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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

C. N.,

Petitioner,

v.

THE SUPERIOR COURT OF THE  
STATE OF CALIFORNIA FOR THE  
COUNTY OF LOS ANGELES,

Respondent;

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Real Party in Interest.

B244223

(Los Angeles County  
Super. Ct. No. CK84394)

ORIGINAL PROCEEDING. Petition for extraordinary writ. (Cal. Rules of Court, rule 8.452.) Sherri S. Sobel, Referee. Petition denied.

Children's Law Center of Los Angeles, Patricia G. Bell, Nancy Sarinana and Petra Alexander for Petitioner.

No Appearance by Respondent.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, and Aileen Wong, Deputy County Counsel, for Real Party in Interest Los Angeles County Department of Children and Family Services.

Ina Tjandrasuwita for minor child G.L.

Petitioner C.N. (mother) is the mother of G.L. who was detained by the Los Angeles County Department of Children and Family Services (Department) when she was approximately four months old. Mother, herself a minor dependent of the juvenile court, received reunification services for nearly two years. At the conclusion of a contested 18-month review hearing, the juvenile court found that G.L. would be at substantial risk if returned to mother's custody. The court terminated mother's reunification services and scheduled a hearing for the selection and implementation of a permanent plan for G.L. (Welf. & Inst. Code, § 366.26.)<sup>1</sup>

Mother filed a writ petition challenging the juvenile court's decision. (Cal. Rules of Court, rule 8.452.) Her sole contention is that substantial evidence does not support the juvenile court's finding that G.L. would be at substantial risk of harm if returned to her custody. Both the Department and counsel for G.L. oppose the granting of relief.

We conclude that the challenged finding is supported by substantial evidence. Accordingly, we deny the petition.

### **FACTUAL AND PROCEDURAL BACKGROUND**

G.L. was born in May 2010, when mother was 15 years old. At the time, mother was herself a dependent of the juvenile court and was residing in a foster placement. After G.L. was born, mother was placed with her grandmother. G.L. resided with mother.

The events leading up to the filing of G.L.'s dependency petition began in early September 2010, when the Department received a report that mother was the victim of emotional and physical abuse by G.L.'s father, S.L. (father), who is about nine months younger than mother. When a Department social worker interviewed mother, she claimed father slapped her in the face during an argument. She said this was the first

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code.

time he hit her, though she claimed he pushed her on prior occasions. Mother claimed father was mad at her because she refused to give him money for drugs.

According to mother, after father slapped her, he followed her home and began banging on the door, demanding that she open it. When she refused, he spray-painted one of the windows. According to mother, G.L. was not with her when father slapped her, but G.L. was at home when father banged on the door and spray-painted the window. Mother claimed father regularly smokes marijuana, though not in G.L.'s presence. Mother believed father was a good person. She felt his friends were causing him to behave inappropriately.

Mother stated that she attends school, which offers childcare while she is in class. When she is not in school, G.L.'s maternal grandmother or maternal great grandmother care for G.L.<sup>2</sup> Mother claimed she used to drink alcohol, but had not done so for about one year.

The social worker also spoke with G.L.'s great grandmother with whom mother was residing. The great grandmother said she was home when father banged on the door. She opened the door and told father to leave. Father told her to shut up and pushed her. Then he spray-painted one of the windows.

According to the great grandmother, father and mother have argued on numerous occasions. She claimed mother had previously told her that father has hit her, but she has never observed any marks or bruises on mother. Great grandmother said she no longer wanted father in the home. She said father was on probation and was out of control.<sup>3</sup>

After these interviews with the Department social worker, mother and great grandmother each signed a "safety plan." According to this plan, mother and G.L. were not to have any contact with father pending conclusion of an investigation.

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<sup>2</sup> Unless otherwise specified, all subsequent references to relatives are to G.L.'s maternal relatives.

<sup>3</sup> Father was on probation because of a juvenile drug conviction.

Later that month, two Department social workers made an unannounced visit to mother's home. When they arrived, grandmother informed them that mother, father and G.L. were in the home. After mother confirmed that father was in the home, the social worker asked her to call him. Mother went to the bedroom, but returned to say that father had snuck out through the back door. When a social worker asked the great grandmother why father was in the home, she initially stated she was unaware that he was in the home. She then stated that she did not know there was a safety plan prohibiting mother from having any contact with father.

Mother claimed father was in the home to pick up a pair of shorts he left there the previous week. She admitted father slept in the home several nights the previous week, while the great grandmother was in the hospital. Mother claimed her mother had asked father to sleep in the home. A maternal cousin also slept in the home. The social worker had previously told the cousin about the safety plan prohibiting father from having any contact with mother or G.L.

Mother said she had not been to school for the last week. She stated that earlier in the day, law enforcement officers found her and father drinking and smoking marijuana in an abandoned house. However, she claimed only father and his friends were drinking and smoking.

According to mother, police officers also told her they were going to arrest her for hitting the great grandmother in the face and giving her a black eye. Mother claimed grandmother had falsely accused her of striking great grandmother. When law enforcement officers dropped mother off at home, she confronted grandmother about the accusations and they got into an argument. Mother also accused grandmother of stealing money from her savings account. The verbal argument escalated into a physical altercation. G.L. was present during the altercation.

After some additional questioning, mother admitted that she and father got into an altercation on the first day of school after she caught him looking at another girl. Mother believed she and father could work things out.

Grandmother told the social worker that mother and father see each other on a daily basis and are always fighting. Grandmother stated that mother drinks alcohol, though she did not know if she used drugs.

Based on these recent incidents, the Department detained G.L. and placed her with her great aunt and uncle. The Department also filed a dependency petition alleging that G.L. was at risk because (1) her parents have a history of engaging in violent altercations in which father has violently assaulted mother, (2) father violently confronted G.L.'s maternal great grandmother in G.L.'s presence, (3) father has a history of substance abuse and is a current abuser of alcohol and marijuana, (4) mother is a current abuser of alcohol and marijuana, which renders her incapable of caring for G.L., and (5) mother has allowed father to reside in G.L.'s home and to have unlimited access to G.L.

At the conclusion of a detention hearing, the juvenile court ordered G.L. detained with her great aunt. The court ordered mother to participate in individual counseling, attend domestic violence support group counseling and undergo weekly drug tests. Her visits with G.L. were to be monitored.

In early October 2010, just days after the detention hearing, the Department learned that (1) father had allegedly raped mother, (2) a few days after the alleged rape, mother ran away from home with father, and (3) when G.L. was just a few days old, father placed a pillow over G.L.'s head.

Many of the facts regarding these incidents came from a detective with the Sheriff's Department's Special Victims Unit (SVU). She told the Department social worker that father had been arrested for rape, kidnapping and domestic violence. The detective explained that she was able to locate mother more than a week after the incident. Mother had run away and it took some time to locate her. Finally, with the assistance of grandmother, the detective located mother at the home of father's cousin.

The detective spoke with mother privately. Mother related that she and father had been in a dating relationship for the previous three years. They had one child in common.<sup>4</sup> Mother initially denied that father raped her, though she admitted he beat her. When the detective asked why mother had told responding deputies that father raped her, mother responded that perhaps it was rape, but she was not sure. She explained that father took her to his friend's house and made her drink alcohol. When he began initiating sex, she said "no" several times, but he would not take no for an answer. A video taken during a sexual assault examination depicted several bruises to mother's face, arms, legs, body and feet, as well as bite marks to her ear.

Mother told the detective that one day before the assault, she learned that father had "cheated" on her and she broke up with him. He came to her home and tried to break in, but she called 911 and father left. The following day, father approached mother as she was walking with a friend. He began arguing with her and then grabbed her by the arm and forced her to come with him. He took mother to a friend's house where he raped her. The two fell asleep. The next morning, they went to a local store where father became angry with mother. He slapped her in the face and pushed her to the ground. When mother attempted to leave, father grabbed her and told her she was not going anywhere. According to mother, father dragged her back to his friend's house, where father repeatedly punched, slapped and kicked her all over her body. He also bit her ear.

Father and mother then went to a fast food restaurant. At some point, mother ran away, but father caught up with her near her home. When a neighbor intervened, father left and the neighbor escorted mother to her home. However, the following day, mother decided to run away with father because she felt she had no choice. She feared that, otherwise, she was going to be placed in a foster home.<sup>5</sup>

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<sup>4</sup> Mother also reported that she had become pregnant from father on a prior occasion, but she had a miscarriage.

<sup>5</sup> It appears that around this time, police detained, but then released mother into grandmother's custody. According to grandmother, police told her that mother, father  
(Fn. continued on next page)

Mother ran away with father. He continued to threaten her. He also slapped her and threw a trash can at her. A few days later, she called police and informed them of father's whereabouts. She claimed she overheard father tell his cousin that mother was going to have to die.

Mother also told the detective about an incident that occurred when she returned home from the hospital after giving birth to G.L. Father began arguing with mother about paternity. G.L. began crying and mother went to the other bedroom to look for her grandmother. When she returned to the room, she saw that father had placed a large pillow over G.L.'s face. Mother confronted father who immediately left the residence.

The detective then spoke with father at a juvenile detention center. Father admitted to the domestic violence, but he denied raping mother. He claimed he and mother had consensual sex. Father also admitted covering the baby with a pillow. He claimed he was not trying to hurt the baby. He only wanted to get mother mad.

When the Department social worker spoke with mother directly, mother confirmed that father had raped and beaten her. She claimed he did so because he was under the influence of drugs. Mother also confirmed that father had placed a pillow over G.L.'s face when she was just days old. Mother agreed to be placed in foster care.

The social worker also spoke with grandmother, who claimed she was the one who called police after father attacked mother. According to the grandmother, she had previously suspected domestic violence, but she did not have any proof. The grandmother also claimed that father had previously pointed a gun at mother and had threatened her.

While these events were ongoing, the Department learned that the great aunt with whom G.L. had been placed was granting various maternal relatives access to G.L. in violation of instructions given to her at the time of the placement. Among other things, a

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and mother's brother were being investigated in connection with the theft of bicycles from the great aunt and great uncle. Approximately 15 minutes after returning home, mother packed her clothing and ran away.

Department social worker received a report that mother attended father's probation hearing with the baby. No other maternal relatives were seen in the courtroom. On another occasion, two Department social workers went to the great grandmother's house in the hope of finding mother whose whereabouts were not known at the time. En route, they saw one of mother's brothers running on the sidewalk at full speed towards the great aunt's home, with baby G.L. dangling in his arms. The great aunt said mother's brother usually helped her with the baby by walking her, but she did not know why he was running on the sidewalk. She denied that the brother had taken G.L. to her great grandmother's home.

After this incident, the Department detained G.L. from the great aunt and placed her in a foster home. It also filed an amended dependency petition based on developments and information it had learned following the initial detention hearing. Thus, in addition to the allegations contained in the original petition, the first amended petition alleged that (1) when G.L. was only days old, father attempted to suffocate her by placing a pillow over her face and body, and (2) father had recently kidnapped, raped and physically assaulted mother.

The detention report filed by the Department concurrently with the first amended petition related an incident reported by the great aunt shortly before G.L. was detained from her. According to the great aunt, in early October 2010, another of mother's brothers asked her to take him to school. When she refused, he threw G.L.'s car seat on the floor. Two bullets came out. Mother's brother told the great aunt that mother keeps a gun in her room and the bullets belonged to her gun.

At the conclusion of the detention hearing in mid-October 2010, the juvenile court ordered G.L. detained and directed that she not be placed in the home of any relatives.

A few days after this second detention hearing, the Department submitted a jurisdictional report which related most of the information discussed above. It described mother as "an incredibly immature and less than sophisticated 16 year old" who "appears to lack the needed developmental information for her child." According to the report,



mother stated baby G.L. did not have a set bed time or nap schedule. Mother claimed five-month-old G.L. likes to watch cartoons and soap operas.

The report also noted that mother's stepfather was murdered two years earlier. According to the report, mother had run away "numerous times" and was recently "drop[ped]" from school due to her failure to attend.

In late October 2010, the SVU detective informed a Department social worker that the rape case against father would probably fall apart because mother was refusing to cooperate. When mother was brought to an interview with the District Attorney, she said grandmother had told her not to talk because grandmother had not been invited. In fact, the grandmother had been informed of the date and time for the interview. When the detective called grandmother from the District Attorney's office and offered to transport her to the interview, she refused.

In early November 2010, mother enrolled in a drug and alcohol treatment program, which she attended five times per week. That month, she tested negative for drugs and alcohol. She also started participating in a high school teen parenting support group.

In mid-December 2010, mother's "wraparound" therapist reported that mother had started receiving mental health services in March, which was shortly before G.L. was born.<sup>6</sup> The therapist described mother as "responsive to therapy" and noted there had been "[s]ome improvements . . . as [mother] has increased her ability to communicate her thoughts and feelings in therapy and to others." The therapist noted, however, that "[s]ome concerns that remain are [mother's] ability to appropriately communicate her

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<sup>6</sup> "Wraparound services" are community-based intervention services for children who are adjudicated as dependents or wards and who are subject to group or out-of-home placement. (See §§ 18250-18251.) Wraparound services are "wrapped around a child living with his or her birth parent, relative, nonrelative extended family member . . . , adoptive parent, licensed or certified foster parent, or guardian. The wraparound services . . . shall build on the strengths of each eligible child and family and be tailored to address their unique and changing needs." (§ 18250, subd. (a).)

thoughts and feelings when her wishes and desires conflict with the wishes of adults, and [mother's] ability to make continuous responsible decisions about herself and her child without being influenced by others.”

By the end of December 2010, mother had completed a pregnant teen and parenting support program at her high school.

In mid-January 2011, the juvenile court sustained the amended dependency petition's allegations that (1) father endangered G.L. by placing a pillow over her face and body when she was days old, and mother was unable to protect her, and (2) mother and father have a history of engaging in violent altercations, father had violently assaulted mother, and mother had failed to protect G.L. in that she had allowed father to have unlimited access to her.

The court ordered reunification services for mother, including individual counseling, domestic violence support group counseling, and parenting education. Mother was also ordered to submit to random drug testing.

The court also ordered that mother's visits with G.L. be monitored. Upon his release from juvenile camp, father was to have monitored visits with G.L. at a Department office.

In late January 2011, G.L. was placed in the home of Y.R., the daughter of the great aunt with whom G.L. had been placed following her initial detention from mother. Mother was also residing in the same home.

In mid-April 2011, the Department reported that mother had tested negative for drugs on five occasions since November 2010.

According to the same report, in mid-February 2011, a Department social worker took mother to an individual counseling intake. Mother stated she did not like counseling. She believed she did not need counseling and she claimed the previous wraparound agency was not helpful. During the intake interview, mother did not disclose much and “played down” any domestic violence involving father.

At around the same time, mother also began participating in a parenting and child development program, which included in-home visits. However, by April 2011, mother

had participated in only two visits and the program advised her that she would be terminated if it did not hear from her in the next two weeks.

The Department's report from mid-April 2011 also related a serious incident that occurred earlier that month. Mother went to grandmother for a family dinner. G.L. was also at the dinner. At some point, family members were standing in the front yard when a car pulled up. The driver got out of the car, walked towards the front gate and started shooting. Mother said she ran to protect her grandmother. She fell on top of her and felt bullets graze her head. An ambulance took mother to the hospital. She had three injuries – a scalp avulsion which was treated with 10 staples, a “thru and thru” bullet wound to the right shoulder blade, and some burns on the right arm. Mother remained in the hospital for one night and was released. G.L. was inside the home at the time of the shooting.

In late June 2011, the Department asked the juvenile court to permit grandmother to have only monitored visits with G.L. The application noted that grandmother had been arrested twice in the last two months for possession of methamphetamines. One of those occasions was when law enforcement responded to the shooting incident in which mother was injured. On that occasion, law enforcement found methamphetamines in grandmother's bedroom and she was charged with possession for sale. The Department also noted in the application that the juvenile court had scheduled a section 366.26 hearing for the selection and implementation of a permanent plan for grandmother's children.

In early July 2011, the juvenile court ordered that grandmother's visits with G.L. be monitored.

In mid-July 2011, the Department reported that a suspect had been arrested in connection with the April shooting incident in which mother was injured. After the shooting, a safety plan was developed which provided for mother to stay away from the area where the shooting occurred. Because mother's caregiver Y.R. resided only two blocks away from that location, Y.R. agreed to relocate to a safer area. Until a new location could be located, and because the Department was unable to locate a placement

that would accommodate both mother and G.L., the Department arranged for mother and G.L. to temporarily reside with G.L.'s aunt. In early July, Mother and G.L. moved back in with Y.R. in a new residence

According to the Department's report, father was still serving a sentence at a juvenile camp, though he was scheduled to be released the following month.

The report also noted that in June 2011, G.L. was treated briefly at a hospital because she had a spiking fever and bowel issues. Mother arrived at the hospital with grandmother. When hospital staff called the Department and learned that grandmother was permitted only monitored visits with both mother and G.L., hospital staff asked grandmother to leave. Grandmother became upset and called the Department to complain.

According to a hospital social worker, a male companion also accompanied mother. The companion initially stated he was G.L.'s father, but he later admitted he was not. He claimed he was mother's boyfriend. The Department social worker was able to obtain the boy's identity from mother's therapist. When the Department social worker spoke with mother a few days after the hospital visit, mother refused to provide any information about the boy. She claimed they had broken up and she did not feel the information was relevant to the Department. She later agreed to consider providing the social worker with the information at a later time.

The Department also reported that in May 2011, mother was referred back to a therapist she had seen earlier because mother was no longer residing in the area serviced by mother's most recent therapist. Although mother initially stated she did not need counseling, she agreed to return to her former therapist, noting they had established a good relationship. By the time of the Department's report in July 2011, mother had seen the reassigned therapist approximately five times. According to the same report, mother had completed a domestic violence support group program.

Mother was reportedly maintaining frequent telephonic contact with grandmother and was also having some monitored visits with her. According to a Department social worker, mother was more combative and less trusting of the Department after her contact

with grandmother. The social worker described mother as a very caring and attentive mother who provided most of G.L.'s daily needs, though she still "struggles with the same issues of immaturity and anger and [she] may [be] hid[ing] what could be potential safety issues from [the Department] and others, possibly placing herself and her daughter at risk of harm."

At the conclusion of a six-month review hearing in July 2011, the juvenile court found mother was in compliance with the case plan and it ordered another six month of services.

The following month, father was released from his camp custody.

That same month, the Department reported that Y.R. had asked the Department to remove mother from her home due to continued curfew violations, disrespectful behavior, refusal to follow rules and court orders, and an incident in which mother's friends vandalized the home while Y.R. was away. Y.R. was willing to continue caring for G.L. if the Department was unable to place her with mother.

According to the report, in early August 2011, Y.R. called the Department social worker to say that mother had left the home the day before and had not returned. Y.R. said mother had an ongoing problem with violating curfew and taking G.L. to grandmother's home where she sometimes spent the night without notifying Y.R. of her whereabouts. In July, Y.R. had law enforcement go to the grandmother's home to retrieve mother and G.L. after mother would not return on her own. Y.R. told the social worker that mother wants to take G.L. and hang out with friends and family in the area where she once lived, even though that area is not safe. On these occasions, mother sometimes does not come home for one or two days at a time.

The report noted that the social worker spoke with a detective who advised that the person who was arrested in connection with the incident in which mother was shot was a gang member who was also responsible for the shooting death of mother's stepfather in 2008. The detective told the social worker that mother should not go the area where the shooting occurred. The social worker, mother's therapist, Y.R. and others have repeatedly told mother not to frequent the area.

Attached to the Department's report was a letter from the wraparound lead facilitator stating that mother stayed out all night with G.L. and without permission on five nights in July.

Mother failed to appear for a wraparound meeting in Y.R.'s home in early August. During the meeting, the social worker learned that mother had friends over at the home while Y.R. was away and without Y.R.'s approval. The friends kicked in the doors to mother's bedroom and to the bathroom. When Y.R. returned home, mother said she did not know how the damage occurred. Y.R. also reported finding empty beer cans and bottles of other alcoholic beverages in mother's bedroom.

A couple days later, the social worker was able to speak with mother. Mother complained that Y.R. was being unreasonable in setting a 6:00 p.m. curfew. She also complained about the amount of time she was required to care for G.L. Mother said she did not want to attend high school close to her home. She wanted to go to a school where she could see her friends. Mother denied that there were empty beer cans in her bedroom. She claimed she accidentally packed her cousin's small liquor bottles in G.L.'s diaper bag on one occasion when police arrived to return her to Y.R.'s home. Mother agreed to attend a team decision making (TDM) meeting the following week where these issues could be discussed.

During the TDM meeting, the Department social worker learned that when Y.R. went to work, she would leave mother alone with G.L., even though mother's visits with G.L. were supposed to be monitored. Y.R. claimed she was never told mother could not be left alone with G.L. However, the social worker assigned to the case at the time of the placement with Y.R. claimed she told Y.R. that mother's time with G.L. was supposed to be monitored and mother was not to be left alone with the child.

The Department concluded its report by stating that in light of mother's ongoing violation of court orders regarding visitation, her frequent trips to the home of grandmother and great grandmother, her refusal to abide by her curfew, and her numerous overnight outings, sometimes with G.L., the Department had "serious concerns

about [mother's] lack of maturity and her ability to make decisions that will ensure her safety and the safety of the child."

In early January of this year, the Department reported that following requests from both mother and Y.R., mother was removed from Y.R.'s home in late August 2011 and was placed in a foster home. G.L. remained with Y.R. Initially, the new foster parent stated mother was respectful and was following the house rules. However, by late 2011, the foster parent told the social worker she was realizing that mother was not always truthful about her cooperation with the Department regarding counseling and visitation issues. She also reported that the mother of mother's boyfriend contacted her to complain that mother was calling her home late at night and that mother and her son argue a lot. The boyfriend's mother asked the foster parent to tell mother not to call late at night.

According to the Department's report, mother was not complying with the individual counseling requirement of her case plan. Mother was assigned to a new therapist in November 2011. Several appointments were scheduled, but it appears mother missed all of them. The therapist was considering asking to have another therapist assigned to mother.

Mother was complying with the conditions of her probation on which she had been placed in August 2010, and she was testing negative for drugs in connection with that probation.

The Department concluded its report with a recommendation that the court terminate reunification services for both mother and father. However, in a last minute information filed in mid-February, the Department changed its recommendation as to mother. The Department noted that mother had recently been participating in an occupational therapy and training program and had started individual counseling. Mother was attending school regularly. She had also completed her probation and was having monitored weekly visits with G.L., as well as monitored extended visits. According to the Department, mother appeared to be addressing the concerns regarding her maturity and attention to G.L.'s safety.

One week later, the Department again changed its recommendation regarding mother. The Department reported that it had recently learned mother was having regular contact with grandmother and great grandmother. Other family members were concerned for their own safety because of the family's gang and drug activity. Grandmother had confronted a relative at the relative's place of business because she believed the relative had taken pictures of mother at grandmother's home and had sent them to the Department. Grandmother verbally and physically assaulted the relative. The report also seemed to say that grandmother had been arrested again for being in possession of drugs.

According to the report, the social worker had received reports that mother was in a romantic relationship with someone who may be on probation. The Department was concerned mother was not being truthful about the relationship.

At the conclusion of the 12-month review hearing in late February, the juvenile court found mother was in partial compliance with the case plan and awarded her six additional months of reunification services. The court ordered that the visits of all relatives be monitored

In April, the Department reported that G.L. was still in her placement with Y.R. and was doing well. Mother was residing in same foster home where she had been placed in August 2011. Mother had earned only five credits towards graduation since enrolling at a new high school in September 2011.

At a TDM meeting in early April, participants discussed mother's ongoing contact with grandmother. On one occasion, grandmother appeared for a monitored visit to which mother had invited her in apparent violation of a court order requiring that grandmother's visits take place at a Department office. During the visit, grandmother began to argue with the monitor. She also yelled at mother who seemed to "tune out and not respond." When a Department social worker made an unannounced visit to observe mother's visit with G.L., grandmother was again present.

In early August, the Department reported that mother had not been complying with her individual counseling requirement. A letter from the therapist stated that mother was supposed to attend weekly sessions beginning in early February. Since that time,



however, she had attended only eight sessions. According to the therapist, mother “has made no progress . . . due to inconsistency of therapy.”

The Department also advised that in late July, Y.R. reported seeing mother leave the home of grandmother and great grandmother with wet hair. Mother was with a male Y.R. knew as mother’s boyfriend. The Department social worker noted in the report that mother had stated several months earlier that she was no longer involved with that person. The social worker contacted mother’s foster parent to inquire about mother’s presence at grandmother’s home. The caregiver said that mother called that night to state she was sleeping at her aunt. When told that mother had been seen at grandmother’s home, the foster parent said she would address the issue with mother. The caregiver also said mother still spends time with the male she had been seen with, though she did not know if they were still romantically involved or just friends.

A few days earlier, mother allowed the social worker to listen to a voicemail message from grandmother in which grandmother said she would have nothing more to do with mother and she did not care what happened to mother’s parental rights. Mother stated that grandmother acts this way from time to time and that, as a result, they were not presently on speaking terms.

In early August, the parties appeared for the start of a contested 18-month review hearing.

After the court admitted various documents discussed above, the Department rested. Father’s counsel called the social worker to testify. Besides answering various questions relating to father which are not relevant to this writ proceeding, the social worker stated that both father and mother told her they do not really communicate. The matter was then continued to the end of the month.

Shortly before the contested hearing resumed, the Department reported that father told the Department social worker that mother’s boyfriend was 21 years old, had a criminal record, smoked marijuana and did not work. However, mother continued to claim that she and the alleged new boyfriend were merely friends.

The report also included another status letter from mother's therapist which reflected that mother had attended one more counseling session since the last report. Thus, in more than six months, mother had attended a total of nine weekly sessions.

When the contested hearing resumed, and after the court admitted the most recent Department report, the Department social worker continued to testify. When cross-examined by mother's counsel, the social worker stated that mother had fully complied with the case plan with respect to three out of the four things required of her. She completed two parenting classes and a domestic violence program, and she tested negative for drugs. She also attended a drug and alcohol program, even though she was not required to do so. However, she had not shown much consistency with respect to individual counseling. The social worker was concerned that when things became more challenging in therapy, mother would back away.

The social worker testified that mother was very guarded when talking about domestic violence or relationships. As a result, it was hard to assess whether she would be able to protect G.L. The social worker noted that mother made some poor decisions regarding G.L.'s safety during the time when she had unmonitored access to G.L.

The social worker had some concerns about mother's possible new boyfriend. She was not sure whether mother had a boyfriend. She received reports suggesting they had a relationship. Mother has been reluctant to allow the Department to assess the relationship.

Pursuant to an order in mother's own dependency case, mother's visits with grandmother are supposed to take place in a Department office for safety reasons. Therefore, it was troubling that mother met with grandmother outside the Department's offices and gave grandmother access to G.L. The social worker stated that detectives felt grandmother, who had been dealing drugs, was the target of the shooting where mother was injured. It was not safe for G.L. to be exposed to that environment.

When the social worker asked mother recently if she was able to identify the signs of an abusive relationship, mother pulled out a card she carries with her. It was hard for mother to verbalize the signs to the social worker.

The social worker did not have concerns with respect to mother's ability to provide for the routine needs of G.L., such as feeding her, changing her diapers and picking her up. She was still concerned about mother's decision making and her ability to avoid risky situations with others and to keep G.L. safe. Mother has been inconsistent with respect to individual therapy and has not engaged in therapy. In addition, there are still things the Department does not know, such as the full extent of mother's relationship with the alleged boyfriend.

As far as the social worker knows, mother and father are not together and there is no evidence mother is using drugs. The social worker agreed mother was doing well in her current placement where she has been close to a year. She was following the rules and the foster parent had no concerns. The social worker stated that both parents had shown improved efforts and more maturity in the last three to six months.

After father testified about his progress and desire to reunite with G.L., mother testified. She recently started a program where she works and goes to school at the same time. She is on track to receive her diploma in May. The program also offers group therapy in which mother has been participating for three weeks. Mother has had one "sort of" individual counseling session as part of this new program.

Mother claimed she had no boyfriend. The last boyfriend was 18 years old. Mother conceded the social worker's testimony that mother was not being forthcoming with respect to her relationship issues was fair. Mother admitted she had trust issues.

Mother claimed she has not been involved in any domestic violence incidents since this dependency case began. Mother visits with G.L. once a week. She does not yet have a child care plan in the event that G.L. is returned to her care.

During closing arguments, G.L.'s counsel stated that the parents were "not quite ready" to have G.L. returned. They have been doing well only recently, but the case has been going on for two years. Counsel opposed returning G.L. to either parent.

Father's counsel argued G.L. should be returned to father, while mother's counsel argued G.L. should be returned to mother. Mother's counsel stated that mother had "pretty much complied with the case plan." Counsel admitted there was "some risk" in

returning G.L. to mother, but the risk was not substantial enough to prevent her return to mother.

Counsel for the Department acknowledged that both parents were showing signs of coming to terms with what it meant to be adults. But neither was ready to have G.L. returned.

The court expressed its pride in mother's recent accomplishments and stated that mother was "getting" to the point where she could be a healthy and productive person. However, the court could not see either parent caring for G.L. on a full time basis at this time. The court found that returning G.L. to either parent would create a substantial risk of harm to her. The court terminated reunification services for both parents and set a section 366.26 permanent plan hearing for G.L. However, the court told the parents that "[t]his isn't the end of the road." They still had four months before the section 366.26 hearing to "do what [they] need to do." The court gave the Department discretion to increase the visits of both parents with G.L. and it directed counsel for the parents to explain to their respective clients about their right to seek modification pursuant to section 388.

Mother filed a writ petition challenging the juvenile court's order setting the section 366.26 hearing. She claims there is no substantial evidence to support the juvenile court's finding that G.L. would be at substantial risk if returned to her custody.

The Department filed an answer opposing the granting of relief. Counsel for G.L. filed a letter joining in the Department's opposition.

## **DISCUSSION**

### **1. The Standard of Review.**

We review the juvenile court's finding that G.L. would be at substantial risk of harm if returned to mother's custody under the deferential substantial evidence test. (*Constance K. v. Superior Court* (1998) 61 Cal.App.4th 689, 705.) Under this test, we must resolve all conflicts in support of the court's determination and indulge all legitimate inferences to uphold the court's order. If substantial evidence exists, we must

affirm. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1020-1021; *In re Rocco M.* (1991) 1 Cal.App.4th 814, 820; *In re Katrina C.* (1988) 201 Cal.App.3d 540, 547; *In re Tracy Z.* (1987) 195 Cal.App.3d 107, 113.)

**2. Substantial Evidence Supports The Juvenile Court’s Finding That G.L. Would Be At Substantial Risk If Returned To Mother’s Custody.**

Section 366.22, subdivision (a), provides in pertinent part that at the conclusion of the 18-month review hearing, “[t]he court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child.” In the juvenile court, the Department has the burden of establishing the detriment. (§ 366.22, subd. (a).)

Mother claims the Department failed to meet its burden. She notes that she “completed all of her programs, with the exception of individual counseling.” First, the point mother appears to be trying to make is based on a false premise, namely, that satisfying the requirements of a reunification plan is sufficient to warrant the return of G.L. to her custody. However, “[t]he fact [a parent] satisfied the requirements of the reunification plan does not mean she [is] entitled to custody of the minor regardless of the substantial risk of detriment that reunification would have on the minor’s emotional well-being.” (*In re Joseph B.* (1996) 42 Cal.App.4th 890, 901; see also *In re Dustin R.* (1997) 54 Cal.App.4th 1131, 1143 [“simply complying with the reunification plan by attending the required therapy sessions and visiting the children . . . is not determinative”].)

More importantly, mother did not satisfy all the requirements of the reunification plan. Specifically, she did not satisfy the individual counseling component of the plan. Considering mother’s troubled background and the extremely poor choices she was making with respect to her relationships and G.L.’s safety, she had a real need for guidance and counseling. Without the ability to seek guidance within her family

structure, individual counseling was critically important. Although mother had nearly two years to do so, she never seriously engaged in individual counseling.

Mother points out that the purpose of a reunification plan is “to overcome the problem[s] that led to removal in the first place.” (*Blanca P. v. Superior Court* (1996) 45 Cal.App.4th 1738, 1748.) She claims mother has “undisputedly accomplished this.” While mother made progress during the latter stages of the reunification period, she has still not demonstrated that she can protect G.L. from the type of risks that led to her detention. Although mother was no longer in a relationship with father, the Department still had legitimate concerns about whether mother was involved in a relationship with a troubled youth and about whether mother had acquired the tools to recognize when she might be entering into an abusive relationship. In light of mother’s admitted failure to openly discuss these issues with the social worker, the Department’s concerns were warranted.

Mother complains that the Department and the juvenile court seemed most concerned about mother continuing to have a relationship with grandmother “who admittedly is less than an ideal role model.” She claims it is unrealistic to expect mother to sever her ties with her own mother. However, no one expected mother to do so. The issue was not whether mother continued to have ties to grandmother, but whether mother was doing so in a manner that placed G.L. at risk. Thus, mother repeatedly brought G.L. to grandmother’s home and she even spent the night there with G.L. As late as April of this year, mother invited grandmother to visit with her and G.L. outside the Department offices, in violation of a court order in mother’s dependency case. Mother was free to maintain a relationship with her own mother. She was not free to do so in a manner that exposed G.L. to risk.

Under this record, we will not second guess the juvenile court’s finding that returning G.L. to mother would create a substantial risk of detriment to her.

**DISPOSITION**

The writ petition is denied. This opinion is final forthwith as to this court.  
(Cal. Rules of Court, rule 8.490(b)(3).)

BIGELOW, P. J.

WE CONCUR:

RUBIN, J.

GRIMES, J.