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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re GIOVANNI P. et al., Persons
Coming Under the Juvenile Court
Law.

B277767

(Los Angeles County
Super. Ct. No. DK15529)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

S.G.,

Defendant and Appellant.

APPEAL from a dispositional order of the Superior Court of Los Angeles County. Veronica McBeth, Judge. (Retired Judge of the L.A. Sup. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Konrad S. Lee, under appointment by the Court of Appeal,
for Defendant and Appellant.

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

I. INTRODUCTION

The mother S.G. (Mother) appeals from the August 24, 2016 dispositional order limiting visitation to monitored visits. She contends the monitored visitation order is an abuse of discretion. We find no abuse of discretion and affirm the dispositional order granting monitored visitation.

II. PROCEDURAL HISTORY

On February 10, 2016, the Los Angeles County Department of Children and Family Services (the department) filed a Welfare and Institutions Code¹ section 300 petition on behalf of 14-year-old Giovanni P., 13-year-old G.P. and 4-year-old Gr.P. The petition alleged the parents failed to make an appropriate plan for the children's care and supervision when the parents were arrested on February 5, 2016. The children were detained and removed from the parents' custody on the same date. The juvenile court granted the parents monitored visitation for a minimum of 2-3 days per week for 2-3 hours each visit. On

¹ Further statutory references are to the Welfare and Institutions Code unless otherwise specified.

February 16, 2016, the department was ordered to evaluate the mother's residence. The department had discretion to release the children to the mother.

On April 20, 2016, the department filed a first amended petition. It added count b-2, which alleged the Mother was unable to provide the children with ongoing care, supervision and the basic necessities of life including food, clothing, shelter and medical treatment. On May 18, 2016, the department filed a second amended petition adding new allegations in count b-3: "On [February]11, 2016,. . . [the mother] was convicted of [Penal Code] 273a(b)- child endangerment. Further, the mother has a current active protective order issued in criminal court which prohibits the mother to have the children in her care."

At the June 15, 2016 jurisdictional hearing, the juvenile court sustained the count b-3 allegations in the second amended petition. The juvenile court ordered full mental health assessments for the children and a mental health evaluation for Mother under Evidence Code section 730. Mother objected to having to submit to a mental health evaluation. The juvenile court also ordered expedited requests under the Interstate Compact on the Placement of Children to have out-of-state assessments for the homes of the maternal grandmother and aunt, and the paternal grandmother. The juvenile court ordered monitored visits twice a week for three hours per visit with all the children together at the same time.

At the August 24, 2016 dispositional hearing, Mother's counsel requested unmonitored visits. The juvenile court removed the children from Mother's custody under section 361, subdivision (c). Mother was provided family reunification services and ordered to attend parenting classes and individual

counseling. The children were ordered to continue with individual counseling and co-joint counseling if recommended by their individual therapist.

III. FACTS

On February 5, 2016, the police responded to a call from a local public school concerning the father of Mother's children. He was begging for money in front of the school while accompanied by G.P. He was arrested and scheduled for extradition to the State of Washington because he had an outstanding warrant for grand theft, forgery, and identity theft. The family had moved from Washington to California about six months earlier and has been living from motel to motel. The father claimed to have contacted Volunteers of America to obtain motel vouchers but later cancelled the appointment because he did not want to open a case with the organization.

The family had no money to pay for the day's motel bill and would likely be evicted from their room. The children showed no signs of malnourishment but they appeared unkempt and dirty. Their shoes were so worn out that the detectives bought them new ones. The children were uncooperative and did not talk to the police officers. Giovanni and Gr. attended a private school funded and run by a church. G.P. was doing online "distance learning" but the family did not provide the name of the school. Mother had removed the children from public school two years prior because she believed the school wrongly labeled the children and gave them poor grades. Mother claimed she was a self-employed psychologist with an apartment in Beverly Hills

but could not produce proof of licensure or a home address. She was eventually arrested on suspicion of child neglect.

On February 6, 2016, Giovanni and Gr. were placed in separate foster homes. G.P. was placed in a group home. On February 11, 2016, Mother was convicted of child endangerment under Penal Code section 273a, subdivision (b). She was ordered to complete a 52-week parenting skills program and placed on summary probation for a period of 48-months. A criminal protective order was issued on behalf of the children requiring Mother to have no contact with them except for visitation ordered by the juvenile court. The social worker attempted to contact Mother multiple times to clarify visitation but the Mother did not call back.

The children, Giovanni and G.P., were interviewed for the jurisdiction and disposition report. Giovanni reported Mother is a psychologist who is the CEO of her own company called Kaleidoscope. Giovanni stated, 'I have gone with dad to panhandle; sister and brother have gone to panhandle. We make enough [money] to pay [the] motel. We panhandle every day.' G.P. reported the family did not have stable housing and had stayed in shelters and a church in the past. According to G.P., the family had lived in Washington, West Virginia, New York and Florida before moving to California. G.P. reported that she considered running away because there was 'too much stress in [her] family' and she was tired of having 'to raise money to stay in motels.'

Mother told the social worker she was currently employed as a training facilitator at a staffing agency and claimed that she had previously worked as an executive administrative assistant, a librarian, a psychologist and a teacher. Mother said she

advertised on a Web site that she had her own business as a motivational speaker. The social worker had concerns about Mother's mental health because of her inconsistent statements and inability to focus on the questions during the interviews.

On February 26, 2016, Mother began living at the Union Rescue Mission. The program there provided mothers and their children housing for up to 45 days and meals and school transportation. Mother expressed her desire that the children be placed in the maternal grandmother's home in Washington D.C. if she did not reunify with them.² The father died of hypertension and coronary heart disease on March 27, 2016, while in custody. Three days later, the juvenile court ordered the department to assess mother for possible release of the children. Because Mother cancelled scheduled meetings with the multidisciplinary assessment team and scheduled visits with the children, the department could not make an assessment. Also, Mother seemed ambivalent about having the children placed with her.

On March 24, 2016, Mother's criminal protective order was modified to allow her to have peaceful contact with the children in a therapeutic setting pursuant to the juvenile court's order; however, she only had sporadic contact with them.

As of May 18, 2016, Mother's attendance at therapeutic visits with the children did not improve. The department continued to recommend monitored visits for Mother consistent with the criminal protective order.

² In May 2016, the paternal grandmother expressed interest in having the children placed in her New York home if Mother failed to reunify with them. But on June 23, 2016, she was no longer interested in the placement process.

In June 2016, the children’s therapist reported G.P. had schizophrenia and social anxiety. The therapist observed, ‘[T]he younger siblings have been trained to not share much information.’ A July 26, 2016 progress letter indicated Giovanni had participated in eight therapy sessions to decrease anxiety and address his grief over the loss of the father. Another July 26, 2016 progress letter reported G.P. has attended ten therapy sessions to address depression, social anxiety and grief over the father’s death.

In July 2016, although Mother was granted weekly monitored visits with the children, she was unwilling to commit to a visitation schedule. In August 2016, Dr. Nancy Kaser Boyd conducted a forensic psychological evaluation of Mother under Evidence Code section 730. Dr. Kaser Boyd found it difficult to diagnose Mother because Mother was very defensive. She had concerns about Mother’s veracity and her resistance to personal change. The doctor believed it was premature to return the children to Mother’s custody.

IV. DISCUSSION

Mother challenges the juvenile court’s monitored visitation order. A dispositional order granting reunification services must provide for visitation “[i]n order to maintain ties between parent . . . and any siblings and the child, and to provide information relevant to deciding if, and when, to return a child to the custody of his or her parent” (§ 362.1, subd. (a); *In re T.M.* (2016) 4 Cal.App.5th 1214, 1218.) Section 362.1, subdivision (a)(1)(A) provides, “Visitation shall be as frequent as

possible, consistent with the well-being of the child.” An order setting visitation terms is reviewed for an abuse of discretion. (*In Brittany C.* (2011) 191 Cal.App.4th 1343, 1356; *In re R.R.* (2010) 187 Cal.App.4th 1264, 1284.)

Mother argues there is no substantial evidence showing the children would be at risk if she had unmonitored contact with them. She further asserts the lack of unsupervised visitation erodes her relationship with the children. She contends it is an abuse of discretion to limit visitation to monitored visits. We disagree.

The juvenile court has good reason to impose monitored visitation. Although Mother was granted monitored visitation when the children were detained in February 2016, she had sporadic visits until July 2016. Mother had weekly monitored visits with the children in July 2016 but she declined to commit to a visitation schedule. Furthermore, the juvenile court ordered monitored visitation because of concerns about Mother and the children’s mental health. Giovanni has anxiety and grief over the father’s death. G.P. has schizophrenia, depression, social anxiety and grief over the loss of the father. The social worker had concerns about Mother’s mental health because she offered conflicting statements about her employment history and was unable to focus on the questions during interviews. Dr. Kaser Boyd was also worried about Mother’s honesty and willingness to change her behavior. In addition, both law enforcement and the children’s therapist observed the children were trained not to share information. Should an issue arise during unsupervised visits with Mother, there is a possibility Mother and the children will not disclose the problem to the social worker or their therapists. The juvenile court acted well within its discretion

when it restricted visitation to monitored visits in its dispositional order.

V. DISPOSITION

The dispositional order granting monitored visitation is affirmed.

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LANDIN, J.*

We concur:

KRIEGLER, Acting P.J.

BAKER, J.

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