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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION TWO

In re ANNIE S., et al., Persons Coming  
Under the Juvenile Court Law.

B235000

(Los Angeles County  
Super. Ct. No. CK65262)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent.

v.

SONNY S., et al.,

Defendants and Appellants.

APPEAL from orders of the Superior Court of Los Angeles County. Donna Levin, Juvenile Court Referee. Affirmed.

Ernesto Paz Rey, under appointment by the Court of Appeal, for Defendant and Appellant Sonny S.

Kimberly A. Knill, under appointment by the Court of Appeal, for Defendant and Appellant Marguerite M.

Tarkian & Associates and Arezoo Pichvai for Plaintiff and Respondent.

Appellant Marguerite M. (mother) is the mother of Chloe (born August 1993), Bryanna (born May 1999), Annie (born February 2003), and Christopher (born November 2006). Appellant Sonny S. (Sonny)<sup>1</sup> is the father of Annie and Christopher. Mother appeals the denial of her petition, under Welfare and Institutions Code section 388,<sup>2</sup> seeking return of all the children to her custody, or in the alternative, an additional six months of family reunification services. Sonny appeals the denial of his section 388 petition seeking return of Annie and Christopher to his custody, or alternatively, for an additional six months of family reunification services. Both parents contend the juvenile court erred by denying their respective petitions without first conducting an evidentiary hearing.

We hold that the juvenile court did not abuse its discretion by summarily denying mother and Sonny's respective section 388 petitions without an evidentiary hearing. We therefore affirm the juvenile court's orders.

## **BACKGROUND**

### **1. Initial detention and section 300 petitions**

On August 25, 2006, the Department of Children and Family Services (the Department) received a referral alleging physical abuse of Bryanna by mother and general neglect of Chloe and Annie. A social worker investigating these allegations found the family home to be filthy and in disrepair. Bryanna told the social worker that mother hit her with a broomstick, a dustpan, shoes, and her hand.

Mother, Sonny, Chloe, and several maternal relatives attended a team decision meeting held on October 3, 2006. At the meeting, Chloe confirmed that mother hits Bryanna with a broom, shoe, or belt, and that mother used to hit Chloe as well. Maternal relatives said that mother had told them in the past that she hits Bryanna with a belt.

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<sup>1</sup> We refer to Sonny by his name because he is the father of some, but not all of the subject children.

<sup>2</sup> All further statutory references are to the Welfare and Institutions Code.

Sonny admitted knowing that mother hits Bryanna with objects, but said she does not hit her hard.

By the time of the October 3, 2006 team decision meeting, mother had not yet cleaned the home. She said it was Chloe's and Bryanna's responsibility to clean the house, and if they did not do so, mother could not because she was pregnant.

On October 6, 2006, the Department filed a petition on behalf of Chloe, Bryanna, and Annie under section 300, subdivisions (a) [inflicting physical harm], (b) [neglect and failure to protect], and (j) [sibling abuse]. At the detention hearing held on that same date, the juvenile court found father to be Annie's presumed father; Timothy G.<sup>3</sup> to be Chloe's alleged father; and D.J., deceased, to be Bryanna's alleged father. The court ordered all three children detained and granted both mother and Sonny monitored visitation.

In November 2006, the Department reported that the children were placed together with a maternal relative. Chloe told the social worker that mother would hit Bryanna with anything she could get her hands on and that bruises would appear on Bryanna's body the following day. Chloe said that mother abused her in a similar way when Chloe was Bryanna's age, and that she no longer wanted to live with mother.

Mother's cousin, M.M., told the social worker that she had witnessed mother hit Bryanna with her fist. M.M. had observed bruises on Bryanna's body on other occasions. When questioned about the bruises, Bryanna said that mother had hit her with a shoe.

Mother admitted hitting Bryanna with a broom and with her hand but did not recall using other objects to discipline the child. She did not believe the discipline was excessive or caused Bryanna unreasonable pain and suffering.

Mother gave birth to Christopher in November 2006. The juvenile court ordered Christopher detained in foster care, and the Department filed a petition on Christopher's behalf under section 300, subdivisions (a), (b), and (j).

## **2. Jurisdiction/disposition of section 300 petitions**

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<sup>3</sup> Timothy G. is not a party to this appeal.

At the adjudication hearing on the petition for Chloe, Bryanna, and Annie, mother signed a waiver of rights, and the juvenile court sustained an amended petition under section 300, subdivisions (a), (b), and (j). The court ordered mother to participate in individual counseling, conjoint counseling with the children, parenting classes, and an anger management program. The court ordered Sonny to participate in parenting classes and conjoint counseling. Both parents were accorded family reunification services.

Mother also signed a waiver of rights at the adjudication hearing on Christopher's petition, and the juvenile court sustained an amended petition under section 300, subdivisions (b) and (j).

### **3. Review proceedings and home of parent order**

In January 2007, the Department reported that mother had enrolled in parenting classes and an anger management program. Mother and Sonny were also participating in counseling, but their therapist reported that the couple had made minimal progress and were difficult to work with. Mother and Sonny discharged themselves from their programs in late January 2007 but re-enrolled three months later.

In March 2007, Annie's caregiver reported that Annie had engaged in sexualized conduct with the caregiver's grandson. Annie told the caregiver that Sonny behaved that way with mother, but not with her. The caregiver also reported that Bryanna had disclosed that mother and Sonny have sex in front of the children.

In response to these disclosures, the social worker interviewed the children, mother, and Sonny. Chloe said that she had walked in on mother and Sonny having sex in the living room on one occasion only. Bryanna said she had seen mother and Sonny having sex on the couch at night when she came out of her room. Although mother and Sonny initially denied ever having sex in front of the children, Sonny subsequently admitted that Bryanna may have seen them having sex by walking in on them, but they had been fully covered at the time.

In May 2007, Christopher's caregiver reported that mother and Sonny had been inconsistent with their visits. The parents had failed to attend three visits and had not called to cancel or reschedule. The parents' therapist reported that both mother and

Sonny were enthusiastic participants. Their parenting instructor reported that mother and Sonny had completed six of the twelve required sessions and was making good progress. At the six-month review hearing held in May 2007, the juvenile court ordered continued family reunification services for both parents and set the matter for a 12-month review hearing.

In September 2007, mother's and Sonny's therapist reported that both parents continued to participate in individual counseling. They demonstrated eagerness to enhance their parenting skills, accepted constructive analysis, and followed recommendations and suggestions. Mother and Sonny completed their parenting classes in October 2007. Their instructor reported that both had been willing and cooperative participants.

At the 12-month review hearing held on November 7, 2007, the juvenile court granted mother and Sonny unmonitored day visits with the children and gave the Department discretion to liberalize the visits to include overnight visits.

Mother and Sonny visited regularly with the children in November and December 2007, and Chloe, Bryanna, and Annie each reported enjoying the visits. The parents' visits became inconsistent by late December and early January, however, when mother and Sonny cancelled four out of seven visits. For the visits they did not cancel, Sonny and mother arrived late.

At the January 22, 2008 hearing, the juvenile court accorded both parents continued family reunification services and ordered the Department to prepare a report addressing Christopher's possible return to his parents.

Mother and Sonny began having overnight visits with Christopher in March 2008. The visits went well, and Christopher began calling Sonny "Dada." Chloe, Bryanna, and Annie were also having overnight weekend visits. The social worker found the parents' home to be clean and stocked with food, and the children appeared well cared for. The Department recommended that the children be returned to mother's and Sonny's custody. On March 27, 2008, the juvenile court ordered all four children returned to the parents and family maintenance services to be provided.

#### **4. Proceedings following home of parent order**

In April 2008, the Department reported that the family appeared to be adjusting well to reunification. Chloe and Bryanna said they enjoyed spending time with the family, and Christopher appeared to be progressing in his development.

In September 2008, the Department reported that Chloe, Bryanna, and Anna had not attended counseling since March 2008, and Chloe and Bryanna were no longer enrolled in school. The Department was unable to contact the family. Sonny's job had required him to move to Las Vegas, but mother and the children continued to reside somewhere in Los Angeles. Neither parent appeared at the September 2008 status review hearing, and the juvenile court continued the matter to October.

By October 1, 2008, the Department located the family residing in a hotel. Sonny explained that the family had been traveling back and forth between Los Angeles and Las Vegas. While in Los Angeles, the family's Las Vegas home was burglarized and most of their possessions were stolen. Chloe and Bryanna were still not enrolled in school. The juvenile court ordered continued family maintenance services and scheduled a review hearing for the following month.

In November 2008, the family was still residing in a hotel. Chloe and Bryanna were enrolled in school but had missed several days. The parents explained that Annie was not enrolled in school because they felt her behavior was "too severe" and that she was exhibiting symptoms of being bipolar. The Department expressed concern that the family's frequent moves were disrupting the children's education. The juvenile court ordered a full psychological evaluation for Annie and ordered the Department to provide family preservation services.

In February 2009, the Department reported that the family had been moving from motel to motel and its current whereabouts were unknown. Annie and Bryanna were enrolled in school, but had numerous unexcused absences. Chloe was not enrolled in school. Family preservation services had been terminated because mother cancelled the assessment appointment. Mother had also cancelled Annie's appointment for a psychological evaluation. The juvenile court ordered the Department to investigate

Chloe's whereabouts, whether she was enrolled in school, and what her wishes were regarding placement.

In May 2009, the Department reported that the family had secured a two-bedroom apartment in Torrance. Chloe was re-enrolled in high school but was failing most of her classes. Annie was seeing a therapist, who recommended in-home wraparound services for Annie and the family. Christopher was receiving Regional Center services three times a week.

In August 2009, the Department received a referral regarding sexual abuse of Annie. Annie disclosed that she had been sexually abused while living with her former caregiver. She reported that the caregiver's boyfriend had touched her genitals on more than one occasion. Later that same month, the Department received a second referral stating that Annie had seen Bryanna touch Christopher's genitals. Mother explained that Christopher had difficulty urinating, that his penis needed to be stimulated in order to urinate, and that she had instructed Bryanna on how to do so. The social worker informed mother that this was not an appropriate task for Bryanna.

In June 2009, the Department reported that the children's school reports showed they had missed more than 30 days of school since October 2008. Chloe was in the tenth grade and was failing all of her classes. Bryanna, who was in the fourth grade, and Annie, who was in kindergarten, were both being considered for retention because they were not meeting grade expectations and had numerous unexcused absences. The juvenile court ordered continued family maintenance services and set the matter for a September review hearing.

In September 2009, the Department reported that the family had moved to a different two-bedroom apartment in San Pedro. Sonny had left the family and said he would no longer provide for them financially. Mother and the children were receiving crisis intervention services, wraparound services, psychiatric evaluation and treatment, and case management services. The juvenile court ordered the Department to prepare a report addressing its investigation of Annie's sexual abuse allegation, services being offered to the family, and mother's ability to handle the children on her own.

In October 2009, the Department reported that the family had again moved to a new apartment in Torrance. Sonny was once more living in the family home. Allegations of general neglect and emotional abuse of Annie by her former caregiver had been substantiated, but the sexual abuse allegations were inconclusive. Bryanna had been hospitalized for two days because of dizziness and a heart condition.

The juvenile court ordered continued family maintenance and wraparound services and ordered the Department to assist mother in applying for Social Security income benefits, to assist the parents in obtaining Regional Center services for Christopher and medical services for Bryanna, and to have the children evaluated for individual education programs.

## **5. Second detention and section 342 petition**

In December 2009, the Department detained the children after Chloe told the social worker she did not want to remain in the home. She reported that on the night of November 23, 2009, Sonny and mother had gone out and left Chloe in charge of her younger siblings. While the parents were gone, Christopher followed Bryanna outside the apartment when she went to do the wash in a downstairs laundry room. The parents returned home, found Christopher outside, and became verbally abusive to Chloe and Bryanna. Chloe said Sonny is often verbally abusive toward her, calling her “nigger” and “bastard.” She also said that Sonny frequently leaves his marijuana paraphernalia in the living room. Chloe further disclosed that she has often had to miss school in order to care for her younger siblings because mother does not get out of bed in the morning and sleeps a lot during the day.

Bryanna told the social worker that she, too, did not want to remain in the home because Sonny and mother were verbally abusive toward her. Bryanna and Chloe both said the parents often go out to eat at night and do not bring food home for the children.

The Department filed a section 342 petition alleging that the children came within the jurisdiction of the court under section 300, subdivisions (b) [failure to protect] and (c) [serious emotional damage]. The juvenile court ordered the children detained and accorded mother and Sonny family reunification services. The court further ordered



counseling for Chloe, Bryanna, and Annie, and Regional Center services for Christopher. Chloe and Bryanna were placed together with a maternal cousin, and Annie and Christopher were placed in separate non-relative foster homes. Mother was accorded monitored visits with all the children. Sonny was accorded monitored visits with Annie and Christopher only, and no visits with Bryanna and Chloe. Both parents were ordered to submit to weekly and on-demand drug testing.

In its January 11, 2010 jurisdiction/disposition report, the Department summarized its interviews with the children and the parents. Chloe described Sonny's marijuana pipe in detail and said she had seen it in the living room on multiple occasions. She said that Sonny called her a "Compton nigger" and that he called Bryanna a "bitch." Bryanna also described Sonny's marijuana pipe and said that both Sonny and mother often swore at her and called her derogatory names.

When the social worker asked six-year-old Annie if she knew what drugs were, the child responded, "You go to the drug store to buy weed." She said that her parents smoked "weed" "a little bit" and that it smelled like "fire."

Mother and Sonny both admitted that Sonny regularly smoked marijuana, but claimed he had a prescription authorizing his use. Mother initially denied using drugs, but then admitted doing so on the night the children were detained. In the month of December, mother failed to appear for one drug test, had one negative test, and one positive test for alcohol. Sonny failed to appear for one drug test and had one positive test for marijuana.

Mother and Sonny had one visit with Christopher and two visits with Annie in late December 2009 and early January 2010. They also spoke to Annie by telephone on a daily basis. Mother had one visit with Chloe and Bryanna at a McDonald's restaurant. Sonny had transported mother to the visit, and although he remained in his truck during the visit, Chloe and Bryanna reported that his presence made them uncomfortable.

The Department filed a first amended petition on March 9, 2010, adding allegations that the children were at risk of harm because mother and Sonny left Chloe to supervise her younger siblings and Christopher had wandered out of the home; the

parents failed to ensure Annie's regular attendance at school; and mother had a history of mental problems, including a major depressive disorder, that periodically rendered her incapable of providing the children with regular care and supervision.

In a March 2010 interim review report, the Department noted that mother had moved out of her apartment and into her father's home. Sonny was living in the South Bay but declined to provide his residence address. Mother had one positive test for alcohol on January 26, 2010. The testing center explained that the positive test could have been caused by mother's diabetes. Sonny tested positive for marijuana on January 4, 15, and 20, 2010. Both parents were visiting weekly with Christopher and Annie. Chloe and Bryanna said they did not wish to visit with mother.

In May 2010, the Department reported that mother had received psychiatric treatment in 2002 for "major depression with psychotic features." Her symptoms included suicidal ideation and hearing voices. Mother had received four months of therapy for her condition, but the therapy sessions were terminated after she missed several sessions.

Mother failed to appear for drug testing on March 3, 17, 26, 29, and April 16, 2010. Sonny tested positive for marijuana on February 5, 26, March 20, 26, April 16, and 20, 2010. He had produced a medical marijuana prescription issued on February 19, 2010, renewable at the end of a three-month period.

Mother and Sonny continued to have weekly monitored visits with Annie and Christopher, who appeared to enjoy the visits. Although Christopher did not appear to be upset when the visits ended, Annie would cry at the end of the visits. Mother also began visiting with Bryanna, who said she enjoyed the visits.

At the May 13, 2010 adjudication hearing, the juvenile court sustained the amended section 342 petition and terminated its previous home of parent order. The court ordered mother to undergo an Evidence Code section 730 evaluation, to complete all recommendations made by the 730 evaluator, to enroll in individual counseling, and to participate in conjoint counseling with Chloe, Bryanna, and Annie. The court ordered Sonny to enroll in drug counseling and testing.

## **6. Post-342 petition review proceedings**

Mother's Evidence Code section 730 evaluator Dr. Michael Yoo reported that mother's current behavior was consistent with her previous diagnosis of depression and associated psychotic thought disorder. Dr. Yoo stated that during her evaluation, mother expressed odd beliefs, demonstrated suspiciousness bordering on paranoia, and reported some unusual perceptual experiences. Dr. Yoo recommended that mother meet regularly with a psychiatrist, receive medications deemed necessary by her treating doctor, and receive regular and consistent psychotherapy for treatment of her disordered personality traits. He recommended dialectical behavioral therapy, or if that was unavailable, cognitive behavioral therapy in its stead. Dr. Yoo also recommended that mother participate in regular random drug testing.

The juvenile court ordered mother to meet regularly with a psychiatrist, to participate in regular and consistent psychotherapy, and to submit to eight consecutive weekly drug tests.

In September 2010, mother was living with a friend and Sonny was living with his mother, but the two of them were considering moving in with each other again. Sonny was participating in counseling and attending drug and alcohol education classes, but continued to miss drug tests. On July 29, 2010, he tested positive for opiates.

Sonny and mother visited inconsistently with Annie and Christopher, cancelling approximately half of their scheduled visits between June and September 2010. Annie and Christopher were doing well in their respective placements. Between May 6, 2010 and July 29, 2010, mother missed five of twelve scheduled visits with Bryanna and was late for two visits. Bryanna subsequently refused to visit with mother. Chloe continued to refuse visits with mother.

## **7. Termination of family reunification services**

The Department reported in December 2010 that Sonny had completed a course in alcohol and substance abuse and had submitted three negative drug test results. Mother had missed one drug test. The Department further reported that mother had met with her psychiatrist, Dr. Ramirez, for an intake appointment and had participated in two therapy

sessions. Dr. Ramirez opined that although mother presented with depressive symptoms, they were not severe enough to warrant medication. She referred mother for dialectical behavioral therapy but did not know if mother was receiving the therapy.

The juvenile court accorded the Department discretion to allow mother and Sonny unmonitored visitation with Annie and ordered that efforts be made to place Annie and Christopher together.

In February 2011 the Department reported that mother and Sonny had visited consistently with Annie and Christopher. Mother had not yet started individual counseling and said she was on a waiting list.

Chloe and Bryanna continued to do well in their placement with M.M. Chloe was scheduled to begin classes at Santa Monica City College. She told the social worker she had worked hard to achieve what she had accomplished so far, and that if she returned to mother, she would never earn her high school diploma. Bryanna said she did not believe any of the children should be returned to mother and Sonny, because the parents had not changed.

Mother and Sonny were present at the contested section 366.22 hearing held on February 23, 2011. Alexa Brady, the Department's social worker, testified that mother was meeting with a psychiatrist and was on a waiting list to receive dialectical behavioral therapy but had not been able to participate in that therapy. Ms. Brady further testified that mother had admitted that she did not currently have a stable residence.

Ms. Brady acknowledged that Sonny had completed drug and alcohol education classes and had submitted clean drug tests for a six-month period. She nevertheless expressed the opinion that Sonny's period of sobriety was relatively short.

Brooke Holman, a foster family agency social worker who monitored Christopher's and Annie's visits with their parents, testified on mother's behalf. Ms. Holman testified that Annie and Christopher both looked forward to visits with their parents and were very excited to see them. The children were affectionate with the parents, and Annie cried when the visits concluded.

At the conclusion of the hearing, the juvenile court found that family reunification services should be terminated as to Chloe and Bryanna. With regard to Annie and Christopher, the court found that the parents had been in the juvenile dependency system for several years but had only recently become serious about their programs and visitation. The court concluded the parents had run out of time, terminated family reunification services, and set the matter for a section 366.26 selection and implementation hearing.

In March 2011, Annie's caregiver expressed a desire to become her legal guardian. The caregiver noted that Annie had been placed with her since December 2009 and that Annie's behavior, mental health, and grades had greatly improved during that period.

#### **8. Section 388 petitions**

In June 2011, both mother and Sonny filed separate section 388 petitions requesting modification of the juvenile court's order terminating reunification services. Mother's petition sought return of all four children, or in the alternative, an additional six months of family reunification services. Sonny's petition sought return of Annie and Christopher to his custody, or alternatively, six more months of family reunification services.

Mother's petition alleged as changed circumstances her continued therapy with Dr. Ramirez, appropriate living arrangements, and the strong bond she shared with Annie and Christopher. Sonny's petition stated that he had completed a drug counseling program, had consistently visited with the children for six months and obtained appropriate living arrangements for them, and that the children were strongly bonded to him.

The juvenile court summarily denied both mother's and Sonny's section 388 petitions, finding that neither parent had established changed circumstances. At the July 13, 2011 section 366.26 hearing, the juvenile court appointed Annie's and Christopher's caregivers to be the children's respective legal guardians. The court granted Sonny and mother visitation with Annie and Christopher two times per month and gave the legal

guardians discretion to liberalize the parents' visits so long as it furthered the children's best interests. The court then terminated jurisdiction over Annie and Christopher.

With regard to Chloe, the juvenile court found that she was nearly 18 years old, and ordered that she remain permanently placed with Monica until she turned 18 and became emancipated. The court continued the matter as to Bryanna, whose prospective legal guardians were awaiting approval.

This appeal followed.

## **DISCUSSION**

### **I. Section 388 petitions**

Mother and Sonny both contend the juvenile court erred by denying them an evidentiary hearing on their respective section 388 petitions. Sonny further contends the juvenile court improperly denied his petition because the court mistakenly believed his request for reinstatement of reunification services was the subject of an appeal.

To obtain an evidentiary hearing on a section 388 petition, the petitioner must plead facts sufficient for a *prima facie* showing that (1) the circumstances have changed since the prior juvenile court order, and (2) the proposed modification will be in the best interests of the child. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 310; *In re Daijah T.* (2000) 83 Cal.App.4th 666, 672.) In determining whether the petition has made a *prima facie* showing that modification of the prior order is in the child's best interests, it is important to consider the stage of the dependency proceedings. "After the termination of reunification services, the parents' interest in the care, custody and companionship of the child are no longer paramount. Rather, at this point, 'the focus shifts to the needs of the child for permanency and stability' [citation], and in fact, there is a rebuttable presumption that continued foster care is in the best interests of the child. [Citation.]" (*In re Stephanie M.* (1994) 7 Cal.4th 295, 317.) We cannot reverse a summary denial of an evidentiary hearing on a section 388 petition unless the ruling constituted an abuse of discretion, i.e., it was arbitrary, capricious, or beyond the bounds of reason. (*In re Anthony W.* (2001) 87 Cal.App.4th 246, 250.) If no *prima facie* evidence exists there is

no due process requirement to hold a hearing. (See *In re Jeremy W.* (1992) 3 Cal.App.4th 1407, 1416.)

## **II. No abuse of discretion**

Mother failed to make a prima facie showing of changed circumstances. She provided no evidence to support her claims that she had continued in therapy with Dr. Ramirez, did not qualify for dialectical behavioral therapy, and had procured appropriate living arrangements for the children. Mother's petition stated no facts, and proffered no evidence as to whether she had participated in a drug treatment program. The denial of her petition without a hearing was not an abuse of discretion.

Sonny similarly failed to demonstrate changed circumstances. His marijuana use was one of the problems that led to the children's second detention. Sonny's continued use of marijuana in the six months following the children's removal from his custody prompted the juvenile court to order him to participate in a drug counseling and testing program. His completion of a drug counseling program two months before the hearing at which his reunification services were terminated and five months of negative drug tests demonstrated changing, rather than changed circumstances.

The record does not support Sonny's contention that the juvenile court based its denial of his petition solely on the mistaken belief that his request for reunification services was the subject of a then pending appeal. Although the juvenile court appears to have mistakenly believed Sonny had appealed the termination of his reunification services, the court also found that Sonny's petition failed to state new evidence or changed circumstances. The following exchange between the juvenile court and the parents' counsel took place at the section 388 hearing:

"THE COURT: [T]here is an appeal pending on the same issues and I don't have any new information. So I am going to deny --

"[MOTHER'S COUNSEL]: There is an appeal pending on 388?

"THE COURT: No, there is an appeal pending on the termination of reunification.

“[MOTHER’S COUNSEL]: So the court is not going to proceed with legal guardianship?

“THE COURT: No, no. no. That isn’t what I am saying. I am saying I am going to deny the 388’s since both 388’s are asking for family reunification services to be reinstated and that is the issue on appeal.

“[FATHER’S COUNSEL]: Well, Your Honor, the fact that it is on appeal doesn’t mean that it is not something that also could be considered --

“THE COURT: And the request does not state new evidence or change of circumstances.

“[FATHER’S COUNSEL]: I think the father’s states new evidence and change of circumstances.

“[MOTHER’S COUNSEL]: As well as mother’s Your Honor. I don’t know if the court read it.

“THE COURT: That is the court’s finding.”

The juvenile court found that both parents’ petitions failed to establish changed circumstances and on that basis could have concluded that a hearing was not necessary on the petitions. As this conclusion does not exceed the bounds of reason, we find no abuse of discretion in the juvenile court’s denial of the section 388 petitions.

#### **DISPOSITION**

The juvenile court’s order denying the petitions under section 388 is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.



\_\_\_\_\_, J.  
CHAVEZ

We concur:

\_\_\_\_\_, P. J.  
BOREN

\_\_\_\_\_, J.  
DOI TODD