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

In re JEREMIAH B., JR., a Person Coming
Under the Juvenile Court Law.

B265985

(Los Angeles County
Super. Ct. No. DK01024)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

JEREMIAH B., SR.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County. Julie Fox Blackshaw, Judge. Reversed and remanded.

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

Mary C. Wickham, Interim County Counsel, and William D. Thetford, Deputy County Counsel, for Plaintiff and Respondent.

Appellant Jeremiah B., Sr. (Father), appeals from an order of the juvenile dependency court terminating his family reunification services at the Welfare and Institutions Code section 366.21, subdivision (e)¹ six-month review hearing. Father contends, and respondent Los Angeles County Department of Children and Family Services (DCFS) concedes and we agree that the juvenile dependency court erred in terminating his reunification services because DCFS never provided any services to him during the reunification period. Accordingly, we reverse.

FACTUAL AND PROCEDURAL BACKGROUND

Father and B.N. (Mother) are the parents of minor Jeremiah B., Jr. On October 10, 2013, the San Bernardino County juvenile dependency court sustained a section 300 petition based on Father's domestic violence against Mother. Shortly after that, Mother relocated to Los Angeles County and thus the court transferred the case to the Los Angeles County Superior Court. At the disposition hearing on July 14, 2014, the Los Angeles County juvenile dependency court ordered that the child remain in Mother's custody, that she receive family maintenance services, and that Father receive enhancement services.

In May 2014, DCFS filed a supplemental dependency petition under section 387, alleging that the parents had failed to comply with the juvenile court's orders; Father had assaulted Mother in the child's presence and Mother failed to protect the child. On July 14, 2014, the juvenile court sustained the supplemental petition, removed the minor from Mother's custody and ordered reunification services for the parents. DCFS's six-month status review report disclosed that on July 18, 2014, police arrested Father for domestic violence and that he was serving a two-year prison sentence at Wasco State Prison. DCFS recommended that the juvenile court terminate reunification services for the parents and set a hearing under section 366.26. At the six-month review hearing on March 15, 2015, Father's trial attorney argued that no evidence existed that DCFS

¹ All statutory references are to the Welfare and Institution Code.

attempted to contact Father or his place of incarceration to see what services were available for Father. The juvenile court noted that Father had refused to participate in the enhancement services before his incarceration. The court found DCFS had provided Father with reasonable services, terminated services to him, and continued services for Mother.² Father timely appealed.

DISCUSSION

In juvenile dependency proceedings, the court must order “reasonable services” to reunify an incarcerated parent with his or her children unless it determines that those services cause a detriment to the children. (§ 361.5, subd. (e).) The social services agency has a duty to “preliminarily identify services available to an incarcerated parent. [Citation.]” (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1012). DCFS must therefore make a good faith effort to provide reasonable services responsive to the unique needs of each family, regardless of the difficulties in doing so or the prospects of success, and DCFS shoulders the burden to show it provided such services. (*Id.* at p. 1011.)³ A parent’s incarcerated status is not a sufficient basis to conclude that reunification is impossible. (*In re Monica C.* (1995) 31 Cal.App.4th 296, 308.)

Here, the parties agree that the record contains no evidence that DCFS provided any reunification services to Father between the disposition hearing in July 2014 and the six-month-review hearing in March 2015. Although DCFS knew that Father was incarcerated during the reunification period, it apparently made no attempt to contact him

² Mother has apparently moved back to San Bernardino County, and therefore in July 2015, the juvenile court transferred the case to San Bernardino County juvenile dependency court.

³ Father argues that the “enhancement services” originally offered after the section 300 disposition hearing were inadequate to address his mental health issues that he claimed effected his reunification efforts. DCFS responds that Father forfeited any challenge to the adequacy of the original case plan because he failed to raise the issue in the dependency court. We do not reach the merits of this contention in light of our disposition reversing and remanding the matter to the dependency court to consider the current conditions and circumstances of Father and Jeremiah B., Jr., and to order appropriate services to facilitate reunification.

about his case plan or to identify what services were available in prison. DCFS did not meet its burden of establishing it offered Father reasonable reunification services. Thus, as DCFS properly concedes, no substantial evidence supports the dependency court's finding that DCFS offered reasonable services to Father, and accordingly, the court erred in terminating reunification services for Father. (See § 366.21, subd. (e) [juvenile court must continue the matter to the 12-month review hearing and extend the period for reunification services, where it does not return the child to the parent at the six-month review hearing].)

DISPOSITION

The March 15, 2015, juvenile court order terminating reunification services for Father is reversed, and the matter is remanded to the juvenile dependency court in San Bernardino County for further proceedings. On remand, the dependency court is directed to determine, in light of the current conditions and living circumstances of Father and Jeremiah B., Jr., the family reunification services that are available to Father and Jeremiah B., Jr., and to order those services as appropriate to facilitate reunification.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

JOHNSON, J.