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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re D.T. et al., Persons Coming Under the Juvenile Court Law. _____ LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. J.H., Defendant and Appellant.	B294419 Los Angeles County Super. Ct. Nos. 18CCJP01171A, 18CCJP01171B

APPEAL from an order of the Superior Court of Los Angeles County. Marguerite D. Downing, Judge. Affirmed.

Janette Freeman Cochran, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, Navid Nakhjavani, Principal Deputy County Counsel, for Plaintiff and Respondent.

Mother challenges a juvenile court order, and the predicate reasonable services finding, continuing the placement of her 16-year-old son and 15-year-old daughter after a Welfare and Institutions Code section 366.21 review hearing.[1] Mother contends the evidence did not support the court's finding regarding the reasonableness of the services she received because the court failed to enforce its visitation order when the children refused to visit with her. However, mother does not dispute that the court ordered visitation consistent with section 362.1, and the record shows she did not request any change to the visitation order or to the services she had been receiving. We affirm.

FACTS AND PROCEDURAL BACKGROUND

Consistent with our standard of review, we state the evidence in the light most favorable to the juvenile court's findings, resolving all conflicts and drawing all reasonable inferences to uphold the court's order, if possible. (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 762 (*Angela S.*); *In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1216.)

1. *Referral and Investigation*

The family consists of D.T. (born March 2002), M.J. (born June 2003), J.J. (born November 2007), and mother. D.T.'s father lives in California; M.J.'s and J.J.'s father lives in Arizona. Neither father is a party to this appeal.

On January 19, 2018, the Los Angeles County Department of Children and Family Services (Department) received a referral alleging the children were at risk of physical and emotional abuse. According to the referral, D.T. had found

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[1] Statutory references are to the Welfare and Institutions Code.

methamphetamine pipes in the home, as well as four firearms that were loaded and not locked away. He also said mother's home was the target of a drive-by shooting. D.T. had seen people smoking marijuana in the house, and he expressed concern about mother's friend, "Hawk," who had been physically violent with him and mother.

A social worker interviewed D.T. regarding the allegations. He confirmed mother's friend Hawk had been violent, including slamming D.T.'s head on the hood of a car. He reported that mother made false identification cards and checks, and that she forced his sister, M.J., to help with the fraudulent activity. He said mother's friends were in and out of jail and they came to the house frequently to assist mother with her illegal conduct. He also saw mother smoking methamphetamine, and he showed the social worker a picture of glass pipes that he found in the home.

The social worker spoke to M.J., who confirmed mother kept guns in the home that belonged to an ex-boyfriend. She also confirmed that mother made fake checks and identification cards in the home, that Hawk had assaulted D.T., and that mother smoked drugs in the house.

D.T. and M.J. said they began living with mother in November 2017. Before then, they lived with M.J.'s godmother, G.M. G.M. confirmed the children had lived with her for about 11 years. In 2016, the superior court granted G.M. temporary legal guardianship, with mother's consent, when mother was incarcerated for identity theft. In November 2017, mother was released on house arrest and demanded the children return to her home. When the children refused, mother had law enforcement remove them from G.M.'s home.

Mother denied any substance abuse and denied she had guns in her home. She admitted Hawk grabbed D.T. by the neck when he was "rude" to her, but otherwise denied violence in the home involving Hawk. She also denied personal involvement in fraudulent activity. She claimed a friend had brought a credit card machine to her house and, when police searched the home following a drive-by shooting, they found the machine and arrested everyone.

Mother denied that the children had lived with G.M. for 10 to 11 years. She became friends with G.M. in high school and, when D.T. and M.J. were very young, she allowed them to live with G.M. until she qualified for section 8 housing assistance. After that, the children continued to spend time with G.M.—first on weekly outings, then multiple visits during a week, and sometimes overnight visits. Mother saw G.M. as family and had asked for her help during periods when mother was hospitalized or incarcerated.

Mother's criminal history revealed an October 2016 conviction on five felony counts for falsifying a driver's license, possession of a driver's license to commit forgery, possession of identification cards of more than 10 people with intent to defraud, and identity theft. During an assessment of her home, the Department also found pipes in the room D.T. shared with J.J. Mother initially said the pipes belonged to her friend. Later, she claimed the pipes were for a fish tank.

During its investigation, the Department received another referral regarding the family. M.J. reported mother was upset about the allegation that she had a gun in the home, and she had confronted M.J. in the bathroom, yelling and screaming at the girl. Mother cursed, shoved, and cornered M.J. in the bathroom,

and threatened to send her to live with her father in Arizona. M.J. refused to leave the bathroom and called the police. D.T. spoke to an officer and filed a police report. He also told the officer he did not want to live with mother.

M.J. said mother had never been so aggressive and the incident made her scared. When D.T. tried to intervene, mother "got in [his] face," and when he asked what she was going to do, mother responded, "nothing, but someone else will, watch." Mother denied threatening D.T., but admitted she yelled at M.J.

On February 14, 2018, the Department met with the family. D.T. broke down and cried during the meeting, explaining that he did not want to live with mother and that he felt safer living with G.M. M.J. also wanted to return to her godmother's home, where she felt safer.

The next day, the Department received a call from M.J.'s psychiatric social worker. M.J. reported that, after the family meeting, mother called her racially derogatory names and accused her of being a liar. On February 20, 2018, the social worker learned M.J. had expressed suicidal ideations to a friend. As a result, the social worker refused to release M.J. to mother's custody.

2. *Petition and Reunification Efforts*

On February 21, 2018, the Department filed a dependency petition on behalf of D.T., M.J., and J.J., alleging mother's history of substance abuse, her criminal activities in the home, and her emotional abuse of D.T. and M.J., placed the children at risk. At the detention hearing, both D.T. and M.J., through their counsel, asked to be detained from their parents. M.J.'s counsel informed the court that the child had been extremely emotional, felt intimidated by mother, and had expressed suicidal ideation.

The court detained the children from their parents' custody and ordered monitored visits for mother.

On March 1, 2018, the Department placed D.T. and M.J. in G.M.'s home, and the children began receiving mental health services.

On March 13, 2018, mother had a monitored visit with the children. Although she showed up 30 minutes late, the visit was appropriate. Mother and the children talked and played games with each other. Mother missed her next visit on March 19. After waiting 15 minutes for mother, M.J. and D.T. left. At their next visit, the children did not talk with mother and mother did not engage the children. M.J. stayed in the bathroom for most of the visit.

On March 25, 2018, a social worker interviewed mother regarding the petition's allegations. Mother continued to deny ever using methamphetamine, she maintained the glass pipes in her home were for a fish tank, and she suggested D.T. had lied about them to undermine her parenting. She also denied her involvement in fraudulent activity, notwithstanding her felony convictions for identity theft. She admitted she yelled at the children, but denied calling M.J. derogatory names. She told the social worker M.J. and D.T. were " 'lying and making up false allegations in order to get their way' " and they were " 'lying so they can live with [G.M.] because [G.M.] can provide them with everything they want.' "

The social worker also interviewed M.J. and D.T. Both children maintained the allegations in the petition were true, and both described how mother humiliated them and made them feel "low." M.J. said she was scared to be around mother and she felt safer and loved in G.M.'s home.

The family's next visit, on March 28, 2018, did not go well. The children initially refused to speak with mother, and later D.T. and mother got into an argument. D.T. said he did not like spending time with mother because she lied all the time. The social worker eventually terminated the visit because D.T. and mother continued to argue in front of M.J. and J.J. The next two visits were better, although M.J. and D.T. expressed reservations about visiting mother because they felt "anxiety" around her.

On April 19, 2018, the juvenile court held a combined jurisdiction and disposition hearing. The court sustained the petition, finding mother's denials were not credible. The court removed M.J. and D.T. from mother's custody, but allowed J.J. to continue residing with mother. The court ordered mother to participate in a drug treatment program, parenting classes, individual counseling, and additional monitored visits with the two older children.

The quality of mother's visits with the older children declined from May to early-June 2018, until, on June 22, M.J. refused to visit. From that point, and through July, the visitation monitor continued to go to the children's placement to retrieve them for their scheduled visits with mother, but the children refused to go.

D.T.'s therapist spoke with him about visits and conjoint counseling. She counseled him on the benefits that could come from "making an effort to work things out" with mother. The therapist reported D.T. was resistant to meeting with mother "any time soon," but indicated he might be open to it in the future. She said she would revisit the issue with him at a later session. M.J.'s therapist similarly reported that M.J. was not ready for conjoint counseling with mother.

On August 10, 2018, the juvenile court held a progress hearing. Mother's counsel informed the court that the children had been refusing to visit with mother. Counsel explained: "I understand that the court cannot force the children to visit with mother. [¶] Mother feels that the caretaker [G.M.] has some type of influence over her children, and that is influencing them not to visit her. [¶] She just wanted to express these concerns to the court, as she does want to visit with her children." The court decided to "try something else." Recognizing the older children seemed to be "very unhappy" with the Department interrupting their activities for bi-weekly visits with mother, the court suggested they might be more amenable to mother joining their sibling visits with J.J. instead. Mother's counsel affirmed that mother was "not opposed to" the court's suggested course, and acknowledged it was a reasonable way to try to address the older children's resistance to visitation.

Unfortunately, at the September 13, 2018 progress hearing, the Department informed the juvenile court that M.J. and D.T. were refusing to participate in sibling visits because they did not want to spend time with mother. The Department explained: "[T]here appears to be a disconnect as mother is not able to explain why she believes her children won't visit, and she continuously deflects blame. Mother states that her children are being brainwashed and she has not done anything wrong. It appears the family would benefit from conjoint counseling to address the issues that brought the family to the attention of the Department. [The social worker] will continue to encourage [M.J.] and [D.T.] to participate in conjoint counseling with their mother."

After conferring with counsel, the court ordered that sibling visits would continue, but mother would not participate in them. As for conjoint counseling, the court said it would order it "once the children's therapist believes . . . the children are ready for it." Mother did not object to the court's orders.

On October 22, 2018, the Department reported that M.J. and D.T. had resumed sibling visits, but they still refused to visit with mother. Mother had complied with the court's family preservation and random drug testing orders. The Department expressed "no concerns" with the older children's caretaker, G.M. D.T.'s therapist reported he had made "moderate progress" in his treatment and he continued to show "irritability, anger, and difficulties with emotional regulation . . . due to visits with biological mother." When asked about conjoint counseling, D.T. said he would attend "if his mother stops telling lies and admits to everything that happened." M.J. said she was "not willing to attend therapy with her mother no matter what she does." The Department affirmed it would "continue to encourage" the children to attend therapy with mother.

The juvenile court terminated jurisdiction over J.J. and entered an exit order granting mother sole legal and physical custody of the child. The court continued the matter for a contested six-month review hearing on the older children's placement.

3. *Six-Month Review Hearing*

On December 5, 2018, the court held the contested review hearing. Mother, M.J., D.T., and the older children's caretaker, G.M., testified. Mother said the older children had been in her custody their entire lives. Before the Department's intervention, she believed they had a strong relationship. After the children

refused to visit with her, mother "text[ed] them all the time" but they never responded. She contacted D.T.'s therapist, her own therapist, and the social worker about starting conjoint counseling with the children, but all her efforts were "a dead end."

Mother had enrolled in parenting classes that dealt exclusively with teenagers, but she had attended only three classes at the time of the review hearing. She acknowledged that she was "still learning" and that part of the curriculum involved taking responsibility as a parent for her relationship with her teenage children.

Mother had been friends with G.M. since high school, and she affirmed that G.M. had always been good to her and her children. She said the children lived with G.M. for only six months before the Department's intervention. Mother maintained the children had lived with her their entire lives, but acknowledged the children would go "back and forth" with G.M. during periods when G.M. helped her.

G.M. testified she was M.J.'s godmother and had been the primary caretaker for M.J. and D.T. since they were two years old. She said the children were in her care and custody until November 2017. During that period the children mostly visited mother on the weekends.

After the Department's intervention, G.M. encouraged the children to visit with mother; however, when she observed M.J. was anxious and would cry after visits, she stopped telling M.J. that she had to go. She also stopped encouraging D.T. to visit with mother because he was always in a "bad mood" for a few days before visits. She never prevented the children from visiting mother.

M.J. also testified that she had lived with G.M. her entire life and would only "visit" mother. She did not enjoy the visits and at times felt unsafe in mother's home. She explained that one of mother's friends kept a gun in the house and that another friend slammed D.T.'s head against the hood of a car. She had enjoyed a few visits when mother took her and her siblings to go-cart racing and their grandmother's house.

D.T. likewise said he had lived with G.M. for as long as he could remember. When he visited mother's home, there were always other adults in the house. One, named "Hawk," had grabbed D.T. and slammed him against the hood of a car. Hawk had also assaulted mother in front of D.T. Another of mother's friends hid in mother's attic when fleeing from the police. Those incidents and other interactions with mother made D.T. feel stressed and anxious when he was around her.

Mother's counsel argued the children should be returned to mother's custody, emphasizing that mother had been in substantial compliance with her case plan and that she had attempted to visit regularly with the children. Counsel suggested the children's negative feelings toward mother were not genuine, noting that when visits did occur, they went well for the most part. While counsel argued the children's recent refusal to visit with mother had hampered mother's efforts to reunify, she requested only that the court return the children to mother's custody and did not ask for any change to the existing visitation order or reunification services.

Counsel for M.J. and counsel for D.T. joined in opposing the request to return the children to mother's custody. They also opposed liberalizing mother's visits or ordering conjoint counseling. Counsel maintained the children refused to

participate in these services because mother had not shown a willingness to recognize her responsibility for the breakdown in the relationship. Under those circumstances, counsel suggested the children were justified in refusing to engage in "services to work on something that [mother] say[s] isn't a problem or doesn't exist."

The juvenile court found continued jurisdiction was necessary to protect M.J. and D.T. from emotional harm, and ordered the children to remain in their current placement with G.M. The court found mother was in compliance with the reunification plan, and removed the drug testing requirement. It also found the Department had complied with the case plan and made reasonable efforts to make and finalize the children's permanent placement. The court extended reunification services for an additional six months, recognizing that mother had shown a willingness to visit with the children consistently and an "ability to complete the objectives of treatment" so as to provide a physically and emotionally safe environment for the children.

As for visitation, the court continued the existing order, remarking: "I have ordered visits. The visiting order will remain. But as I have told both of them, no one is going to pick them up and make them visit. And at this age, if they don't want to visit, they don't want to visit."

Finally, the court advised mother that if the children could not be returned to her custody within six months, the matter would be referred for a permanent plan that might include adoption, guardianship, or other planned permanent living arrangement.

Mother filed a timely notice of appeal from the placement order.

DISCUSSION

1. *Governing Law and Standard of Review*

At each review hearing, if the child is not returned to the parent, the juvenile court must determine whether "reasonable services that were designed to aid the parent . . . in overcoming the problems that led to the initial removal and the continued custody of the child have been provided or offered to the parent." (§ 366.21, subd. (e)(8).) "The adequacy of reunification plans and the reasonableness of the [Department's] efforts are judged according to the circumstances of each case." (*Robin V. v. Superior Court* (1995) 33 Cal.App.4th 1158, 1164 (*Robin V.*).) "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 . . . .' " (*Kevin R. v. Superior Court* (2010) 191 Cal.App.4th 676, 691 (*Kevin R.*), quoting *In re Riva M.* (1991) 235 Cal.App.3d 403, 414 (italics omitted).)

"[W]ith regard to the sufficiency of reunification services, our sole task on review is to determine whether the record discloses substantial evidence which supports the juvenile court's finding that reasonable services were provided or offered." (*Angela S., supra,* 36 Cal.App.4th at p. 762.) "In making this determination, we review the record in the light most favorable to the court's determinations and draw all reasonable inferences from the evidence to support the findings and orders. [Citation.] 'We do not reweigh the evidence or exercise independent

judgment, but merely determine if there are sufficient facts to support the findings of the trial court.' " (*Kevin R., supra,* 191 Cal.App.4th at pp. 688–689.)

2. *The Juvenile Court Did Not Abdicate Its Authority to Enforce the Visitation Order*

Mother principally argues the Department failed to provide reasonable services when it allowed the children to refuse visits, and she maintains the juvenile court improperly abdicated its authority to order visitation when it declared the children could not be forced to have visits if they refused. Because the court determined continued jurisdiction was necessary, as the children might suffer emotional harm if returned to mother's custody, mother maintains it was incumbent upon the court to order additional services to address the children's refusal to visit. We conclude the children's persistent refusal to visit is not a basis for reversal where, as here, the juvenile court has made reasonable efforts to authorize and facilitate visitation and the parent has failed to request a specific type of enforcement or a specific change to the visitation order. (*In re Sofia M.* (2018) 24 Cal.App.5th 1038, 1046 (*Sofia M.*).)

Section 362.1, subdivision (a) provides: "In order to maintain ties between the parent . . . 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 . . . any order placing a child in foster care, and ordering reunification services, shall provide as follows: [¶] (1)(A) Subject to subparagraph (B), for visitation between the parent . . . and the child. Visitation shall be as frequent as possible, consistent with the well-being of the child." Subdivision (a)(1)(B) stipulates, in relevant part: "No visitation order shall jeopardize the safety of the child."

There is no dispute that the juvenile court's visitation order complied with this statute. However, relying on *In re Hunter S.* (2006) 142 Cal.App.4th 1497 (*Hunter S.*), mother contends the court abdicated its responsibility under section 362.1 by failing to enforce the visitation order.

In *Hunter S.*, five-year-old Hunter was detained and placed with a grandmother while his mother was incarcerated. (*Hunter S., supra,* 142 Cal.App.4th at pp. 1500–1501.) When the mother was released over a year later, she entered a rehabilitation center where she attempted to maintain contact with the minor via phone. Hunter spoke with her a few times, but began refusing to accept her calls. (*Id.* at p. 1501.) He told his therapist he did not miss his parents, he felt safe and comfortable with his grandmother, he was tired of his mother lying to him, and he was afraid he would be exposed to more neglect if returned to her. (*Ibid.*) The juvenile court ordered visitation " 'as can be arranged' " through mother's rehabilitation center program. Hunter, however, continued to refuse visits, despite the efforts of his social worker, his relatives, and his therapist, to convince him to do so. (*Ibid.*)

Meanwhile, the mother was sober and employed and continued to attempt to visit the minor. (*Hunter S., supra,* 142 Cal.App.4th at p. 1502.) Hunter received extensive therapy, but he mostly refused to talk about his mother, and he became uncharacteristically angry when the therapist pressed the issue. (*Ibid.*)

In the postpermanency planning stage, Hunter continued to refuse visits. When the mother asked the juvenile court to permit visits in a therapeutic setting, the juvenile court ordered the social worker to "discuss the matter with Hunter's therapist

in an attempt to move the issue forward at an appropriate pace, so joint counseling could take place." (*Hunter S., supra,* 142 Cal.App.4th at p. 1502.) At a subsequent section 366.26 hearing, after both Hunter and caregiver agreed to adoption, the court refused the mother's renewed request to change the court's order to enable joint therapy with her son. (*Hunter S.*, at pp. 1502–1503.) One visit occurred, with mixed results, and afterwards the mother filed a section 388 petition, seeking to reinstate reunification services. The court denied the petition and terminated parental rights. (*Hunter S.,* at pp. 1503–1504.)

The *Hunter S.* court held the juvenile court erred in ordering visitation " 'as can be arranged.' " (*Hunter S., supra,* 142 Cal.App.4th at p. 1505.) The reviewing court explained: "While the court granted visitation in theory, none was permitted in reality. This situation was, to some extent, the consequence of decisions made by Hunter's therapists to give the child time to come to terms with his negative feelings about [the mother]. In the end, however, Hunter himself was given virtually complete discretion to veto visitation, and indeed all contact, with his mother, a discretion he exercised without any oversight or direction by the court. This was clearly improper. The juvenile court cannot impermissibly delegate to the child's therapist, [social services] or any third person, unlimited discretion to determine whether visitation is to occur." (*Ibid.*)[2]

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[2] Other courts have reached similar conclusions. (See *In re S.H.* (2003) 111 Cal.App.4th 310, 318–320 [error to order visitation subject to the condition, " 'if the children refuse a visit, then they shall not be forced to have a visit' "]; *In re Julie M.* (1999) 69 Cal.App.4th 41, 48–49 [abuse of discretion to order visitation subject to obtaining children's consent prior to each

However, the *Hunter S.* court did not limit its analysis to the propriety of the visitation order. It went on to discuss the juvenile court's errors in terms of a failure to enforce the order, explaining: "The visitation order was never enforced simply because Hunter continued to refuse any contact with his mother. This failure to enforce the order was error." (*Hunter S., supra,* 142 Cal.App.4th at p. 1505.) Recently, in *Sofia M.*, the appellate court found this language in *Hunter S.* "risks conflating two distinct issues: the propriety of the order, and its enforcement." (*Sofia M., supra,* 24 Cal.App.5th at p. 1046.) Further, the *Sofia M.* court explained, "it suggests that the *court* errs when the *child* refuses a proper visitation order." (*Ibid.*) To the extent *Hunter S.* could be construed to stand for that proposition, the *Sofia M.* court determined it went too far, holding: "The court does not err by failing to do that which it is not requested to do." (*Sofia M.*, at p. 1046.)

In *Sofia M.*, after the mother left 14-year-old Sofia and her six siblings and half siblings with their grandmother, the grandmother contacted law enforcement and told a social worker that the mother had been leaving the children with her and other relatives for three to four days each week, without adequate supplies or authorization for medical care. (*Sofia M., supra,* 24 Cal.App.5th at p. 1040.) When the social worker interviewed Sofia, the teen reported that her mother failed to take care of her and her siblings, failed to provide food, and was " 'a mess.' " (*Id.* at pp. 1040–1041.) Sofia said she felt safe with her grandmother,

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visit]; *In re Donnovan J.* (1997) 58 Cal.App.4th 1474, 1477–1478 [error to order father to have no visitation rights with children without permission of minors' therapists].)

but not with her mother, who accused her of stealing and threw things at her. (*Id.* at p. 1041.)

The juvenile court detained Sofia and ordered reunification services and visitation for her mother. When the mother was late to her first monitored visitation with Sofia, the teen was reduced to tears. (*Sofia M., supra,* 24 Cal.App.5th at p. 1041.) After that, the mother failed to visit regularly and was eager to leave her visits. Sofia finally told the social worker that she did not want to visit with her mother anymore. (*Id.* at pp. 1041–1042.)

The social worker spoke with Sofia's therapist, who relayed that Sofia had been very sad, felt that her parents had let her down, and was adversely affected by her mother's visit. (*Sofia M., supra,* 24 Cal.App.5th at p. 1042.) Eventually, the mother made genuine efforts to comply with her reunification plan—she completed some services and tested negative for drugs most of the time, but Sofia continued to refuse to see her. (*Ibid.*) The social worker made efforts to encourage Sofia to visit with her mother, but Sofia said she was not ready. (*Id.* at pp. 1042–1043.) The juvenile court scheduled visitation at a time convenient for the mother and granted her request for visitation inside a therapeutic setting, but nothing could sway Sofia. (*Id.* at p. 1043.)

At the section 366.26 hearing, the mother moved for modification, claiming the juvenile court had failed to enforce its visitation orders. However, Sofia's attorney argued that the mother-child relationship had broken down long before the juvenile court became involved and that at her current age of 15, Sofia could not be forced to visit her mother. (*Sofia M., supra,* 24 Cal.App.5th at pp. 1043–1044.) After denying the modification request, the juvenile court heard testimony from Sofia, who

stated that her mother had " 'never been there for me,' " while her aunts had been, and that she wanted to be adopted by her aunts. The juvenile court found Sofia was adoptable and terminated the mother's parental rights. (*Ibid.*)

On appeal, the mother relied on *Hunter S.* to argue the juvenile court impermissibly failed to enforce its visitation orders. (*Sofia M., supra,* 24 Cal.App.5th at p. 1044.) The *Sofia M.* court found *Hunter S.* was factually distinguishable in that the juvenile court order in that case authorized visitation " 'as can be arranged,' " whereas the order in *Sofia M.* unambiguously provided for the mother's visitation rights. (*Sofia M.*, at pp. 1045–1046.) But, to the extent *Hunter S.* suggested that a child's refusal to comply with a visitation order constitutes a juvenile court error, the *Sofia M.* court flatly disagreed. (*Sofia M.*, at p. 1046.)

The *Sofia M.* court held that when a child refuses to comply with a visitation order, "it is the parent's burden to request a specific type of enforcement, or a specific change to the visitation order," and, "[a]bsent a request, it is not the court's burden to sua sponte come up with a solution to the intractable problem of a child's steadfast refusal to visit a parent." (*Sofia M., supra,* 24 Cal.App.5th at p. 1046.) The court explained: " '[D]ependency courts "simply do not have the time and resources to constantly fine tune an order in response to the progress or lack thereof in the visitation arrangement, or in reaction to physical or psychological conduct which may threaten the child's well-being." ' [Citation.] Those sorts of changes are better handled, in the first instance, through communication with [social services agency], and, as needed, through motions to modify the visitation

order. It is the parent's burden to initiate those procedures, not the court's." (*Ibid.*)

The only enforcement mechanism the mother in *Sofia M.* requested was "a visit in a therapeutic setting, which the court expressly permitted. The court also permitted mother to write letters to Sofia." (*Sofia M., supra,* 24 Cal.App.5th at p. 1047.) The reviewing court held those were "reasonable efforts" and, as such, "it was not the court's duty to ensure those particular efforts were ultimately effective in overcoming Sofia's opposition to visitation." (*Ibid.*) Consistent with the rule that "[t]he adequacy of reunification plans and the reasonableness of the [Department's] efforts are judged according to the circumstances of each case" (*Robin V., supra,* 33 Cal.App.4th at p. 1164), the *Sofia M.* court held appellate review of the juvenile court's orders must acknowledge the "reality" that, in many cases, "the parent has irreparably damaged the relationship beyond salvage. This cannot be presumed, of course, and thus courts must, consistent with the child's well-being, order visitation and enforce that order appropriately. But if it turns out, after reasonable efforts have been exhausted, the child simply cannot be persuaded to visit, that, in and of itself, is not a basis for reversal." (*Sofia M.,* at p. 1047.)

We find the facts in *Sofia M.* similar to those here and its reasoning persuasive. Unlike *Hunter S.*, the juvenile court here did not order visitation "as can be arranged," or in any other manner that created uncertainty about whether mother was, in fact, entitled to visitation. Although the court acknowledged the reality that, as teenagers, D.T. and M.J. could not be forced to "want to visit," the court reiterated that it had "ordered visits" and that "[t]he visiting order will remain." Moreover, like the

juvenile court in *Sofia M.*, the court here made reasonable efforts to encourage visitation between mother and the older children by allowing mother to participate in the sibling visits with J.J. Mother agreed this was a reasonable accommodation, while acknowledging through her counsel that "the court cannot force the children to visit with mother."

We agree with *Sofia M.* that, having made reasonable efforts to facilitate visitation, "it was not the court's duty to ensure those particular efforts were ultimately effective" in overcoming the older children's opposition to visitation. (*Sofia M., supra,* 24 Cal.App.5th at p. 1047.) Certainly, if presented with a request from mother for some other enforcement mechanism, the court's decision to deny the request could be evaluated for error under the mandate of section 362.1, subdivision (a), to order visitation *consistent with the well-being of the child*. (Cf. *In re Danielle W.* (1989) 207 Cal.App.3d 1227, 1238 [a juvenile court must consider "the possibility of adverse psychological consequences of an unwanted visit between mother and child"]; see also § 362.1, subd. (a)(1)(B) ["No visitation order shall jeopardize the safety of the child."].) However, absent such a request, a child's refusal to comply with a reasonable visitation order cannot, in and of itself, be a basis for reversal. (*Sofia M.,* at p. 1047.)

3. *Substantial Evidence Supports the Reasonable Services Finding*

Apart from visitation, mother contends there was insufficient evidence to support the court's finding that she received reasonable reunification services. Because she complied with the services she received, mother contends the court was required to either return the children to her custody, or find that

she had not received sufficient services and order additional services. The argument ignores substantial evidence supporting the court's finding and order.

As discussed, whenever the juvenile court removes a child from parental custody, it is required to order reunification services for the parents, barring exceptional circumstances not present here, for 12 months. These services may be extended to a maximum of 18 months. (§ 361.5, subd. (a).) Reunification services must be reasonable—that is, they must be designed to eliminate the conditions that necessitated the juvenile court's intervention. (*In re Nolan W.* (2009) 45 Cal.4th 1217, 1229.) The Department must make reasonable efforts to provide suitable services, which are specific and internally consistent with the overall goal of resumption of a family relationship. (*In re Luke L.* (1996) 44 Cal.App.4th 670, 678.)

"The adequacy of reunification plans and the reasonableness of the [Department's] efforts are judged according to the circumstances of each case." (*Robin V., supra,* 33 Cal.App.4th at p. 1164.) "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." (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547; see also *In re Alvin R.* (2003) 108 Cal.App.4th 962, 972 ["[r]eunification services need not be perfect"].)

At the six-month review hearing in this case, virtually everyone agreed that what the family needed was not more services, but rather more time. Both of the children's therapists

submitted reports stating the children were not ready for conjoint counseling with mother. D.T.'s therapist said she believed he would be ready in the future, but he needed his mother to acknowledge and take responsibility for the breakdown in their relationship. Mother testified that her parenting classes dealt exclusively with teenagers and that part of the curriculum involved taking responsibility as a parent for her relationship with her teenage children. But, when asked what she had learned in that regard, mother reported that she had attended only three classes and she was "still learning." Mother wanted conjoint counseling with the children, the Department and the children's therapists had counseled the children on the benefits of joint therapy with mother, but, while the court kept the order for conjoint counseling in place, no one suggested the children should be compelled to participate in it until they were ready.

The juvenile court found the Department offered mother reasonable services, and mother had complied with her case plan, but the children were not emotionally ready to be returned to mother's custody. There is nothing necessarily inconsistent about this determination, and the evidence supports it. As the juvenile court observed in rendering its order, "[p]rior to the court becoming involved, apparently, there was an arrangement where these children, to a large degree, grew up in a home other than their mother's. . . . And because of that, the relationship that . . . normally would happen with the biological parent didn't." In view of that unique family history, it was reasonable for the juvenile court to conclude that, even though mother was doing what she needed to with respect to services, the children needed more time before they could trust her commitment to reunification.

The record shows the children were receiving therapy to address the distrust that had developed due to the unique circumstances of this arrangement, and mother, by her own account, was "still learning" methods for repairing that trust in parenting classes. The Department had made, and pledged to continue making, efforts to encourage the children to revisit their bond with mother. Mother had demonstrated to the court her commitment to regaining custody of the children, but she was still in the process of demonstrating to her children that she could take responsibility for and attend to the breakdown in their relationship.[3] In view of the family's unique circumstances, the juvenile court reasonably concluded the existing services were adequate to address the children's emotional separation from mother, but more time was needed before they could be safely returned to her custody.

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[3] Mother contends the court should have ordered G.M. to "participate in counseling or education to learn how to take charge and implement the court orders for conjoint counseling and visits," echoing the claim she made throughout the review period that G.M. was to blame for the children's alienation from her. However, G.M. testified that she had never said anything to dissuade the children from visiting with mother, and mother, although she complained about G.M., never requested that the juvenile court order her to participate in services. Based on this record, the juvenile court reasonably concluded G.M. was not the problem that services were needed to address.

DISPOSITION

The suitable placement order, including the predicate reasonable services finding, is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

EGERTON, J.

We concur:

EDMON, P. J.

DHANIDINA, J.