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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re A.M., a Person Coming Under the Juvenile Court Law.

LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES,

Defendant and Appellant.

Plaintiff and Respondent,

v.

LUCILLE C.,

Defendant and Appellant.

B287869 (Los Angeles County Super. Ct. No. DK17547)

APPEAL from an order of the Superior Court of Los Angeles County, Kristen Byrdsong, Commissioner. Affirmed. Roni Keller, under appointment by the Court of Appeal, for

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, Sally Son, Deputy County Counsel, for Plaintiff and Respondent.

I. INTRODUCTION

This case returns to us for a second time. In our prior opinion (case no. B279293), we rejected challenges by Lucille C., legal guardian and maternal great grandmother of A.M., to the juvenile court's jurisdictional findings under Welfare and Institutions Code section 300¹ and dispositional orders. In this appeal, legal guardian challenges the juvenile court's order terminating her family reunification services. We affirm.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. Facts and procedural background from prior opinion.

"A.M. was born in February 2014. Her mother, Destiny S. (mother) was 18 years of age and still on probation after being recently released from juvenile hall in a neighboring county. In her young life before the initiation of dependency proceedings, A.M. lived with mother; mother and alleged father; mother, alleged father, and alleged father's extended family; great grandmother; and great grandmother and one or more of great grandmother's friends. The adults and child traversed Riverside, San Bernardino, and Los Angeles counties. Stable housing proved elusive; at various times mother and great grandmother were transient or homeless. The adult relationships were fraught with violence, allegations of violence, various police contacts, and several restraining orders.

All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² "Mother and alleged father are not married, and the juvenile court has not made a paternity finding. Alleged father is not involved in this appeal."

"At times, when A.M. was in her great grandmother's care, mother's and/or alleged father's whereabouts were unknown. On these occasions, great grandmother reported mother and alleged father to a child protection agency for general neglect of A.M. Great grandmother has accused mother repeatedly of physically abusing A.M. and consistently reported that mother has mental and emotional problems. Numerous complaints by great grandmother were investigated, but no agency ever removed A.M. from mother's care based on abuse or neglect.

"By mutual consent between mother and great grandmother, A.M. lived with great grandmother for much of 2015. Great grandmother initiated temporary legal guardianship of A.M. through the probate court in San Bernardino County.³ Hearings were scheduled in July and November 2015. At that time, mother was apparently amenable to the legal guardianship. The alleged father could not be located and served, however, so the matter was continued to January 2016.

"After the November 2015 hearing, great grandmother sought mother's arrest for taking the child without permission. The police mistakenly believed great grandmother was already the legal guardian and returned the child to her. Mother and great grandmother appeared for the January 2016 hearing. Mother no longer consented to the legal guardianship, and the San Bernardino County probate court returned the child to mother.

"As of April 29, 2016, the date of the guardianship hearing, great grandmother had not seen A.M. 'in almost five months.'
For some period of time before this hearing, great grandmother

³ "The record on appeal does not contain copies of any San Bernardino court documents."

was residing in Riverside County, so the San Bernardino County probate court referred the matter to the Riverside County Department of Public Protective Services for evaluation. Great grandmother refused to cooperate with the Riverside case worker, insisting instead that mother should be investigated. The case worker recommended denial of great grandmother's petition for temporary legal guardianship of A.M. Great grandmother did not have the child in her care and stable housing remained an issue. At one point, great grandmother was living in a motel in Victorville, but would not agree to a home evaluation or a LiveScan. The investigator reported '[t]here is no evidence [A.M.] has been abused or neglected by her mother.' Great grandmother also refused to cooperate with the San Bernardino County probate case worker.

"Neither A.M. nor mother was present for the April 29, 2016 hearing. Great grandmother's petition was granted and she became A.M.'s legal guardian. She did not attempt to take custody of, or see, A.M. after the hearing.

"Legal guardian explained she was residing in Santa Monica with her longtime companion, Charles B., and had taken the train to San Bernardino for the hearing. She had the address for A.M. and mother in Riverside County; but it was late in the day, she was tied to the train schedule and, in any event, she somehow misplaced the legal guardianship paperwork after the hearing.

"Legal guardian remained in Santa Monica for several days until her financial situation permitted her to travel to the home where mother was renting a room. Instead of assuming custody and care of A.M. then, she rented a room in the home as well and permitted the child to remain in mother's care for approximately two and one-half weeks. During this time legal guardian reported to other residents of the house that mother was physically abusing A.M.; according to legal guardian, the other residents never heard or saw any abuse. (Once these dependency proceedings were initiated, legal guardian consistently repeated the allegations that she heard mother physically and verbally abuse A.M. while she was in a room next door.)

"Legal guardian did not intervene until May 17, 2016. The details are not clear in the reports; but police were called to the home and legal guardian took A.M. and returned to the residence in Santa Monica she shared with Charles B.

"Legal guardian took A.M. to a hospital in Santa Monica on May 19, 2016, later telling the social worker 'she decided to take the child to the ER to make sure that the child did not have any internal injuries and because she wanted to clear her name in case anything did happen to the child.' Then two-year-old A.M. had healed scratch or gouge marks on her neck and a chipped front tooth. Otherwise, her examination results, including skeletal x-rays, were normal.

"Legal guardian recounted to hospital personnel that she recently obtained a court-ordered guardianship in San Bernardino and "left the child in the care of mother . . . to see if mother was able to handle the child. During this time, the legal guardian heard mother hitting, slapping, scratching, and screaming at the child. The legal guardian did not intervene during this time." Legal guardian would not provide a home address to hospital personnel. A.M. was immediately removed from legal guardian's care.

"Section 300 Petition and Detention Hearing

"The Los Angeles County Department of Children and Family Services (DCFS) filed a section 300 petition on May 24, 2016, alleging 'there is a substantial risk [of] . . . serious physical harm . . . as a result of the failure or inability of . . . [A.M's] . . . guardian to adequately supervise or protect' her. (§ 300, subd. (b)(1).) Reiterating the legal guardian's complaints concerning mother's mental and emotional problems and physical abuse of the child, the petition alleged legal guardian knowingly left A.M. in mother's care instead of asserting her guardianship right.

"DCFS reports provided the following family information: Legal guardian was 79 years of age when these proceedings began. She is mother's paternal grandmother. Mother's parents lost custody of mother when she was very young, and mother primarily resided with legal guardian most of her life. Legal guardian adopted mother when they were living in San Diego. Mother was removed from legal guardian's custody during the adoption process and the adoption was delayed almost two years because legal guardian refused to cooperate with case workers or leave Charles B.'s home.

"During mother's childhood, legal guardian was also caring for mother's paternal half-sibling, but child protective services removed that child from legal guardian's care. Legal guardian faulted mother and the half-sibling's maternal relatives for the child's removal; mother stated legal guardian abused her halfsibling.

"Charles B. was a grandfather figure during mother's childhood, and legal guardian was residing in his apartment when A.M.'s guardianship petition was granted. The record

contains several suggestions that Charles B. has been accused of child molestation. Nothing, including Charles B.'s legal name, had yet been confirmed or refuted. He declined a LiveScan, and the legal guardian stated she had no information concerning his true legal name or the abuse allegations.

"Mother had a juvenile delinquency arrest record that includes allegations of violence against the half-sibling and legal guardian. The record is not clear as to the dispositions for most of the offenses, but, as previously mentioned, mother was released from juvenile hall shortly before A.M.'s birth.

"The detention hearing concluded with the juvenile court ordering A.M. to remain in foster care. At legal guardian's request, the juvenile court issued a restraining order to protect legal guardian from mother.

"Jurisdiction/Disposition Hearing

"The matter was set for hearing on August 3, 2016. The court denied legal guardian's request to extend the restraining order against mother. The matter was continued until October 11, 2016, for a contested hearing.

"Documents were received into evidence. A.M. has been assessed with developmental delays, including a speech impairment that may be related to enlarged adenoids. One assessment report indicated A.M.'s 'trauma exposure is pronounced.' She engaged in stress-related behaviors, such as biting her arm and lower lip and pulling her hair.

"Legal guardian testified at the contested hearing. The juvenile court amended the petition at the hearing by striking the allegation that legal guardian witnessed mother physically strike A.M. on one occasion. The juvenile court sustained the petition

as amended. The juvenile court further found by clear and convincing evidence that A.M. could not safely be returned to legal guardian's care and ordered family reunification services and monitored visits for legal guardian. Over the objection by counsel for legal guardian, the juvenile court also ordered an Evidence Code section 730 evaluation for legal guardian 'based on what the court saw during testimony.'

"Legal guardian timely appealed. (§ 395, subd. (a)(1).)" (*In re A.M.* (May 18, 2017) B279293 [unpublished opinion].)

- B. Facts and procedural background after prior opinion.
 - 1. The Six-Month Status Review Hearing
 - a. The April 10, 2017 Status Review Report.

On April 10, 2017, DCFS filed a Status Review Report for the six-month review hearing.⁴ In the report, DCFS stated legal guardian was in partial compliance with the court-ordered case plan. She had completed parenting and anger management classes and was participating in conjoint counseling with A.M. She was cooperating with DCFS and meeting with her social worker on a regular basis. She had enrolled in individual counseling in June 2016 but had attended only four sessions.

According to the report, when a social worker asked legal guardian about the incident in which she released A.M. to mother even though she had concerns about mother, legal guardian responded that was a false narrative and law enforcement and DCFS lied about her. Legal guardian asserted the case was without merit and "for no legal reason."

The Department removed A.M. from legal guardian on May 19, 2016. The April 10, 2017 hearing took place approximately eleven months after A.M.'s removal.

The report noted that A.M. had been examined at the Children's Hospital Foster Care Hub and found to have a speech impediment. She was referred to the Regional Center and found to have delays in cognitive, motor, and communication development. A.M. had not received in-home services, however, because legal guardian refused to sign the consent forms.

DCFS reported that legal guardian had weekly monitored visits with A.M. Initially, the visits were monitored by a foster agency and there were problems with legal guardian losing her temper, being argumentative, and refusing to comply with redirections. After A.M. was placed in a new foster home in October 2016 and DCFS staff began to monitor legal guardian's visits, no further problems were reported and legal guardian was compliant.

DCFS opined that it would not be safe to return A.M. either to legal guardian's or mother's care. Because legal guardian had not fully complied with the court ordered case plan and had not completed any significant individual therapy, she had not made adequate progress in eliminating the risk factors that brought the case to DCFS's attention. It recommended that the juvenile court grant legal guardian an additional six months of family reunification services.

b. The April 10, 2017 Six-Month Review Hearing At the April 10, 2017, status review hearing, at legal guardian's request, the juvenile court set the matter for a contested hearing concerning A.M.'s return to legal guardian's home. It ordered DCFS to meet with legal guardian concerning Regional Center services and granted legal guardian two-hour unmonitored visits with A.M.

c. The June 8, 2017 Contested Six-Month Status Review Hearing

In a May 25, 2017, Last Minute Information for the Court, DCFS reported that legal guardian's two-hour unmonitored visits with A.M. were further liberalized to four hours at the recommendation of their family therapist. DCFS also reported that legal guardian had not signed the consent forms for A.M. to receive Regional Center services apparently due to confusion over which center would provide services.

Legal guardian's Evidence Code section 730 evaluation had been completed. It addressed the likelihood that legal guardian would physically or emotionally abuse A.M., assessed the relationship between legal guardian and A.M., and made recommendations for mental health services. The evaluator reported that legal guardian was calm and cooperative and engaged with her.

Legal guardian did not appear to the evaluator to be guarded and was open and honest about her understanding of the case. Her mood was normal. There was no evidence of hallucinations or delusions and she did not demonstrate symptoms of psychosis, mood instability, or depression. Her insight and judgment were fair and her mental status was stable and within normal limits.

The evaluator noted that although legal guardian left A.M. with mother for 20 days after she was granted guardianship, legal guardian was adamant she did not violate the conditions of the guardianship. Legal guardian appeared to be confused about the 20-day period. Her confusion did not appear to be volitional and she did not have symptoms of memory challenges that warranted a clinical diagnosis.

Legal guardian appeared to be genuinely interested in caring for A.M. and motivated to regain full custody of her. She did not appear to pose a high risk for physical or emotional abuse of A.M. She had a bond with A.M. As for DCFS's concern that legal guardian would soon turn age 80, the evaluator stated that legal guardian had good energy, was motivated, and did not appear to be suffering from a cognitive deficit or mental illness that would affect her ability to care for A.M.

At the June 8, 2017 hearing, the juvenile court determined that continued jurisdiction was necessary and the return of A.M. to legal guardian would create a substantial risk of detriment to A.M.'s physical and emotional well-being. It also found legal guardian was in partial compliance with the case plan.

The Eighteen-Month Status Review Hearing⁵
 a. The November 28, 2017 Status Review Report

In its Status Review Report dated November 28, 2017, DCFS asserted that legal guardian demonstrated resistance to participating in therapy on a consistent basis. She had begun, but had not completed, two different programs before enrolling in a third program with which she was compliant.⁶ Legal guardian

The juvenile court set the November 28, 2017 hearing as a "21f/22" hearing, meaning the court combined the twelve-month and eighteen-month review hearings under sections 366.21, subdivision (f) and 366.22, presumably because eighteen months had passed since DCFS removed A.M. from legal guardian in May 2016.

⁶ In a letter dated October 19, 2017, therapist Lyn Rosenzweig informed DCFS that legal guardian had attended

told the social worker that she did not need therapy and the risk factors in the case were not valid. She also asserted, in various meetings with the social worker, that the "whole case" had been a miscarriage of justice and all of the sustained counts against her were falsehoods fabricated by the police and DCFS.

DCFS also reported that legal guardian's visits with A.M. had gone well and had been liberalized to overnight visits, the first of which took place on August 25, 2017. DCFS learned shortly afterwards, however, that legal guardian allowed Douglas S., maternal grandfather, to visit A.M. In 1994, Douglas S. was charged with inflicting willful cruelty on and causing the death of a child—apparently his son and mother's brother—and "plead[ed] to manslaughter." He was sentenced to two years in prison. In 2011, Douglas S. was charged with assaulting then 16-year-old mother and sentenced to one year in prison.

Shortly after the visit, the social worker asked legal guardian if she had permitted any family members to visit A.M. She responded that she had invited her son Douglas S. to visit. She asked the social worker, "[D]id I do something wrong, you didn't tell me that he was not allowed to visit?"

In a later meeting with the social worker, legal guardian claimed not to be fully aware of Douglas S.'s criminal and child welfare history. She denied that she used poor judgment or that A.M. was in danger because she was present during Douglas S.'s visit.

Mother told the social worker that Douglas S.'s presence on August 25, was not a chance meeting—he frequently visited legal

eleven individual therapy sessions since July 11, 2017 and had "consistently arrived on time, paid promptly, and participated in the therapeutic process."

guardian and spent the night. Mother considered Douglas S. to be a serious threat to A.M.'s safety.

In September 2017, DCFS suspended A.M.'s overnight visits at legal guardian's home. It reinstated legal guardian's four-hour unmonitored day visits on the conditions that she not take A.M. to her home or permit Douglas S. to have contact with A.M.

On October 2, 2017, A.M.'s foster mother reported that during legal guardian's third day visit, on September 30, legal guardian lost her temper, yelled at the foster mother in a restaurant, followed the foster mother to the parking lot, and continued to yell at the foster mother. The foster mother refused to have anything further to do with legal guardian. As a result, DCFS was required to place A.M. in a new foster home. According to DCFS, "[t]his was the second replacement because of [legal guardian's] inappropriate interactions with the child's caregivers."

Legal guardian denied losing her temper with the foster mother, explaining, "God blessed me with a loud voice." She further explained the foster mother provoked the disagreement when she tried to cut short the visit by 30 minutes because legal guardian had been late returning A.M. the prior week.

b. The November 28, 2017 Eighteen-Month Review Hearing

At the November 28, 2017 status review hearing, at mother's request, the court set the matter for contest on January 8, 2018, regarding the termination of family reunification services.

After the status review hearing, mother filed a section 388 petition. The juvenile court granted a hearing on the petition and set the matter also for January 8, 2018.

c. Contested Eighteen-Month Status Review
Hearing and Hearing on Mother's Section 388
Petition

At the contested eighteen-month review hearing, legal guardian's counsel requested that the court return A.M. to legal guardian's care. She argued that legal guardian had participated in the court-ordered case plan and continued to participate in the plan, including individual therapy. She stated that legal guardian had been having unmonitored visitation with A.M. since April 2017. The reports concerning contact with Douglas S. were inaccurate. Once legal guardian was informed of the issue with Douglas S., she no longer allowed him around A.M. Legal guardian believed that A.M. could safely be returned to her.

If the juvenile court was not inclined to return A.M. to legal guardian's custody, legal guardian asked the court to grant her additional family reunification services and continue the case to the 24-month review hearing under section 366.25 because she was actively participating in her case plan and believed she could reunify with A.M. by that date.

Counsel for A.M. joined DCFS's recommendation that the juvenile court terminate legal guardian's family reunification services. She argued that, after receiving eighteen months of family reunification services, legal guardian had not shown she was addressing the issues that gave rise to the dependency case or had benefited from the services. Counsel echoed DCFS's assertions that legal guardian had resisted participation in

therapy, lacked insight about why the case was initiated, and believed the case was a miscarriage of justice.

A.M.'s counsel also contended that despite legal guardian's participation in an anger management program, her conduct was still "incredibly inappropriate," as when she lost her temper and yelled at A.M.'s foster mother in a restaurant. In addition, legal guardian had allowed ongoing contact with Douglas S. despite being instructed not to allow contact with him. According to counsel, when a social worker spoke with A.M. on December 29, A.M. said there is a man who participates in her visits and she identified Douglas S. as her "daddy."

Counsel for legal guardian responded that there was no indication that legal guardian had allowed Douglas S. to have contact with A.M. after legal guardian was advised not to allow contact. A.M. recognized Douglas S., counsel argued, because he was her grandfather.

The juvenile court found that legal guardian had been provided reasonable family reunification services but she failed to show she benefited from the services. Legal guardian also failed to take responsibility for her actions, acted inappropriately in front of A.M., and allowed A.M. to have unmonitored contact with Douglas S. Concluding legal guardian failed to show she had gained insight from her family reunification services, the juvenile court terminated the services.

The juvenile court granted mother's section 388 petition in part and ordered DCFS to provide her family reunification services.

III. DISCUSSION

Legal guardian contends the juvenile court abused its discretion when it terminated her family reunification services. We disagree.

A. Standard of Review

A juvenile court's ruling on a request to extend family reunification services beyond the statutory limit in section 361.5 is reviewed for an abuse of discretion. (*In re J.E.* (2016) 3 Cal.App.5th 557, 567.)

B. Analysis

Section 361.5, subdivision (a) provides that "whenever a child is removed from a parent's or guardian's custody, the juvenile court shall order the social worker to provide child welfare services" to any parent or guardian deemed eligible for reunification services. For a child who is under three years old when removed from parental custody, services shall be provided "no longer than 12 months from the date the child entered foster care . . . unless the child is returned to the home of the parent or guardian." (§ 361.5, subd. (a)(1)(B).) Services can be extended "up to a maximum time period not to exceed 18 months after the date the child was originally removed" from parental custody if the court finds that there is a substantial probability the child will be returned to the parent's or guardian's custody within the extended time period or that reasonable services have not been provided. (§ 361.5, subd. (a)(3)(A).)

As relevant here, section 366.22 states that a permanency review hearing "shall occur within 18 months after the date the child was originally removed from the physical custody of his or her parent or legal guardian." (§ 366.22, subd. (a)(1).) The juvenile court must return the child to the parent or guardian at the 18-month review hearing unless the court finds, by a preponderance of the evidence, that returning the child would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being. (*Ibid.*) Subject to certain exceptions, 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" to determine whether adoption, guardianship, or foster care is the best plan for the child. (§ 366.22, subd. (a)(3).)

In 2009, the Legislature amended section 366.22 to specify three circumstances in which the juvenile court may continue the case for up to six months for a subsequent permanency review hearing. (See § 366.22, subd. (b).) The court must find it is in the child's best interests to have additional services provided to (1) a parent or guardian making significant progress in a substance abuse treatment program; (2) a parent who was either a minor parent or a dependent parent at the time of the initial hearing and is making significant progress in establishing a safe home for the child's return; or (3) a parent who was recently discharged from incarceration, institutionalization, or the custody of the United States Department of Homeland Security and is making significant progress in establishing a safe home for the child's return. (*Ibid.*) For one of these exceptions to apply, the juvenile court must also find that there is a substantial probability the child will be returned to the parent's or guardian's custody within the extended time period or that reasonable services have not been provided. (*Ibid*.)

Here, the juvenile court terminated legal guardian's family reunification services based on its finding that she had been provided reasonable reunification services but failed to show she benefited from them. The court concluded that legal guardian had failed to take responsibility for her actions, acted inappropriately in front of A.M., and allowed A.M. to have unmonitored contact with Douglas S.

Legal guardian contends the juvenile court's termination of her family reunification services was an abuse of discretion because she had participated in services, she had consistent unmonitored visits and conjoint therapy with A.M., they had a bond, and she was capable of caring for A.M. She argues she therefore satisfied the criteria of section 366.22, subdivision (b).

But section 366.22, subdivision (b), as mentioned, applies only to "a parent or legal guardian who is making significant and consistent progress in a court-ordered residential substance abuse treatment program, a parent who was either a minor parent or a nonminor dependent parent at the time of the initial hearing making significant and consistent progress in establishing a safe home for the child's return, or a parent recently discharged from incarceration, institutionalization, or the custody of the United States Department of Homeland Security and making significant and consistent progress in establishing a safe home for the child's return " (§ 366.22, subd. (b).) There is no evidence that legal guardian falls into any of these categories.

Legal guardian also contends she was entitled to continued family reunification services because the juvenile court did not set the section 366.26 selection and implementation hearing but instead granted mother reunification services under her section 388 petition. Legal guardian appears to argue that in granting mother reunification services, the juvenile court "extend[ed] the reunification period" for legal guardian as well and was required to grant her additional reunification services.

Legal guardian provides no legal authority to support this contention and we have found none. (Cf. *In re Jesse W.* (2007) 157 Cal.App.4th 49, 59 ["The statutory scheme allows services to be provided for one parent but not the other. [Citations.] The court's determinations regarding whether to order services, and which particular services to offer, are necessarily made as to each parent individually. [Citations.] Indeed, at each review hearing, the court must evaluate the efforts or progress toward reunification made by each parent individually by considering 'the extent to which he or she availed himself or herself [of] services provided.' [Citations.]" (emphasis omitted)].) The juvenile court's decision to grant reunification services to mother did not prevent the court from terminating the services legal guardian had received for the last eighteen months.

In certain circumstances, a court may extend reunification services beyond the eighteen-month review hearing under section 352, which authorizes juvenile courts, on a showing of good cause, to "continue any hearing under this chapter beyond the time limit within which the hearing is otherwise required to be held, provided that no continuance shall be granted that is contrary to the interest of the minor." (§ 352, subd. (a); see *T.J. v. Superior Court* (2018) 21 Cal.App.5th 1229, 1250-1254 [section 352 authorized extended services beyond 18 months where agency did not offer or provide reasonable services designed to address special needs of mother with intellectual disability]; *In re J.E.*, *supra*, 3 Cal.App.5th at p. 564 ["It is . . . within the court's

discretion under section 352 to continue the 18-month review hearing and extend reunification services up to 24 months upon a showing of good cause"]; *Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1016 ["[T]he Legislature never intended a strict enforcement of the 18-month limit to override all other concerns including preservation of the family when appropriate"]; *In re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1798-1799 [section 352 "provides an emergency escape valve in those rare instances in which the juvenile court determines the best interests of the child would be served by a continuance of the 18-month review hearing"].)

Legal guardian, however, has not invoked section 352 either on appeal or in the trial court. Therefore, we will not address the issue.

In short, legal guardian has not provided any legal basis for her argument that the juvenile court abused its discretion in declining to extend her reunification services beyond the 18month permanency hearing.

IV. DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

JASKOL, J.*

We concur:

BAKER, Acting P. J.

MOOR, J.

^{*} Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.