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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

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

2d Juv. No. B285153
(Super. Ct. Nos. 1435418
& 1435419)
(Santa Barbara County)

SANTA BARBARA COUNTY
CHILD WELFARE SERVICES,

Plaintiff and Respondent,

v.

K.L.,

Defendant and Appellant.

K.L. (Mother) appeals from an order after the 18-month permanency hearing (1) finding there was a substantial risk of detriment to her two children if returned to her; (2) finding reasonable reunification services were provided to her;

and (3) ordering future enhancement visitations to be supervised. (Welf. & Inst. Code, § 366.22.)¹ We affirm.

FACTUAL AND PROCEDURAL HISTORY

The Santa Barbara County Child Welfare Services (CWS) took four-year-old R.M. and three-year-old R.R.M. into protective custody and placed them with a substitute care provider. In the detention report, CWS reported that Mother and maternal Grandfather physically abused the children. Mother physically disciplined her children ever since they were a year and a half old. Mother said she and Grandfather disciplined her children by hitting them with a “whipping belt” or a “paddle.” The children suffered physical injuries on numerous occasions from being hit with a whip or a belt.

Mother said she does not prevent Grandfather from physically disciplining her children because she does not want to “get yelled at and be kicked out of the house.” Mother stated she was not able to protect her children from physical abuse in the home. When asked whether she could prevent Grandfather from hitting her children with a belt, Mother responded, “I don’t know.” When asked whether she could sign a safety plan stating that the girls will not be disciplined with a belt, Mother responded, “no.” She said she respected Grandfather and does not see how his discipline affected her children.

Mother had been attending family therapy. The therapist noted that Mother was resistant and argumentative when asked to try disciplinary methods other than physical discipline and continued to approve corporal punishment in the home. Mother once slapped one of the children after a therapy

¹ Unspecified statutory references are to the Welfare and Institutions Code.

session and showed no progress for four months. The therapist also noted that Mother was diagnosed with anxiety and depression, but she refused to take her medication.

Jurisdiction/Disposition Report and Hearing

CWS stated in the jurisdiction/disposition report that returning the children to Mother's care would be "detrimental to the[ir] safety" because she denied using "excessive physical discipline" and said that she did not need to change how she disciplined her children.

In an addendum report, CWS stated the children's substitute care provider said that the children displayed sexualized behavior. Mother denied that the children ever displayed sexualized behavior when they were in her care. When asked about the behavior, R.M. said that "My mommy does that." The children did not say they were ever sexually molested.

At the jurisdiction/disposition hearing, the juvenile court sustained the petition based on Mother's failure to protect her children. (§ 300, subd. (b).) The court found true that there was a substantial risk of physical harm to the children based, in part, on Mother and Grandfather's use of physical punishment, Mother's untreated mental illness, and Mother's failure to progress in family therapy. The court declared the children to be dependents of the court and ordered CWS to provide Mother with reunification services and four hours of supervised visits a week.

Six-month Report and Hearing

The six-month report stated that Mother made progress meeting some of the objectives of her case plan, but she failed to "take responsibility of her actions that led to the physical abuse of the children."

Mother did not meet her case plan objective of listening to and showing acceptance of disclosures made by her children about the physical abuse. She did not meet her objective of not using physical discipline. She consistently reported that she and Grandfather spanked the children with an open palm, but denied using a whipping belt or paddle. During a supervised visit, Mother slapped one of her children on the lap twice. Mother denied that her children received any bruises from physical discipline.

Mother missed 22 two-hour visits in a two and a half month period. CWS offered to make up the missed visits with group visits and supervised visits, but Mother said she could not attend group visits because of work and did not contact the supervisor to schedule makeup visits.

The report also stated that CWS submitted a “Suspected Child Abuse Report” regarding allegations that Mother and Grandfather sexually abused the children. The care provider reported several instances of the children displaying sexualized behavior. CWS referred the case to the Santa Barbara County Sheriff’s Department. The children denied any sexual abuse when interviewed.

At the six-month hearing, the juvenile court continued Mother’s reunification services and kept the children out of Mother’s custody.

12-month Report and Hearing

The 12-month report stated that Mother was still not meeting her objectives of (1) accepting disclosures made by her children about the physical abuse and (2) refraining from using physical punishment. Mother continued to deny that she or Grandfather physically abused her children. Mother denied that

she slapped her child on the lap, as reported in the six-month report. She claimed that she was merely patting her child's leg to get her attention.

The report detailed an incident in which R.R.M. was burned on the neck with a lighter. R.R.M. initially said she was burned by her father. She then said Mother burned her while smoking. Mother denied burning R.R.M. As a result of the burn, CWS suspended Mother's unsupervised visits, which were granted about four months previously. CWS offered two more hours of supervised visits through group visits, but Mother refused.

In an addendum report, CWS stated it was not safe to return to unsupervised visits for two reasons: (1) the burn investigation was inconclusive; and (2) the children displayed sexualized behavior after they returned from visits with Mother. The sexualized behaviors decreased "dramatically" after returning to supervised visits.

At the 12-month hearing, the court continued Mother's reunification services for another six months.

Interim Report

Two months after the 12-month hearing, CWS filed an interim report stating that Mother continued to deny the children were physically abused by her or Grandfather. She admitted that she spanked the children, but denied leaving any marks on their bodies. She believed that someone influenced them to say they received bruises after being spanked.

CWS also reported the children engaged in sexualized and "inappropriate behavior" right before or after visits with Mother. The visits also distressed R.M.: she became

more physically active, asked a lot of questions, and was more “jittery” than usual.

Mother received 2 two-hour visits per week. She continued to refuse group visits. She stated she was not able to attend additional supervised visits that CWS offered. One of the time slots was on Saturday mornings. It was proposed because Mother does not begin working until later in the day on Saturdays.

18-month Report and Hearing

The 18-month report stated that Mother failed to meet her objective of accepting the disclosures made by her children about physical abuse. She continued to deny she caused the children to have bruises and believed that “someone put that idea in their heads.” In a letter attached to the report, Mother’s therapist said that Mother “has vehemently denied the use of corporal punishment to discipline her children.”

Mother’s supervised visits went “well” without safety concerns during this period. CWS intended to offer unsupervised visits, but the children’s attorney objected, and Mother did not challenge counsel’s objection.

CWS recommended terminating Mother’s reunification services based on her completion of 18 months of reunification services with no “extenuating circumstances indicating that she would be likely to reunify within twenty-four months of services.” CWS stated that Mother continued to pose a risk to the children because she had not taken responsibility for her actions.

At the 18-month hearing, Mother testified that she would continue to allow the children to see Grandfather. When

asked if Mother would abide by a no-contact order for Grandfather, Mother said she would follow such an order.

At the conclusion of the hearing, the court found that CWS provided reasonable services and that returning the children to Mother would create a substantial risk of detriment to the children. The court terminated Mother's reunification services and ordered the children to be returned to their father. The court ordered enhancement services, including four hours a week of supervised visits for Mother. It authorized CWS to "liberalize" visits to allow overnight and unsupervised visits at CWS's discretion.

DISCUSSION

Detriment to the Children

Mother argues that the juvenile court erred in finding that she posed a risk of detriment to her children if they were returned to her care. We are not persuaded.

The juvenile court shall order the return of a child to the custody of the parent unless the court finds by a preponderance of evidence that the return would create a substantial risk of detriment to the safety, protection, or well-being of the child. The social worker has the burden of establishing risk of detriment. (§ 366.22, subd. (a).)

We review the court's finding regarding risk of detriment for substantial evidence. (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 763.) In doing so, we view the evidence in a light most favorable to the prevailing party. (*In re Misako R.* (1991) 2 Cal.App.4th 538, 545.) We do not reweigh evidence, judge witness credibility, or resolve conflicts in evidence. (*In re Casey D.* (1999) 70 Cal.App.4th 38, 52-53.) We draw all reasonable inferences in favor of the judgment. (*In re*

Misako R., at p. 545.) If “two or more inferences can reasonably be deduced from the facts,” we will not substitute our view of the evidence for that of the court below. (*Ibid.*)

Substantial evidence supports the court’s finding. Mother failed to make progress on her case plan objective of listening to and accepting her children’s disclosures about physical abuse. The 18-month report noted that Mother denied her children’s disclosure that her physical punishment caused them to have bruises. She claimed that “someone put that idea” in her children’s heads.

Mother’s pattern of denying or minimizing the extent of physical abuse that she and Grandfather inflicted on her children was consistent throughout the proceedings. Mother’s therapist submitted a letter during the last review period stating that Mother “has vehemently denied the use of corporal punishment to discipline her children.” CWS consistently reported that Mother denied she and Grandfather used a whipping belt or paddle on the children and caused them to have bruises. Mother’s minimization of Grandfather’s physical abuse of her children presents a risk of detriment in light of her failure to prevent him from using physical punishment and her plan to continue allowing Grandfather to have contact with her children.

Mother contends the evidence does not support the finding because the evidence shows she met most of her case plan objectives and participated in services that were provided. But, compliance with a reunification plan “is not determinative. The court must also consider the parents’ progress and their capacity to meet the objectives of the plan; otherwise the reasons for removing the children out-of home will not have been ameliorated.” (*In re Dustin R.* (1997) 54 Cal.App.4th 1131, 1143.)

Moreover, under the substantial evidence standard, we construe evidence in the light most favorable to the prevailing party—not the other way around. (*In re Misako R.*, *supra*, 2 Cal.App.4th at p. 545.) Here the evidence supports the finding that Mother failed to make progress in acknowledging her children’s disclosures and that she continued to minimize the extent of physical harms that led to the removal of her children. There was no error.

Reasonable Reunification Services

Mother contends she did not receive reasonable reunification services because she did not receive “meaningful” visits with her children. We disagree.

Visitation is an important part of reunification services. (*In re Mark L.* (2001) 94 Cal.App.4th 573, 580.) The reunification plan, including visitation, must be appropriate to the particular individual and based on the unique circumstances of the case. (*In re Misako R.*, *supra*, 2 Cal.App.4th at p. 545.) However, 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 provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.” (*Id.* at p. 547.)

We review the court’s finding regarding the reasonability of family reunification services for substantial evidence. (*In re B.S.* (2012) 209 Cal.App.4th 246, 252.) To decide whether the court properly found that the services were reasonable, we examine the period from the 12-month permanency hearing until the 18-month permanency hearing. (*Tonya M. v. Superior Court* (2007) 42 Cal.4th 836, 846.)

Substantial evidence supports the court's determination that CWS provided Mother with reasonable visitation services. The evidence shows that CWS offered reasonable visitation, but Mother failed to take advantage of the scheduled visits. Following the 12-month hearing, Mother received 2 two-hour supervised visits a week. But Mother only attended six supervised visits during this period. CWS attempted to work with Mother by offering additional group visits, but Mother refused because she did not believe the visits were held at an "appropriate location" for her children. Social workers also offered additional supervised visits each week, but Mother stated that she could not attend the suggested visits even though one of the suggested times did not conflict with her work schedule.

Mother contends that she did not receive reasonable services because she did not receive unsupervised or overnight visits. She argues that unsupervised visits, which were suspended after allegations arose that she burned and sexually abused her children, should have been reestablished after those allegations were deemed inconclusive.

CWS's refusal to expand visitation was reasonable under the circumstances. Even though the allegations were deemed inconclusive, CWS properly refused to expand Mother's visitations because the children's behavior worsened before and after her visits. During the 18-month review period, CWS reported that the children exhibited sexualized and "inappropriate behavior" right before or after visits. R.M. also became distressed and acted more "jittery" before visits. And Mother posed a risk of harm to the children because she failed to meet her case plan objective of acknowledging her children's

disclosures of physical abuse and continued to minimize the abuse. There was no error.

Supervised Enhancement Visits

Mother contends the juvenile court abused its discretion when it ordered her enhancement visits with her children to be supervised after the termination of her reunification services. We again disagree.

A court may impose restrictions on parental visitation, consistent with the child's interest, based on the circumstances of the case. (*In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1009.) Orders regarding visitation terms are reviewed for an abuse of discretion. (*In re Emmanuel R.* (2001) 94 Cal.App.4th 452, 465.) We will not reverse unless the court exceeded the bounds of reason. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 319.)

The court acted within its discretion by ordering supervised visitation as a part of the enhancement services. Given that Mother failed to acknowledge the extent of the physical abuse she and Grandfather inflicted on the children, and her failure to accept the children's disclosures, the court reasonably concluded the children would be at risk if left unsupervised in Mother's care. Ordering supervised enhancement visits therefore served to ensure the children's safety. Mother has not established that the order exceeded the bounds of reason.

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Arthur A. Garcia, Judge

Superior Court County of Santa Barbara

M. Elizabeth Handy, under appointment by the Court
of Appeal, for Defendant and Appellant.

Michael C. Ghizzoni, County Counsel, Christopher E.
Dawood, Deputy County Counsel, for Plaintiff and Respondent.