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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

CHRISTOPHER H.,

Petitioner,

v.

SUPERIOR COURT OF
THE STATE OF CALIFORNIA
FOR THE COUNTY OF
LOS ANGELES,

Respondent.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Real Party in Interest.

B278478

(Super. Ct. No. DK10648)

Writ petition to review order setting hearing under Welfare
and Institutions Code section 366.26. D. Zeke Zeidler, Judge.
Petition denied.

Los Angeles Dependency Lawyers, Inc. (LADL 5),
Law Office of Danielle Butler Vappie and Courtney Fisher
for Petitioner.

No appearance for Respondent.

Mary C. Wickham, County Counsel, R. Keith Davis,
Assistant County Counsel, Brian Mahler, Senior Associate
County Counsel for Real Party in Interest Los Angeles County
Department of Children and Family Services.

Petitioner Christopher H. seeks extraordinary relief
(Welf. & Inst. Code, § 366.26, subd. (l));¹ Cal. Rules of Court,
rule 8.452) from the juvenile court's order made at the 18-month
permanency review hearing (§ 366.22), setting a hearing
pursuant to section 366.26 to consider termination of parental
rights and implementation of a permanent plan for his son T.H.
We deny the petition.

FACTUAL AND PROCEDURAL BACKGROUND

On April 2, 2014 the Los Angeles County Department of
Children and Family Services (Department) filed a section 300
petition to declare then-14-month-old T.H. a dependent child of
the court. As sustained by the juvenile court on June 22, 2015,
the petition included an allegation that T.H. was at risk due to
violent physical altercations between Christopher and T.H.'s
mother, Janet G. (§ 300, subd. (b).)

Proceeding to disposition, the juvenile court removed T.H.
from the parents' custody and ordered him placed with a
maternal aunt, Julie G. The court ordered the Department to

¹ Statutory references are to this code.

provide reunification services, including, as to Christopher, parenting classes and individual counseling to address anger management issues and psychiatric services. The court continued the matter to December 14, 2015 for the six-month review hearing (§ 366.21, subd. (e)).

In a report submitted on December 14, 2015 for the six-month review hearing, the Department stated it had learned from Janet in mid-October that Christopher was incarcerated at the Los Angeles County Jail, facing felony charges for kidnapping her and threatening to kill her. On October 27, 2015 the social worker met with Christopher at the jail. Christopher told the social worker he was not enrolled in any of his court-ordered counseling and parenting programs and the jail did not offer those services. On December 14, 2015 the juvenile court ordered the Department to provide Christopher with referrals for programs in anticipation of his release from custody and continued the six-month review hearing to February 24, 2016 for a contested hearing.

In a last minute information report submitted on February 24, 2016 the Department explained it had mailed a list of referrals to Christopher, as ordered by the juvenile court on December 14, 2015, and Christopher had called to acknowledge he had received the referrals. In a telephone conversation on February 22, 2016 Christopher told the social worker he was attending a life skills and survival program in the jail that included parenting, substance abuse and anger management.

At the contested six-month review hearing on February 24, 2016 the juvenile court found that Christopher was in compliance with his case plan, but could not find that the Department had provided him with reasonable reunification services. The court ordered the Department to provide reunification services

to Christopher and continued the matter to May 31, 2016 for the 12-month review hearing (§ 366.21, subd. (f)).

In its report for the 12-month review hearing the Department stated that Christopher remained incarcerated, with no current information as to an anticipated release date. Between January 26, 2016 and April 26, 2016 the social worker sent three letters to Christopher, explaining he could enroll in the MERIT program in the county jail, offering the parenting, counseling and psychiatric services components of his case plan.² On March 11, 2016 the social worker wrote to Christopher providing her contact information and informing him she accepted collect calls. In another letter mailed on April 28, 2016 the social worker repeated her contact information and provided Christopher with a list of referrals for agencies that could offer him parenting classes and individual counseling upon his release from incarceration.

Julie reported that the paternal grandmother, who had been granted unmonitored weekend visits with T.H., was facilitating Christopher's visitation by taking T.H. to the jail during her visitation time. The Department recommended the

² The MERIT (Maximizing Education Reaching Individual Transformation) program, overseen by the Education Based Incarceration Bureau of the Los Angeles County Sheriff's Department, is provided to jail inmates in Los Angeles County to "invoke significant change" in their lives.

court terminate reunification services for Christopher in view of his continued incarceration and T.H.'s young age.³

At a hearing on May 17, 2016 to ensure receipt of the required reports for the 12-month review hearing, the juvenile court ordered the Department to provide its delivered service logs prior to the May 31, 2016 scheduled hearing date. The service logs thereafter submitted by the Department indicated the social worker met with Christopher in the jail on May 19, 2016, explained the Department's reasons for recommending termination of reunification services, and inquired as to the status of his programming. Christopher told the social worker he had completed a substance abuse class and would bring his certificate to the court hearing.

On May 31, 2016 the juvenile court conducted the 12-month review hearing as to Christopher.⁴ After hearing argument the court found Christopher was in partial compliance with his case plan, but again could not find that the Department had provided him with reasonable reunification services. The court continued the case as to Christopher to September 20, 2016 for the 18-month permanency review hearing (§ 366.22).

For the permanency review hearing the Department reported the social worker had written to Christopher on July 1, 2016, explaining that T.H. was now placed with his paternal grandmother. On July 26, 2016 the social worker visited

³ The Department also recommended termination of reunification services for Janet for her failure to comply with her case plan.

⁴ Janet's portion of the case was continued, based on her request to replace her court-appointed attorney with a privately retained attorney.

Christopher in the county jail, and Christopher told the social worker he had entered into a plea bargain in his criminal case and would be released on April 23, 2017. Christopher also stated he had not recently participated in any programs because the jail “had been moving inmates around a lot.” Instead, he had been reading self-help, child development and psychology books; and he was having monthly visits with a therapist. Christopher added that he was taking prescribed medication for anxiety but felt the medication muted his emotions. The Department recommended the court terminate reunification services for Christopher and set a hearing pursuant to section 366.26. In a last minute information report submitted on September 15, 2016 the Department stated that, in a telephone conversation on September 6, 2016, Christopher told the social worker he was still unable to participate in programs at the jail and denied having told the social worker that his medication muted his emotions.

On October 4, 2016 the juvenile court held the 18-month permanency review hearing as to both Christopher and Janet. The court admitted into evidence the Department’s reports and service logs and heard testimony from Janet, Julie and the social worker, Keyanna Ross. In her testimony Ross explained she had visited Christopher every other month at the jail to discuss his case plan progress and had written to him on the months when she did not visit him. Ross also testified the paternal grandmother had taken T.H. to the jail to visit Christopher every week that she could.

At the conclusion of testimony counsel for Christopher requested a finding the Department had not provided reasonable reunification services to him during the last review period and

asked that the court extend services for an additional six-month period.

The court found that return of T.H. to his parents' custody would create a substantial risk of detriment to his well-being, and found by clear and convincing evidence that the Department had provided reasonable services to Christopher and Janet during the last period of review. The court terminated reunification services and set the matter for a hearing pursuant to section 366.26.

CONTENTION

Christopher tacitly acknowledges the Legislature's determination that 18 months is the maximum time the juvenile court may offer family reunification services. (§§ 361.5, subd. (a)(3), 366.22, subd. (a); see *Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 249.)⁵ When a child is not returned to a parent at the 18-month review hearing, the court must terminate reunification services and order a hearing be held pursuant to section 366.26. (§ 366.22, subd. (a); see *Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 311.) Christopher contends there was not substantial evidence to support the juvenile court's finding the Department had provided him reasonable reunification services during the last period of review; and, because the juvenile court did not make a finding of reasonable services at the six-month or 12-month hearings, reasonable services were never offered to him. Under these circumstances, he argues, the court should have granted a continuance of the

⁵ Section 366.22, subdivision (b), authorizes the juvenile court to extend services beyond the 18-month statutory limit in certain specific circumstances, none of which exists in this case.

permanency planning hearing beyond the 18-month statutory limit for reunification.⁶ (See *In re J.E.* (2016) 3 Cal.App.5th 557, 563-565; *Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1016-1018.)

DISCUSSION

We review the juvenile court's findings under the substantial evidence standard.⁷ We recognize in most cases more services might have been provided and the services that were provided are often imperfect. The standard, however, is whether the services provided were reasonable under the circumstances. (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.)

Substantial evidence supports the juvenile court's finding the services offered to Christopher between the 12-month review hearing and the 18-month review hearing were reasonable under the circumstances of his case. (*In re Christina L.* (1992) 3 Cal.App.4th 404, 416-417.) The record, as summarized,

⁶ Section 352 authorizes the juvenile court to "continue any hearing . . . 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."

⁷ Under this standard we inquire only whether there is any evidence, contradicted or uncontradicted, that supports the court's determination. We resolve all conflicts in support of the determination, indulge in all legitimate inferences to uphold the findings and may not substitute our deductions for those of the juvenile court. (*In re I.J.* (2013) 56 Cal.4th 766, 773; *Los Angeles County Dept. of Children & Family Services v. Superior Court* (2013) 215 Cal.App.4th 962, 966; *In re R.C.* (2012) 210 Cal.App.4th 930, 940; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 329; *In re John V.* (1992) 5 Cal.App.4th 1201, 1212.)

establishes social worker Ross visited Christopher at the jail every other month to discuss his programming⁸ and to obtain information on Christopher's anticipated release date from custody.⁹ While it is true that Christopher was unable to participate in his case plan programs in the jail, this was not the result of dereliction by the Department but rather, as Christopher himself told Ross, resulted from actions by jail officials over which the Department had no control. (See *In re Ronell A.* (1996) 44 Cal.App.4th 1352, 1363.) Christopher does not allege any exceptional circumstance of the kind identified by the courts warranting extension of reunification services beyond the statutory limit. (See, e.g., *In re Elizabeth R.* (1995) 35 Cal.App.4th 1774 [mother was hospitalized during most of the reunification period; and, after her release, the child welfare agency attempted to restrict visitation]; *In re Daniel G.* (1994) 25 Cal.App.4th 1205, 1209, 1212-1214 [welfare agency's reunification services 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].) The juvenile court properly set a hearing pursuant to section 366.26.

⁸ Ross had previously sent three letters to Christopher explaining he could enroll in the MERIT program in the jail.

⁹ Ross had also previously provided Christopher with a list of referrals for programs available upon his release.

DISPOSITION

The petition is denied on the merits.

PERLUSS, P. J.

We concur:

ZELON, J.

SEGAL, J.