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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re JESSICA C. et al., Persons Coming
Under the Juvenile Court Law.

B257360

(Los Angeles County
Super. Ct. No. CK81293)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

S.L.,

Defendant and Appellant.

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

Robert McLaughlin, under appointment by the Court of Appeal, for Defendant and Appellant S.L.

Office of the County Counsel, Mark J. Saladino, Dawyn R. Harrison, Jessica S. Mitchell for Plaintiff and Respondent Los Angeles County Department of Children and Family Services.

INTRODUCTION

Mother appeals the juvenile court's finding at the six-month review hearing that the Department of Children and Family Services (DCFS) provided Mother with reasonable services pursuant to Welfare and Institutions Code¹ section 395. Mother argues that DCFS failed to provide her with sufficient visitation, individual counseling, and timely conjoint family counseling. We construe this appeal as a petition for a writ of mandate and affirm the trial court's finding of reasonable services as it was supported by substantial evidence.

FACTS AND PROCEDURAL BACKGROUND

In May 2013, DCFS received allegations that Mother generally neglected her four children, and that her then-twelve-year-old son Marcus molested her then-eight-year-old son, M. In late June 2013, DCFS removed three of Mother's four children (then-13-year-old Jessica, then-ten-year-old Jeremy, and M.) from Mother's home and placed them with their maternal grandmother. Marcus remained in Mother's custody. On August 1, 2013, the juvenile court found jurisdiction over the children under Welfare and Institutions Code section 300, subdivisions (a), (b), (d), and (j). The court sustained allegations that Mother abused and neglected the children, and placed the children at substantial risk of abuse and neglect when Mother: (1) failed to protect M. from being repeatedly sexually molested by Marcus, (2) medically neglected Marcus by failing to ensure he participated in mental health services to address his sexually acting out behavior, (3) physically abused Jessica by hitting her with a belt, and (4) failed to obtain mental health services for her own mental and emotional conditions, which inhibited her ability to care for the children. The court ordered Jessica, Jeremy and M. (the children) to remain in the maternal grandmother's care and for Marcus to remain with Mother. The court ordered Mother to receive visitation and family reunification services as to Jessica, Jeremy, and M., and family maintenance services as to Marcus.

¹ All subsequent references are to the Welfare and Institutions Code, unless otherwise indicated.

Mother, Marcus, and the children subsequently received services, counseling, and conjoint family therapy. Mother and Marcus visited with the children but visitation was problematic because of the distance between Mother and the maternal grandmother's home, hostility and communication issues between Mother and the maternal grandmother, and the children's busy schedules. We discuss DCFS's efforts to provide Mother with reunification services in further detail below.

After several continuances, the court held the six-month contested review hearing in May 2014. There, the court found that Mother had been uncooperative and was in denial regarding the existence of the child abuse and the sexual molestation. The court concluded that DCFS made reasonable efforts to provide Mother with reunification services and that Mother was not in compliance with the case plan. The court ordered DCFS to continue to provide Mother with reunification services and set a court date for the twelve-month review hearing.

DISCUSSION

1. We Construe the Appeal as a Writ of Mandate

The juvenile court's finding at the sixth-month review hearing that DCFS provided Mother with reasonable reunification services is not directly appealable. (*Melinda K. v. Superior Court* (2004) 116 Cal.App.4th 1147, 1156.) Nonetheless, per Mother's request, we treat her appeal as a petition for writ of mandate in order to afford her an opportunity to challenge the finding, as it could have an adverse effect on subsequent proceedings.

2. Substantial Evidence Supports the Court's Finding that DCFS Provided Reasonable Services to Mother

Mother's sole contention on appeal is that insufficient evidence supports the dependency court's finding that DCFS provided Mother with reasonable services. Mother asserts that DCFS failed to provide Mother with (1) sufficient visitation, (2) individual counseling, and (3) timely conjoint family counseling. We find no error.

Pursuant to section 366.21, subdivision (e), the statute governing six-month review proceedings, the court must determine whether the parent was provided or offered reasonable services. (§ 366.21, subd. (e).) The reasonableness of reunification services is judged according to the circumstances of the particular case and assessed by its two components: content and implementation. (*In re Ronell A.* (1996) 44 Cal.App.4th 1352, 1362, 52 Cal.Rptr.2d 474.)

Both the reasonableness of DCFS's efforts to provide services and the adequacy of those services are judged according to the circumstances of each case. (*Kevin R. v. Superior Court* (2010) 191 Cal.App.4th 676, 691.) "To support a finding reasonable services were offered or provided, '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.]" (*Ibid.*, italic omitted; *In re K.C.* (2012) 212 Cal.App.4th 323, 329–330 [same].) To be reasonable, the services provided need not be perfect. " '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.]" (*Kevin R.*, at p. 692.)

We review the dependency court's reasonable efforts finding for substantial evidence. (*Kevin R.*, *supra*, 191 Cal.App.4th at p. 691; *In re H.E.* (2008) 169 Cal.App.4th 710, 725.) Under this standard, we "must view the evidence in a light most favorable to the respondent. We must indulge in all legitimate and reasonable inferences to uphold the verdict. If there is substantial evidence supporting the judgment, our duty ends and the judgment must not be disturbed. [Citations.] ' "[W]hen two or more inferences can reasonably be deduced from the facts,' either deduction will be supported by substantial evidence, and 'a reviewing court is without power to substitute its deductions for those of the trial court.' [Citations.]" [Citation.]' [Citation.]" (*In re Misako R.* (1991) 2 Cal.App.4th 538, 545.)

a. Visitation

The focus of Mother's arguments on appeal is that DCFS failed to make reasonable efforts to facilitate visitation. Conducting visitation between Mother and Jessica, Jeremy, and M. was challenging due to (1) the large distance between Los Angeles (where Mother resides) and Victorville (where the children reside with their maternal grandmother), (2) the communication issues and hostility between Mother and maternal grandmother, and (3) the children's busy weekly schedule that involved school, extracurricular sports, and church activities.

The record reveals that DCFS made reasonable efforts to address these challenges and facilitate visitation despite these obstacles. DCFS provided Mother and Marcus with one month of funding to visit the children in Victorville via train. DCFS also provided Mother with bus passes so that Mother could meet the maternal grandmother and the children for visitation in San Bernardino. Visits were conducted in San Bernardino with some interruptions caused by the maternal grandmother taking the children to events on visitation days. DCFS subsequently informed the maternal grandmother that she was to have the children available for visitation on Sundays. In addition, the social worker personally drove Mother and Marcus to Victorville to see the children once in January 2014 on her day off.

Telephone contact between Mother and the children was also problematic but DCFS required the maternal grandmother to provide Mother access to the children telephonically. The children showed little interest in having communication with Mother and Marcus over the phone, and Mother's cell phone was reportedly unreliable. DCFS nonetheless confirmed with the maternal grandmother that the children were made available for phone calls with Mother.

Mother argues that DCFS failed to make reasonable efforts because it did not secure more funding so that Mother could take the train to see the children in Victorville and because the maternal grandmother inhibited some of the visitation. Yet, as explained above, DCFS provided sufficient funding for Mother to conduct visitation in San Bernardino and instructed the maternal grandmother to have the children available on Sundays for visitation. “We recognize that the mere fact that more services could have been provided does not render the Department’s efforts unreasonable.” (*In re Alvin R.* (2003) 108 Cal.App.4th 962, 973.) Given the geographic distance and the challenging relationship between Mother and the maternal grandmother, DCFS’s efforts to provide Mother with visitation were reasonable under these circumstances.

b. Individual Counseling

Mother asserts that DCFS failed to make reasonable efforts to assist mother in obtaining individual counseling and that DCFS failed to provide referrals for counseling. Yet, the record suggests otherwise.

Mother received in-home counseling, mental health services, anger management, domestic violence support, and parenting education through the Personal Involvement Center (PIC). On a weekly basis, Mother met with an in-home counselor from PIC, who provided Mother with referrals to various services and monitored Mother’s progress. In February 2014, Mother told the DCFS social worker that she had obtained the court-ordered mental health assessment, which indicated that she did not need individual therapy. In response, the DCFS social worker encouraged Mother to continue to seek services, and alerted Mother’s PIC in-home counselor that Mother needed to locate therapeutic counseling services. The DCFS social worker reiterated to Mother in early April that she still needed to seek mental health counseling. At that time, the social worker referred mother to an optional new counseling program but Mother declined it because she thought that the program would not benefit her.

We conclude that DCFS's efforts to assist Mother in obtaining individual counseling were reasonable. DCFS informed Mother that she needed counseling, provided her with an in-home counselor to help her obtain services, and even offered her a new counseling program. Mother nonetheless failed to obtain individual counseling. As Mother points out, DCFS could have done more to assist her by providing referrals. Nonetheless, this does not render the efforts DCFS made inadequate. "In almost all cases it will be true that more services could have been provided more frequently and that the services provided were imperfect. The standard is not whether the services . . . were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances." (*In re Misako R.*, *supra*, 2 Cal. App. 4th at p. 547.) DCFS made sufficient, although not perfect, efforts to provide Mother with individual counseling. Once a parent is informed of the proceedings and the requirements of the court-ordered plan, "it becomes the obligation of the parent to communicate with the Department and participate in the reunification process." (*In re Raymond R.* (1994) 26 Cal.App.4th 436, 441.) The agency is not required to " 'take the parent by the hand and escort him or her to and through classes or counseling sessions.' " (*In re Christina L.* (1992) 3 Cal.App.4th 404, 414.) Mother was informed that she needed counseling but failed to utilize the resources provided to her by DCFS, i.e. her in-home counselor, to engage in the court-ordered individual counseling. Substantial evidence supports the court's finding of reasonable efforts as to this issue as well.

c. Conjoint Counseling

Lastly, Mother asserts that DCFS failed to timely implement conjoint family counseling between Mother and the children. We disagree. The juvenile court ordered Mother and the children to engage in conjoint family counseling *when deemed appropriate by the children's therapist*. The decision to commence conjoint therapy was not DCFS's to make. Pursuant to court order, that decision was to be made by the children's therapist, who first engaged in therapy with the children without Mother.

The children's therapist began conjoint therapy sessions between the children and Mother, who appeared by phone, in February 2014. Mother engaged in weekly conjoint sessions, but the sessions did not go well. Mother ended two of the sessions 15 minutes early when she refused to admit to spanking the children and when she verbally attacked the children. On the latter occasion when Mother verbally attacked Jessica, the therapist confronted Mother, stating that Mother blamed Jessica, Jeremy, and M. for the family's issues rather than accept personal responsibility, and Mother responded by hanging up her mobile phone. On another occasion, Mother failed to answer her phone for the therapy session.

In late April 2014, the DCFS social worker transported Marcus and Mother to the conjoint therapy session, which occurred at the maternal grandmother's home. Although the session went better than expected, Mother appeared unhappy during the session, had a poor attitude, and was speaking and texting on her cell phone during the session. In early May 2014, the social worker transported Mother to another conjoint therapy session, where Mother again spent time on her cell phone and became upset when the therapist asked her to not use the phone during the session. The conjoint family therapy sessions appeared to have a negative impact on the children, who began bedwetting and more frequently crying. Jessica no longer wanted to participate in conjoint family therapy with Mother.

We conclude that substantial evidence supports the court's findings that DCFS made reasonable efforts to provide Mother with conjoint counseling as well. As soon as the therapist decided to involve Mother in the sessions, Mother attended via telephone and in-person. The DCFS social worker transported Mother to two of these therapy sessions. To the extent that these sessions were unsuccessful, this appears to be attributable to Mother's uncooperative behavior and denial of the circumstances that led to the present dependency case.

Mother cites *In re Taylor J.* (2014) 223 Cal.App.4th 1446, for support of her argument that DCFS failed to provide reasonable services. In *In re Taylor J.*, the child protective services agency failed to provide the mother with reasonable reunification services. The court there concluded: “Family reunification services are not ‘reasonable’ if they consist of nothing more than handing the parent a list of counseling agencies when the list contained the name of only one domestic violence victim counseling agency in proximity to [the m]other’s home. Furthermore, although [the m]other was ordered to participate in individual counseling, the list did not contain the names of individual counseling agencies.” (*In re Taylor J.*, *supra*, 223 Cal.App.4th at p. 1452.) *In re Taylor J.* fails to support Mother’s arguments because, as described in detail above, the record in this case indicates that DCFS made reasonable efforts to provide Mother with visitation, individual counseling, and conjoint family therapy. DCFS did not simply hand Mother a list of services and walk away. DCFS identified Mother’s needs for visitation, counseling and therapy to reunite with her children. DCFS provided Mother with an in-home counselor, funds for transportation, as well as referrals to programs. The DCFS social worker then checked in on Mother and the children on at least a monthly basis and transported Mother and Marcus to visits and counseling when feasible, even once at her own expense on her day off.

The record here, when viewed in the light most favorable to the respondent, indicates that DCFS provided Mother with reasonable services. Based on the foregoing, we conclude that there is substantial evidence that DCFS identified the problems leading to Mother’s loss of custody, offered services designed to remedy those problems, maintained reasonable contact with Mother during the course of the service plan, and made reasonable efforts to assist Mother to meet her mental health needs. We therefore affirm.

DISPOSITION

The juvenile court's finding of reasonable efforts is affirmed.

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KITCHING, J.

We concur:

EDMON, P. J.

ALDRICH, J.