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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

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

B271069
(Los Angeles County
Super. Ct. No. DK12734)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

RONALD R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Natalie P. Stone, Judge. Affirmed.

Roni Keller, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Tracey F. Dodds, Principal Deputy County Counsel, for Plaintiff and Respondent.

No appearance for Minors.

* * * * *

A juvenile court exerted dependency jurisdiction over three minors, and ordered that father and the eldest child engage in conjoint counseling once the child's therapist so recommended. Father argues that conditioning the initiation of conjoint counseling upon the therapist's recommendation was both an abuse of discretion and an improper delegation of judicial power. Both arguments lack merit, so we affirm.

FACTS AND PROCEDURAL BACKGROUND

Ronald R. (father) and Kathleen R. (mother) have four children together, three of whom are still minors: Trinity (born 2006), T. (born 2011) and Tatum (born 2015).

In February 2016, the juvenile court exerted dependency jurisdiction over all three children due to (1) mother's and father's history of engaging in violent altercations, including father choking and "bust[ing]" mother's lip in the children's presence; (2) mother's history of engaging in violent altercations, including slashing a knife at father while holding T.; (3) mother's decision to allow her new boyfriend, who has a criminal history and is a methamphetamine user, full access to the children; and (4) mother's alcohol abuse, which culminated in a January 2016 arrest for driving while intoxicated with the two younger children, one of whom was not in a child's car seat. These incidents placed the children at "substantial risk" of suffering "serious physical harm" both "nonaccidentally" and "as a result of the failure or inability of [the] parent . . . to adequately supervise

or protect the child[ren].” (Welf. & Inst. Code, § 300, subds. (a) & (b).)¹

The court also removed the children from both parents. The court ordered a reunification plan. Due to the above-mentioned incidents, Trinity did not “feel safe” with father because he was “mean” to mother, and because he “yell[ed]” at her and called her “bad names.” Trinity indicated she had no desire to see her father and cried hysterically at the prospect of doing so. The juvenile court nevertheless specified that father visit with Trinity, albeit “in a therapeutic setting.” The court also ordered “conjoint counseling for Trinity with father if recommended by Trinity’s counselor.”

Father filed a timely notice of appeal.

DISCUSSION

Father argues that the juvenile court’s order regarding conjoint counseling is invalid.²

I. Abuse of Discretion

Juvenile courts are authorized to issue “all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of [a dependent] child,” and to “direct any reasonable orders to the parents or guardians of [that] child.” (§ 362, subds. (a) & (d).) Because courts have “broad discretion” in the exercise

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² Father’s notice of appeal also indicated he would seek review of the juvenile court’s jurisdictional and dispositional orders. He has not done so in his briefs, so any such challenges are waived.

of this authority, we may reverse only if the court abuses its discretion. (*In re Briana V.* (2015) 236 Cal.App.4th 297, 311.)

The juvenile court did not abuse its discretion in ordering conjoint counseling between father and Trinity only if Trinity's counselor so recommended. There was substantial evidence in the record to support the court's concern that Trinity was terrified of her father. Accordingly, the court's decision to take an incremental approach and hold off on conjoint counseling until Trinity had acclimated to her father through visitation in a therapeutic setting makes sense.

Father raises two challenges. He suggests that there was no good reason for Trinity to be afraid of him, but what matters is that her fear exists; the rationality of that fear is irrelevant. Father also asserts that the court's incremental approach makes the juvenile court "complicit with . . . mother in unlawfully, effectively terminating [his] parental rights." This assertion is as untrue as it is hyperbolic: The court's order acknowledged Trinity's current apprehension of her father, but did not give it controlling weight; instead, the court ordered visitation in a therapeutic setting which, in time, could lead to greater unification through conjoint counseling. The court's order was carefully crafted to *preserve* father's parental rights, not to *terminate* them.

II. Unlawful Delegation

Father next argues that leaving it to the Los Angeles County Department of Children and Family Services to decide when conjoint counseling becomes "appropriate" constitutes an unlawful delegation of judicial power. We disagree.

Father's argument confuses the limitations on a juvenile court's ability to delegate visitation with a juvenile court's

discretion to fashion a disposition plan that serves Trinity's best interests. Every case father cites concerns the delegation of authority to determine how often—and thus whether—there will be visitation. (See, e.g., *In re Hunter S.* (2006) 142 Cal.App.4th 1497, 1505; *In re Julie M.* (1999) 69 Cal.App.4th 41, 48-51; *In re Donovan J.* (1997) 58 Cal.App.4th 1474, 1475-1477; *In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1008-1009; *In re Jennifer G.* (1990) 221 Cal.App.3d 752, 758-759; *In re Danielle W.* (1989) 207 Cal.App.3d 1227, 1235.) However, there was no impermissible delegation of *visitation rights* because the court itself fixed father's right to visit with Trinity at two times per week, for three hours per visit in a therapeutic setting. Father's argument is directed to the court's decision to forestall conjoint counseling until Trinity's therapist advises it would be beneficial. Unlike visitation, there is no constitutional right to a specific form of counseling; as a result, the juvenile court could have permissibly ordered counseling without Trinity or no counseling at all. Its decision to take a middle course by phasing in conjoint counseling gradually does not violate the separation of powers.

DISPOSITION

The juvenile court's orders are affirmed.

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_____, J.
HOFFSTADT

We concur:

_____, Acting P. J.
ASHMANN-GERST

_____, J.
CHAVEZ