: DCFS social worker and investigator, mother, father, A.D.'s

father, mother's apartment manager, the senior pastor at mother and father's church, and a member of mother and father's church.

DCFS submitted a last minute information for the court on or about February 23, 2017 reporting that mother had met with a DCFS social worker on February 21, 2017 with county counsel and mother's attorney present. Mother reported that father does not live with her and the children, and visited on the weekends. She stated that father had physically restrained her several times, and continued to harass her. She reported that father came to a hearing on her criminal case and attempted to approach her a few times, in violation of the restraining order he filed against her. Mother admitted to "poking" father several times with a knife on December 25, 2016, but stated her only intention was to intimidate father. Mother also reported that she felt "threatened" by father, that he "grabbed her and twisted her like a pretzel," and grabbed her neck. As for the incident in which she had allegedly hit father with her car, mother admitted the children were in the car but denied hitting father with her car. Instead, she stated, father "jumped on the hood of the car himself." Mother reported that she drove off with him hanging on the hood in order to intimidate him.

On February 28, 2017, the court continued the adjudication hearing to March 14, 2017, as county counsel was ill. Mother's attorney informed the court that she had subpoenaed a pastor from mother and father's church to be on call as a witness.

The adjudication hearing commenced on March 14, 2017. mother testified on March 29 and March 30, 2017. Mother repeatedly refused to admit that she had stabbed father on December 25, 2017; instead she insisted she was only "poking" and "lightly piercing" him. Mother testified that the children

were in the bedroom while she and father shouted at one another in the home and father had tried to take the knife from her.

Mother admitted that she left the children in the car when she returned to the apartment on December 25, 2017 after the initial altercation in the home. During this second altercation, mother testified that before she retrieved the knife from the kitchen, father "grabbed [her] by the throat." After she obtained the knife from the kitchen, she and father began to wrestle, at which time he twisted her arms up "like a pretzel" in order to take the knife away. At one point she stated that, after she "poke[d]" father in the leg, he stated he could "feel something rushing down his leg." Father then dropped his trousers and mother observed "blood going down his leg."

Mother testified about the incident in which she reportedly hit father with her car. She stated that both she and father were driving their cars on the freeway. The children were in the car with mother, and she was following father as he drove to his father's house. She admitted they were both driving at "high speeds." She stated that, when they arrived at the grandfather's house, mother drove while father was on the hood but denied she had hit him directly or had driven above 20 miles per hour while he was on the hood of the car. She testified that she drove for approximately ten minutes with father on the hood of the car.

Father testified about the car incident. He stated that he and mother were driving over 100 miles per hour on the freeway. Mother was beeping the horn, flashing her lights, and trying to bump his car on the freeway. Father began to cry when discussing the incident, and testified that he was concerned about his daughter's safety because of mother's speeding and erratic driving. Father testified that when they arrived at his father's

house, mother "zoom[ed]" the car towards him, causing him to go backwards. At that point he jumped on the car. Father testified that he stayed on the car because he did not want mother to continue driving recklessly with his daughter in the car. Father also stated that mother drove anywhere from 10 to 20 minutes with him on the car and drove approximately 60 to 70 miles per hour.

Mother denied ever punching father or inflicting bruises on him before to the December 25, 2016 incident; she only admitted to slapping him once. She testified he had grabbed and tried to restrain her many times in the past, but never struck her.

Mother admitted that she has used a belt on her children and hit them with her hand. She testified that the last time she used a belt on her older daughter was when the child was three years old. When asked if she ever used the belt on her daughter when the child was two years old, mother replied, "I don't recall."

After closing arguments, the court found the children to be dependents of the court. In issuing the ruling, the court commented on mother's "evasive and irresponsive" answers to the questions, whereas the court found father's answers to be more "spontaneous." The court observed that, "[b]y his emotions, you can tell he was reliving the experience." The court found father's account of the incident with the car to be credible and, overall, found mother's testimony not credible. The court concluded that mother was a danger to the children and commented, "I don't know what justification there is for hitting a three-year-old child with a belt. I can't imagine why anyone does that but she does."

After declaring the children dependents of the court, the trial court asked the parties if they were ready to proceed to disposition. Mother's counsel replied, "No. I ask for contested

disposition." The court asked mother's counsel what were her grounds for a continuance. Mother's counsel stated that there would be a request for a 52-week domestic violence course, which she and her client did not agree with. Mother's counsel noted that mother was already participating in individual therapy "addressing issues of this case." She also stated that she had mother's therapist and a number of character witnesses who are "aware of Mother's personality, as well as not having aggressive behavior." Mother's counsel also informed the court that mother was taking parenting classes, and would testify to "what she's learned." The court replied: "The court heard her testimony. She really did not own anything that the court just found true; so I'm really not sure what therapy did to assist [her]." The DCFS attorney opposed a continuance, as did the children's attorney who stated, "If Mother wants to testify, she can testify now. Today is the day the therapist should have been here. Whoever the character witnesses were should have been here. [¶] . . . [¶] I don't think Mother's counsel has accomplished good cause for continuance."

The court denied the continuance and found, by clear and convincing evidence, that, pursuant to sections 361, subdivision (c) and 362, subdivision (a), there would be a substantial danger to the physical health, safety, protection, and emotional well-being if the children were returned home. The court then stated there were "no reasonable means by which the children's physical health can be protected without removing the children from mother's physical custody" and that "reasonable efforts were made to prevent and eliminate the need for removal."

DISCUSSION

I. Mother's request for a continuance for a contested disposition hearing was properly denied

Mother argues that the court abused its discretion in denying her request for a continuance, and deprived her of her due process right to a contested hearing. For the reasons stated below, we disagree.

We review the denial of a continuance for abuse of discretion, bearing in mind that continuances are discouraged. (*In re Giovanni F.* (2010) 184 Cal.App.4th 594, 604–605.) Where, as here, the continuance would result in moving the dispositional hearing more than 60 days beyond the date when the child was detained by the juvenile court, the moving party must show both (1) good cause, and (2) "exceptional circumstances." (§ 352, subds. (a) & (b).) Here, the juvenile court did not abuse its discretion in denying the continuance because mother presented neither an exceptional circumstance nor good cause for a continuance.

The only grounds mother's counsel presented to justify a continuance were: (1) she would be opposing any request that mother take a 52-week domestic violence course; (2) a number of character witnesses could speak to mother's personality and lack of aggressive behavior; (3) she wanted mother to testify about what she had learned in her parenting classes.

Mother argues on appeal that the court abused its discretion by "charging forth" with disposition. Mother acknowledges, however, that, "[a]s a matter of practice, . . . 'the dispositional hearing often follows immediately after the jurisdictional hearing, and in some counties the social worker prepares a combined jurisdictional and dispositional court

report.'" If mother was unaware that the court planned to proceed directly to disposition after making its jurisdictional findings, she did not bring this to the court's attention. Nor does she make such an argument on appeal. The evidence suggests, to the contrary, that mother's counsel was put on notice that the court would move forward to disposition on the same day as the jurisdictional hearing. First, the social worker submitted a report entitled "Jurisdiction/Disposition Report" on or about January 26, 2017—two months before adjudication. Second, mother's counsel submitted a witness list which was prefaced by the statement that she "identifies the following potential witnesses for the hearing in the above-captioned case." Some of those witnesses—most notably mother's apartment manager, the senior pastor at her church, and a member of her church—were character witnesses whose testimony would not have been germane to the jurisdictional portion of the hearing. Mother's counsel informed the court that these witnesses planned to testify to mother's personality and lack of aggression, which is only relevant to disposition; she offered no explanation to at the hearing as to why those witnesses were not present at the hearing. The submission of this witness list in preparation for the jurisdictional hearing strongly suggests that mother's counsel was aware that disposition would likely immediately follow the jurisdictional hearing.

Mother also contends that the court precluded her from presenting evidence or argument on physical custody or other dispositional issues by limiting mother's testimony. At one point in the proceedings, mother began to testify about her relationship with father after the incident. The children's attorney objected; the court sustained the objection, stating, "[w]e are going into an

area I don't think addresses the allegations in the petition. Is this more disposition?" Mother's counsel replied, "No, Your Honor. I can move on." Based on this ruling, mother argues, the court limited her examination of the witnesses to focus exclusively on the jurisdictional allegations and gave her "no opportunity to present argument on the dispositional issues."

It is true that during the jurisdictional phase of the proceedings, the court precluded mother's counsel from veering into areas more relevant to disposition. This does not suggest that the court would have prevented mother from offering evidence or arguments on dispositional issues once the jurisdictional portion of the hearing had concluded. The court asked the parties if they were ready to proceed to disposition, and mother's counsel could have then called mother to testify about her relationship with father and about other issues related to disposition. Mother's counsel declined, ultimately admitting she was not prepared to go forward. Counsel's lack of preparation and failure to call witnesses—including those on the witness list filed over one month before the hearing—do not amount to a denial of mother's due process right to a contested disposition hearing.

II. The dispositional order

We review the juvenile court's dispositional order for substantial evidence. (*In re Kadence P.* (2015) 241 Cal.App.4th 1376, 1384.) In determining whether an order is supported by substantial evidence, we draw all reasonable inferences from the evidence in support of the dependency court's findings, and we " 'review the record in the light most favorable to the court's determinations.' " (*In re R.T.* (2017) 3 Cal.5th 622, 633.) "[I]ssues of fact and credibility are the province of the trial court,"

(*ibid.*) and we may not "consider whether there is evidence from which the dependency court could have drawn a different conclusion." (*In re Noe F.* (2013) 213 Cal.App.4th 358, 366.) "Appellant has the burden to show that the evidence was not sufficient to support the findings and orders. [Citation.] The reviewing court may not reweigh the evidence or express an independent judgment. [Citation.] Rather, the reviewing court must determine whether 'a reasonable trier of fact could have found for the [appellant] based on the whole record.' " (*In re Alexzander C.* (2017) 18 Cal.App.5th 438, 446.) The juvenile court's determination "will not be disturbed unless it exceeds the bounds of reason." (*In re Ricardo L.* (2003) 109 Cal.App.4th 552, 564.)

Before a dependent child may be taken from the physical custody of a parent, section 361, subdivision (c)(1) requires the juvenile court to find "clear and convincing evidence" of "a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the minor if the minor were returned home." (§ 361, subd. (c)(1).) "'The parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus . . . is on averting harm to the child.' " (*In re Miguel C.* (2011) 198 Cal.App.4th 965, 969.) "The court may consider a parent's past conduct as well as present circumstances." (*In re N.M.* (2011) 197 Cal.App.4th 159, 170.)

" ' "[D]omestic violence in the same household where children are living . . . is a failure to protect [the children] from the substantial risk of encountering the violence and suffering serious physical harm or illness from it." (*In re Heather A.* (1996) 52 Cal.App.4th 183, 194.) Children can be "put in a position of

physical danger from [spousal] violence" because, "for example, they could wander into the room where it was occurring and be accidentally hit by a thrown object, by a fist, arm, foot or leg" ' " (*In re R.C.* (2012) 210 Cal.App.4th 930, 941–942.) Moreover, " ' "[b]oth common sense and expert opinion indicate spousal abuse is detrimental to children." (*In re Benjamin D.* (1991) 227 Cal.App.3d 1464, 1470, fn. 5.)' " (*In re R.C.*, at p. 942.)

Substantial evidence supports the juvenile court's removal order in this case. A family friend from church disclosed that he often saw father with bumps and bruises that mother had inflicted upon him. On one occasion, father told the friend that mother was trying to kill him. The abuse later escalated to a point where mother stabbed father multiple times while her children were in the home. When she first approached father with a knife, he was holding their nine-month-old infant and was approaching a room where her three-year-old daughter could have easily seen her. Over the course of their argument, the children could have wandered into the room where mother and father were fighting and witnessed mother stabbing him. Worse, one of the children could have been severely injured by the knife mother wielded. Mother also left the children alone in a car with the ignition running in order to return to the apartment to confront father and then proceeded to stab him several times again. Such recklessness and poor judgment reflects mother's inability to shield her children from potential danger when she becomes angry.

In addition to exposing her children to such extreme violence against father, mother has also beaten her three-year-old daughter with a belt. And, the evidence demonstrates that

she drove up to 100 miles per hour on a freeway to chase father while the children were in the car. While chasing him, she attempted to "bump his car" on the freeway. When they arrived at the paternal grandfather's house, mother drove directly toward father as he was standing in front of the car. She then drove for up to 20 minutes at 60 to 70 miles per hour with father on the hood of her car, putting her own life, the children's lives, and father's life at risk. Mother presented an altogether different story when she testified she had never attempted to hit father with her car, and only drove 20 miles per hour with him on the hood. The court, however, did not find mother's version credible and instead credited father's account of the incident. Factual findings and credibility issues are squarely within the province of the trial court; as such, we do not consider whether there is evidence from which the court could have favored mother's account of the incident. (*In re R.T., supra,* 3 Cal.5th at p. 633; *In re Noe F., supra,* 213 Cal.App.4th at p. 366.)

Mother also would not take responsibility for her abusive behavior. She could not admit during her testimony that she stabbed father, despite the fact that she witnessed blood rushing down his leg and he ultimately required staples to treat his injuries. Instead, she insisted that she merely "poked" and "lightly pierced" him. Critically, mother opposed the idea of participating in a domestic violence course, indicating she was not prepared to do the work necessary to remedy the behavior that endangered her children in the first place.

Given mother's history of dangerous, volatile behavior toward father, her inability to shield her children from danger when angry, and her history of physically abusing her three-year-

old daughter, we conclude there is ample evidence supporting the court's dispositional order.

Mother also argues that the dispositional order should be reversed because there is no evidence DCFS made any reasonable efforts to avoid removing the children from mother's physical custody. While we agree DCFS erred in failing to demonstrate reasonable efforts were made, we find such error was harmless.

In making a determination that a dependent child should be taken from the physical custody of his or her parents, the court must find "there are no reasonable means by which the minor's physical health can be protected without removing" the child from parental custody. (§ 361, subd. (c)(1).) Our rules of court also require DCFS's social study to include "[a] discussion of the reasonable efforts made to prevent or eliminate removal." (Cal. Rules of Court, rule 5.690(a)(1)(B)(1).) Failure of the court to make such findings, and of DCFS to include such discussion in the social study, is error. (*In re Ashly F.* (2014) 225 Cal.App.4th 803, 810.) It is "prejudicial error" when there is "[a]mple evidence of 'reasonable means' to protect" children in their home. (*Ibid.*) Such error is harmless, however, when " 'it is not reasonably probable such finding, if made, would have been in favor of continued parental custody.' " (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1218, quoting *In re Clyde H.* (1979) 92 Cal.App.3d 338, 346–347.)

In its combined jurisdictional and dispositional report, under the heading "Reasonable Efforts," only one sentence appears: "On 01/09/16, at the Detention hearing, the Court found that reasonable efforts were made, as to the children [A.D.] and [A.P.], by the [DCFS] to prevent or eliminate the need for the child's removal from home." Not only does this section of the

report fail to discuss what *specific* reasonable efforts the agency had made to prevent removal from mother's physical custody, there is also no such discussion elsewhere in the report. Nor is there any language in the transcript of the disposition hearing, or any other proceeding before the court in this case, to suggest that DCFS or county counsel informed the court of any reasonable efforts. While DCFS may have made reasonable efforts to prevent the children's initial detention, DCFS failed to document or otherwise inform the court of any efforts they may have made between the detention hearing and the dispositional phase of the proceedings. We can therefore only conclude that DCFS did not make reasonable efforts to prevent removal of the children from mother's physical custody.

Citing *In re Henry V.* (2004) 119 Cal.App.4th 522, and *In re Ashly F.*, *supra*, 225 Cal.App.4th 803, mother suggests that the court could have maintained the children with mother "conditioned on [her] complete stay away from father," could have ordered in-home counseling services, and could have imposed "stringent conditions of supervision by DCFS such as unannounced visits." These cases are readily distinguishable.

In *In re Henry V.*, *supra*, 119 Cal.App.4th 522, there was only one, single incident of physical abuse. (*Id.* at p. 529.) While intensive monitoring by DCFS may be sufficient to avoid the need for removal after a single incident of physical abuse, the case before us involved much more than a single incident. As discussed above, mother had previously physically assaulted father. She admitted hitting her child with a belt, left her children in a car unattended to assault father, and engaged in extremely reckless driving while her children were in the car.

In *In re Ashly F.*, *supra*, 225 Cal.App.4th 803, mother—the offending parent—expressed remorse, took parenting classes, and expressed a willingness to take an anger management course. (*Id*. at pp. 808, 810.) We concluded there that the court should at least have considered placing the children in the family home with father, removing mother from the home, ordering in-home counseling services and public health nursing services, and imposing unannounced DCFS visits. We did not at all suggest in *Ashly* that the trial court should have considered returning the children to the offending parent. Furthermore, unlike the mother in *Ashly*, mother here *opposed* the recommendation that she take a domestic violence course, nor has she expressed remorse. To the contrary, mother has vastly minimized her history of violence and even appeared to justify her behavior by claiming that father was violating their "transparency agreement." *Ashly* does not assist mother in her effort to demonstrate that reasonable efforts could have prevented the removal of her children from her custody. We therefore conclude that DCFS's error in failing to make reasonable efforts to prevent removal from mother's physical custody is harmless.

DISPOSITION

The trial court's dispositional order is affirmed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

CHANEY, Acting P. J. BENDIX, J.