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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re J.R. et al., Persons Coming
Under the Juvenile Court Law.

B279920

(Los Angeles County
Super. Ct. No. CK66731)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

GIA D.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Margaret S. Henry, Judge. Affirmed.

Maryann M. Goode, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Jessica S. Mitchell, Deputy County Counsel, for Plaintiff and Respondent.

Gia D. (Mother) appeals from the juvenile court's order terminating her family reunification services at an 18-month review hearing held pursuant to Welfare and Institutions Code¹ section 366.22. Mother contends that the court erred in failing to extend her services beyond the 18-month statutory limit because the services provided to her were not reasonable. We affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

I. Section 300 Petition

Mother has two minor children – J.R. (a boy born August 2002) and C.A. (a boy born November 2007).² Mother also has two adult children from a previous relationship. The family has been the subject of several prior dependency cases based, in part, on Mother's history of substance abuse. On June 19, 2015, the Department of Children and Family Services (DCFS) filed the current dependency petition on behalf of J.R. and C.A. pursuant to section 300, subdivisions (a), (b), and (j). The petition alleged that Mother's live-in boyfriend, Ronald T., had physically abused C.A. by hitting and pushing the child, that he had a history of engaging in violent altercations with Mother in the family's home, and that he had possessed and used illicit drugs in the children's presence. The petition further alleged that Mother had a history of illicit drug use including cocaine and marijuana, that she was a current abuser of marijuana while the children were in

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

² J.R. and C.A. have different fathers, and the whereabouts of each child's alleged father have been unknown during these proceedings.

her care, and that she had placed J.R. in a detrimental situation by blowing marijuana smoke into the child's mouth to treat his asthma. It was alleged that Mother's substance abuse and failure to protect the children from Ronald T. endangered their health and safety and placed them at risk of serious physical harm.

At a detention hearing held on June 19, 2015, the juvenile court found that there was prima facie evidence that J.R. and C.A. were persons described by section 300, and ordered them detained from Mother and placed in foster care pending an adjudication hearing. Mother was granted monitored visitation with the children and family reunification services, including a referral for on-demand drug testing.

II. Jurisdiction and Disposition Hearing

Following their detention, J.R. and C.A. originally were placed together in foster care. In early August 2015, however, C.A. was moved to a different foster home due to his aggressive behavior and suicidal ideation. On August 19, 2015, DCFS interviewed each child about the allegations in the petition. In his interview, then 13-year-old J.R. indicated that Mother's boyfriend, Ronald, had perpetrated domestic violence against Mother in the children's presence. Mother called the police during some of these altercations, but she later allowed Ronald to return to the family's home. J.R. also reported that Ronald had physically abused C.A. by throwing a chair at the child, hitting him with a tinfoil box, and forcefully shaking him with his hands. J.R. further stated Ronald would smoke marijuana and snort powder in the family's home, and that Mother would smoke marijuana in her bedroom. Mother also would blow smoke in the

children's faces when they were sick "to make [them] feel better," and she had last done so a few months earlier. In his interview, then seven-year-old C.A. confirmed that Ronald was physically abusive toward Mother, and that he had hit C.A. with a chair and a box in Mother's presence. C.A. denied that he ever saw Mother or Ronald using drugs, or that Mother blew cigarette smoke in his or J.R.'s faces. Both children conveyed that they wanted to return to Mother's care, but they did not want Ronald to continue residing in the family's home.

In an August 24, 2015 interview with DCFS, Mother indicated that Ronald had committed acts of domestic violence against her in the past, but denied that these incidents occurred in the children's presence. Mother also admitted that, following a February 2015 incident in which Ronald grabbed her by the neck and repeatedly punched her in the face, Mother allowed Ronald to return to the family's home. Ronald was convicted of domestic violence in May 2015, and Mother was told that he would be incarcerated for up to one year. Mother denied that Ronald had abused the children, and claimed that they merely engaged in horseplay. She also denied that she had ever seen Ronald using drugs. Mother admitted that she had a long history of drug use and that cocaine was her "drug of choice" in the past. She further disclosed that she had been smoking marijuana since she was a child, and that she currently had a medical marijuana card to treat a damaged disc in her back. Mother stated that she stored the marijuana in her dresser and only smoked it when the children were asleep or at school. She denied that she ever blew marijuana smoke in the children's faces. Mother reported that she was planning to move to Sacramento to be near her family

and was waiting to receive a Section 8 voucher to assist with housing in that area.

In September 2015, J.R. and C.A. were placed together in a new foster home. DCFS reported that Mother had begun having monitored visits with the children, and had received a referral for random drug testing. Mother failed to submit to her scheduled drug tests on August 26, August 28, and September 1, 2015, and tested positive for marijuana on September 21, 2015.

On September 30, 2015, the juvenile court held the jurisdiction and disposition hearing. The court sustained the petition and declared J.R. and C.A. dependents of the court pursuant to section 300, subdivisions (b) and (j). The court further ordered that the children be removed from Mother's custody and suitably placed in foster care. Mother was granted monitored visitation with the children, and ordered to participate in family reunification services, including a domestic violence support group, individual counseling, parenting education, and on-demand drug testing.

During the jurisdiction and disposition hearing, Mother's counsel informed the court that Mother had received a Section 8 housing voucher to move to Sacramento, and requested that the case be transferred to Sacramento County. The court denied the request, noting that "this is an L.A. County case, and the children are placed here in Los Angeles." In response, Mother stated, "I'm going. I don't care what [the court] says. I'm getting the hell out of L.A." The matter was set for a six-month review hearing in March 2016.

III. Six-Month Review Hearing

In its six-month status review report, DCFS stated that J.R. and C.A. had been removed from their foster care placement due to concerns about the caregiver. The agency was unable to find an alternative placement that would accept both children, and as a result, they were placed in different foster homes. J.R. had been diagnosed with an adjustment disorder and was attending individual counseling. C.A. had been diagnosed with a mood disorder, depression, and attention deficit disorder, and was prescribed psychotropic medication. Both children appeared to be doing well in their current placements, but conveyed that they wanted to be reunified with Mother.

DCFS reported that Mother had been evicted from her apartment due to her failure to pay the rent and had moved into the maternal grandmother's home. Mother told DCFS that she was in the process of relocating to Sacramento and planned to move there as soon as she was able to secure housing. DCFS also reported that, as of March 2016, Mother was not in compliance with her court-ordered case plan. She had refused to enroll in a parenting education program, and told the case social worker, "I don't need parenting. I won't do it. I don't get along with other people." Since the jurisdiction and disposition hearing, Mother had submitted to one on-demand drug test on December 2, 2015, and tested positive for marijuana on that occasion. She failed to appear for drug tests on November 13, November 30, December 7, and December 29, 2015, and January 7 and 19, 2016. When asked about her non-compliance, Mother told DCFS that she thought she had been excused from drug testing. She also said that she had difficulty urinating for the scheduled tests.

In its report, DCFS stated that Mother had maintained consistent monitored visitation with the children and had regular telephone contact with them. Mother appeared to be bonded with the children, provided them with clothing, shoes and other necessities during the visits, and had a strong desire to reunify with them. DCFS was concerned, however, about Mother's lack of compliance with her case plan and failure to understand that such compliance was necessary for reunification. Despite lengthy discussions with the case social worker, Mother remained unwilling to participate in all of her court-ordered programs and continued to blame DCFS for the children's removal from her care. DCFS recommended that the juvenile court continue its dependency jurisdiction over J.R. and C.A., and grant Mother additional reunification services.

On March 30, 2016, the juvenile court held a six-month review hearing. The court expressed concern that Mother was not complying with her case plan, and explained that the children could not be returned to her care without substantial compliance. The court found that continued jurisdiction over the children was necessary, and ordered that they remain suitably placed in foster care. The court further found that reasonable services had been provided, and directed DCFS to continue providing Mother with all previously ordered services. Mother's counsel again requested that the case be transferred to Sacramento based on Mother's stated intent to move there in the near future. The court denied the request, but noted that Mother could appear telephonically at the next hearing if she had relocated to Sacramento by that date. The matter was set for a 12-month review hearing in August 2016.

IV. 12-Month Review Hearing

In its 12-month status review report, DCFS noted that J.R. and C.A. continued to reside in separate foster homes. Both children appeared to be adjusting to their placements and had indicated that they wished to remain in their respective foster homes until they could return to Mother's care. Mother was still residing with the maternal grandmother in Los Angeles, but told DCFS that she had received Section 8 housing assistance in Sacramento and planned to move there by the end of the month. Mother also said she had a relative in Sacramento who might be able to provide a placement for the children.

In its report, DCFS stated that Mother still was not in compliance with her case plan and had made minimal progress in her court-ordered programs. She continued to refuse to enroll in a parenting education program, claiming that she not get along with other people and that she would not be able to remain calm if other participants made comments with which she disagreed. As of July 2016, Mother had attended 39 individual counseling sessions to address domestic violence issues. The counselor reported that Mother had made good progress in her sessions, had demonstrated a strong level of awareness regarding her responsibility to protect her children from any form of abuse, and had successfully completed her individual counseling program. Mother also informed DCFS that she was seeking mental health services because she had been diagnosed with bipolar disorder and schizophrenia, and was taking prescribed psychotropic medication.

With respect to the drug testing component of Mother's case plan, DCFS reported that Mother had not submitted to any drug tests since the last hearing. Mother admitted that she

continued to use medical marijuana, but claimed that she could not comply with on-demand drug tests due to her medical issues. After discussing the matter with Mother, the case social worker called the office of Mother's doctor and was advised that Mother would need to sign a release authorizing her doctor to disclose her relevant medical information to DCFS. The case social worker then informed Mother that DCFS would need her written consent to obtain information about her reported inability to submit to on-demand drug tests. Mother stated that she would follow through with DCFS's request.

In its report, the DCFS described Mother as being highly aggressive, volatile, and uncooperative in her interactions with the agency. She refused to take responsibility for her conduct, continued to blame DCFS for the children's removal from her care, and failed to demonstrate any progress in developing her parenting skills. DCFS requested a 90-day continuance of the 12-month review hearing to allow the agency an opportunity to obtain the requested medical release from Mother regarding her condition and to investigate a possible relative placement for the children in Sacramento.

On August 17, 2016, the juvenile court held a 12-month review hearing. Mother's counsel submitted on DCFS's recommendation for a 90-day continuance. In response, the court stated: "It's an odd recommendation because [DCFS] is saying Mother's progress is minimal. I'm supposed to be making findings every six months." Mother's counsel noted that Mother had been making progress in her individual counseling and that she intended to enroll in a parenting education program once she moved to Sacramento. Mother's counsel also informed the court: "I did inquire of my client regarding the medical condition that

makes it difficult for her to drug test. She did clarify with me that she does have a damaged disc, which affects the nerve, which makes it almost impossible to provide a urine sample on demand like that. She is attempting to obtain a medical letter that clarifies that.” Mother’s counsel asked the court to continue the hearing for 90 days while DCFS explored a possible relative placement in Sacramento. The court granted the request and continued the hearing to November 16, 2016. The court also gave DCFS the discretion to place the children with a relative in Sacramento if the home was approved for such placement.

In a supplemental report dated November 16, 2016, DCFS stated that Mother had moved to Sacramento in late August 2016. Prior to moving, Mother had been participating in individual counseling and her counselor reported that she had met her treatment goals. Mother continued to refuse to enroll in a parenting education program due to her self-reported anger management issues and inability to control herself in group discussions. Mother also had not submitted to any drug tests since the last hearing and maintained that medical issues prevented her from testing. However, Mother had not provided any medical documentation to DCFS regarding her condition and reported inability to submit to an on-demand urine test. Additionally, in October 2016, Mother informed DCFS that she had lost her housing in Sacramento and had been sleeping at the homes of family and friends. Mother had not enrolled in any additional programs since her move, and indicated that she did not have time to comply with her case plan.

DCFS further reported that it had been unable to place the children with maternal relatives in Sacramento because the family had not responded to the agency’s requests for live scan

fingerprinting. The case social worker continued to search for an appropriate sibling placement in Los Angeles, but still had not found a foster home that would accept both children. In its report, DCFS assessed that the children remained at a very high risk of harm if they were returned to Mother's custody. The agency reasoned that Mother had not demonstrated any change in her behaviors or parenting skills, and had not made any progress in reunifying with her children despite being offered all necessary court-ordered services. DCFS recommended that the court terminate Mother's family reunification services and set a section 366.26 hearing for the selection and implementation of a permanent plan for both children.

On November 16, 2016, the juvenile court held the continued 12-month review hearing. Counsel for the children requested that DCFS move C.A. to a different foster home because an agency investigation of C.A.'s current placement had revealed that the caregiver had a history of physical abuse, general neglect, and inappropriate discipline. The court granted the request and ordered that C.A. be placed in a new foster home. Mother's counsel asked for a contested hearing on the issue of whether Mother's reunification services should be terminated. Her counsel also requested that the children be placed together somewhere closer to Sacramento, or alternatively, that the case be transferred to Sacramento County. The court set the matter for a contested hearing to be held on December 19, 2016, but refused to transfer the case while the termination of reunification services was pending before the court. The court also denied the request to move the children to a foster home near Sacramento because an out-of-county placement would preclude DCFS from providing services to them.

V. 18-Month Review Hearing and Termination of Mother's Reunification Services

For the December 16, 2016 hearing, DCFS reported that Mother had contacted the agency on November 17, 2016, and expressed that she wanted to enroll in a parenting program in Sacramento. The case social worker accordingly provided Mother with a referral for a program near her Sacramento address. However, Mother later informed DCFS that she was still living in Los Angeles because she had difficulty obtaining a bus ticket to Sacramento, and she asked for a referral to a parenting program in Los Angeles. In response, the case social worker provided Mother with multiple referrals. By December 16, 2016, Mother reported that she had enrolled in a Los Angeles-based parenting program and had attended two sessions. DCFS also reported that it was seeking a new placement for C.A. to comply with the court's order that the child be moved, but there currently were no available foster homes that could accommodate him. DCFS continued to assess that the children would be at a very high risk of harm if they were returned to Mother's custody because Mother had failed to complete her court-ordered case plan, and had failed to demonstrate any significant change in her behavior or growth in her parenting skills. The agency also noted that Mother did not have stable housing or the ability to care for the children. DCFS continued to recommend that Mother's reunification services be terminated.

On December 19, 2016, the juvenile court called the matter for a contested hearing on whether Mother's reunification services should be terminated. The court admitted into evidence the various reports submitted by DCFS and took judicial notice of

the sustained section 300 petition and Mother's case plan. The court then heard argument from counsel.

Mother's counsel argued that Mother had made progress in her case plan because she had attended individual counseling, recently had begun attending a parenting program, and had maintained regular contact and visitation with the children. Her counsel acknowledged that Mother had not complied with drug testing, but asserted that she had "neurological problems" which made it difficult for her to submit a urine sample. Mother's counsel also stated that Mother would be willing to submit to another method of drug testing such as a blood test or a hair follicle test. Mother's counsel believed there were "a couple of months left" before the 18-month review date, and requested that Mother be granted additional reunification services until that date because she had shown progress and remained the "best . . . option" for the children. Counsel for the children also requested that the court order further reunification services for Mother "at a minimum to the [18-month review] date," including other options for drug testing. The children's counsel argued that the best interests of J.R. and C.A. were not being served by their current placements and that continuing Mother's reunification services until the next hearing would allow her an opportunity to reunify with them.

In response, counsel for DCFS advised the court that the case currently was at the 18-month review date given that the children were detained from Mother on June 19, 2015. DCFS's counsel requested that the court terminate reunification services for Mother because she had only attended a couple of parenting classes, she had not submitted to any drug tests within the past year, and she had not demonstrated any significant changes in

her behavior. DCFS's counsel acknowledged that Mother reportedly had medical issues that precluded her from providing a urine sample for drug testing, but asserted that she had failed to present any medical documentation to support her claim despite repeated requests from the agency.

The juvenile court agreed with counsel for DCFS that the case was at the 18-month review hearing date. The court found that continued jurisdiction over the children was necessary and that Mother had made minimal progress toward alleviating the conditions that led to the children's removal from her custody. The court further found that DCFS had made reasonable efforts to enable to children to safely return home, and that the services provided to Mother were reasonable. The court terminated Mother's reunification services and ordered that the children remain placed in foster care. The court declined, however, to set a section 366.26 hearing at that time based on a finding that the children were not proper subjects for adoption or a legal guardianship. The court also admonished DCFS to immediately place C.A. in a new foster home in accordance with its prior order. Following the hearing, Mother filed an appeal from the order terminating her reunification services.

DISCUSSION

On appeal, Mother argues that the juvenile court erred in terminating her family reunification services at the 18-month review hearing. Mother specifically contends that the evidence was insufficient to support the court's finding that the services provided to her were reasonable. Mother also asserts that the court erroneously may have assumed it lacked the authority to

extend reunification services beyond the 18-month review hearing when it ordered that Mother's services be terminated.

I. Summary of Applicable Legal Principles

For a dependent child three years of age or older, California law generally requires that a parent be provided with 12 months of family reunification services. (§ 361.5, subd. (a)(1)(A).) The juvenile court may extend reunification services “up to a maximum time period not to exceed 18 months after the date the child was originally removed from the physical custody of his or her parent” if it finds that there is a substantial probability the child can be returned to parental custody within the extended time period or that reasonable services have not been provided to the parent. (§§ 361.5, subd (a)(3)(A); see also 366.21, subd. (g).)

At the 18-month permanency review hearing, the juvenile court must order a child returned to the custody of his or her parent unless it finds that the return of the child will create a substantial risk of detriment to his or her safety, protection, or physical or emotional well-being. (§ 366.22, subd. (a)(1).) When a child is not returned to parental custody at the permanency review hearing, the court must terminate reunification services and order a hearing pursuant to section 366.26.³ (§ 366.22, subd. (a)(3).) “Absent extraordinary circumstances, the 18-month

³ The court is not required to set a section 366.26 hearing if it finds that the child is not a proper subject for adoption and there is no one willing to accept legal guardianship as of the 18-month review hearing date. (§ 366.22, subd. (a)(3).) In this case, the juvenile court made such a finding for both J.R. and C.A. at the December 19, 2006 hearing, and accordingly, did not set a section 366.26 hearing at that time.

review hearing constitutes a critical juncture at which ‘the court must return children to their parents and thereby achieve the goal of family preservation or terminate services and proceed to devising a permanent plan for the children.’ [Citations.]”

(*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 596.)

“Once reunification services are ordered terminated, the focus shifts to the needs of the child for permanency and stability.’

[Citation.]” (*In re A.J.* (2015) 239 Cal.App.4th 154, 163.)

In certain circumstances, section 366.22 authorizes the juvenile court to extend reunification services up to a period of 24 months to a parent who is making substantial progress in a residential substance abuse treatment program, who is a minor or a non-minor dependent, or who recently was discharged from incarceration or institutionalization. (§ 366.22, subd. (b).)

Additionally, there are cases holding that the juvenile court has discretion to continue the 18-month permanency review hearing under section 352 and to extend reunification services beyond the 18-month statutory limit, “but only under extraordinary circumstances ‘involv[ing] some external factor which prevented the parent from participating in the case plan.’” (*Denny H. v.*

Superior Court (2005) 131 Cal.App.4th 1501, 1510; see also *Andrea L. v. Superior Court* (1998) 64 Cal.App.4th 1377, 1388

[juvenile court may exercise discretion to extend family reunification services where “extraordinary circumstances . . . militated in favor of extension . . . beyond the 18-month limit”];

In re Elizabeth R. (1995) 35 Cal.App.4th 1774, 1792 [juvenile court has discretion “in a special needs case” to extend the 18-month statutory reunification period].) Generally, where

“extraordinary special needs are not at issue, . . . the juvenile court’s extension of services beyond 18 months [is] an abuse of

discretion and in excess of its jurisdiction, as limited by statute.” (*Denny H. v. Superior Court*, *supra*, 131 Cal.App.4th at p. 1511.)

We review the juvenile court’s finding that reasonable services were provided to a parent for substantial evidence. (*In re T.G.* (2010) 188 Cal.App.4th 687, 697; *Amanda H. v. Superior Court* (2008) 166 Cal.App.4th 1340, 1346.) Under this standard of review, “we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court . . . [and] review the record in the light most favorable to the court’s determinations.” (*In re I.J.* (2013) 56 Cal.4th 766, 773.) We review the juvenile court’s decision whether to extend family reunification services beyond the 18-month statutory limit for an abuse of discretion. (*In re J.E.* (2016) 3 Cal.App.5th 557, 567.)

II. The Juvenile Court Did Not Err In Terminating Mother’s Reunification Services

Mother argues that the juvenile court erred in terminating her reunification services at the December 19, 2016 hearing because the evidence was insufficient to support a finding that the services provided to her were reasonable under the circumstances of the case.⁴ Mother specifically asserts that DCFS failed to provide her with reasonable services because it never offered her an alternative method of drug testing despite being informed by Mother that medical issues precluded her from submitting to an on-demand urinalysis test.

⁴ Mother concedes that the juvenile court properly treated the December 19, 2016 hearing as an 18-month permanency review hearing because the children originally were removed from her physical custody on June 19, 2015.

To support a finding that reasonable services were provided to a parent, “the record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult.’ [Citation.] The ‘adequacy of reunification plans and the reasonableness of the [agency’s] efforts are judged according to the circumstances of each case.’ [Citation.] Reunification services should be tailored to the particular needs of the family. [Citation.] The social services agency must make a ‘good faith effort’ to provide reasonable services that are responsive to each family’s unique needs. [Citation.] ‘The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.’ [Citation.]” (*In re J.E.*, supra, 3 Cal.App.5th at pp. 566-567.)

Viewing the evidence in the light most favorable to the juvenile court’s ruling, we conclude that the evidence was sufficient to support the finding that the reunification services provided to Mother were reasonable. The record reflects that the juvenile court sustained the section 300 petition based, in part, on Mother’s history of illicit drug use including cocaine and marijuana, her current abuse of medical marijuana when the children were in her care, and her practice of blowing marijuana smoke into J.R.’s mouth as a method of treating his asthma. At the September 30, 2015 jurisdiction and disposition hearing, the court accordingly ordered Mother to participate in on-demand drug testing, a parenting education program, and individual counseling as part of her reunification services.

By the six-month review hearing, DCFS had provided Mother with referrals for her court-ordered programs and enrolled her in a on-demand drug testing program. The case social worker also made monthly progress checks with Mother to assess her compliance with her case plan. During that review period, Mother submitted to one on-demand drug test in December 2015 and missed six other scheduled tests. When the case social worker followed up with Mother about her non-compliance, Mother stated that she thought she was excused from drug testing. She also reported that she had difficulty urinating for her scheduled drug tests, but did not provide any other information about her condition at that time. At the six-month review hearing held on March 30, 2016, Mother appeared with counsel. In response to the juvenile court's stated concerns about Mother's lack of compliance with her case plan, her counsel asked that the case be transferred to Sacramento where Mother planned to move, but did not address Mother's reported inability to submit to urinalysis or request another form of drug testing.

By the 12-month review hearing, Mother had not submitted to any additional drug tests. During a July 2016 meeting with DCFS, Mother reported that she was unable to participate in random drug testing because of her ongoing medical issues. The parties agreed that DCFS would request a letter from Mother's doctor regarding her inability to submit to the on-demand drug tests. The case social worker accordingly contacted the office of Mother's doctor, but was advised by the records clerk that Mother would have to sign a letter authorizing the release of her medical information to DCFS. The case social worker immediately informed Mother that DCFS would need her written consent to obtain the relevant medical information from her doctor.

Although Mother stated that she would follow through with DCFS's request, she never did. At the 12-month review hearing held on August 17, 2016, Mother's counsel advised the juvenile court that Mother had a damaged disc which "makes it almost impossible to provide a urine sample on demand," and that she was "attempting to obtain a medical letter that clarifies that." DCFS requested the 12-month review hearing be continued to allow Mother additional time to obtain the requested medical release and the agency an opportunity to investigate a possible relative placement for the children. The juvenile court granted the request; however, when the parties appeared for the continued hearing on November 16, 2016, Mother still had not provided DCFS with any medical documentation to support her lack of compliance with drug testing, nor had she offered any explanation for her failure to do so.

As of the 18-month review hearing held on December 16, 2016, Mother still was not in compliance with her case plan. She had not submitted to any drug tests within the past year and had only recently enrolled in a parenting education program. DCFS reported that the case social worker had provided Mother with appropriate referrals for her court-ordered programs, had given Mother a monthly bus pass to attend her programs and to visit the children, and had met with Mother on a regular basis to monitor her progress with her case plan. DCFS also reported that, despite these efforts to assist Mother in reunifying with the children, Mother had not exhibited any significant change in her behavior or growth in her parenting skills. At the 18-month review hearing, Mother's counsel acknowledged that Mother had not complied with the drug testing component of her case plan. Mother's counsel nevertheless requested that the juvenile court

extend Mother's reunification services, and stated for the first time that Mother would be willing to submit to an alternative method of testing such as a blood test or a hair follicle test.

While Mother argues on appeal that DCFS failed to provide her with reasonable services by not offering her an alternative method of drug testing, it is undisputed that Mother never provided DCFS with any medical documentation to support her refusal to submit to urinalysis despite repeated requests from the agency. Nor did Mother make any attempt to inquire about alternative testing methods prior to the 18-month review hearing. The standard applied is whether the services that were provided by the agency were reasonable under the circumstances of the case. Given DCFS's consistent efforts to assist Mother in complying with her case plan, there was substantial evidence to support the juvenile court's finding that the services offered to Mother were reasonable.

Mother also contends that the juvenile court erroneously may have concluded that it did not have the authority to extend her reunification services beyond the 18-month statutory limit. In support of this argument, Mother appears to rely on the following statement made by the juvenile court at the December 19, 2016 hearing: "We are at a [366.22 hearing]. I have to terminate reunification services at this time, but at the next review hearing, you can ask for another six months of reunification services because that's always an option, keep attending parenting, visiting, whatever you need to do, but I can't make legal findings to continue reunification services at this time." We disagree with Mother's assertion that the juvenile court may have failed to understand the scope of its authority at the 18-month permanency review hearing.

As discussed, section 366.22 provides that, subject to certain statutory exceptions not applicable here, the juvenile court must either order the return of a dependent child to parental custody at the 18-month review hearing or terminate reunification services and set a section 366.26 hearing. (§ 366.22, subd. (a) [if “the child is not returned to a parent or legal guardian at the permanency review hearing, the court shall order that a hearing be held pursuant to Section 366.26” and “shall also order termination of reunification services to the parent or legal guardian”]. Although there are cases holding that the court has discretion to continue the 18-month review hearing under section 352 and extend reunification services beyond the 18-month statutory limit, those cases uniformly have involved exceptional circumstances not present here, such as an external factor that thwarted the parent’s efforts at reunification. (See, e.g., *Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1012, 1015, [child welfare agency failed to contact the father “during 13 months of the 17-month reunification period” and “failed to make any effort to reunify the incarcerated father and his daughter”]; *In re Elizabeth R.*, *supra*, 35 Cal.App.4th at pp. 1790-1791 [mother was hospitalized during most of the reunification period, and after she was released, the child welfare agency attempted to restrict visitation]; *In re Daniel G.* (1994) 25 Cal.App.4th 1205, 1209, [reunification services provided by the child welfare agency were a “disgrace”]; *In re Dino E.* (1992) 6 Cal.App.4th 1768, 1777-1778, [child welfare agency never developed a reunification plan for the father].) While Mother argues that DCFS should have offered her alternative methods of drug testing as part of her reunification plan, she has not shown the existence of any exceptional circumstance that would warrant the extension of her

services beyond the 18-month statutory limit. Because the record does not support Mother's contention that DCFS failed to provide her with reasonable services, the juvenile court did not err in terminating Mother's reunification services at the 18-month permanency review hearing.

DISPOSITION

The juvenile court's December 19, 2016 order terminating Mother's reunification services is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.