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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

JORDAN E.,

Petitioner,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

Respondent;

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Real Party in Interest.

B299395

(Los Angeles County
Super. Ct. No. DK17248A)

ORIGINAL PROCEEDINGS. Petition for extraordinary writ taken from an order of the Superior Court of Los Angeles County. Kristen Byrdsong, Juvenile Court Referee. Petition denied.

Bernadette Reyes and Christopher Borzin for Petitioner.

No appearance for Respondent.

Mary C. Wickham, County Counsel, Kristine P. Miles,
Assistant County Counsel, William D. Thetford, Principal Deputy
County Counsel, for Real Party in Interest.

Petitioner Jordan E. (Father) seeks extraordinary writ relief (Welf. & Inst. Code, § 366.26, subd. (l)(1); Cal. Rules of Court, rule 8.452) from the juvenile court's order setting a hearing for the selection and implementation of a permanent plan for his minor child, four-year-old A.E. Father argues the Department of Children and Family Services (DCFS) did not provide him with reasonable family reunification services because it delayed in informing him that he was participating in the wrong type of individual counseling, and that he needed to receive services from a licensed therapist. Father also argues the juvenile court abused its discretion in terminating family reunification services and refusing to provide him with six months of additional services. We deny the petition.

FACTUAL AND PROCEDURAL BACKGROUND

A. Initiation of Current Dependency Proceedings

A.E. came to DCFS's attention on May 2, 2016, when the Los Angeles County Sheriff's Department responded to a burglary and vandalism call from A.K. (Mother) claiming Father had broken into her home and was vandalizing it. A.E. was 8-months-old at the time. When Deputy Carlson arrived, he discovered A.E. home alone, crying. Deputy Carlson charged Father with felony child abandonment, burglary and vandalism.

On May 5, 2016, DCFS filed a petition pursuant to Welfare and Institutions Code section 300, subdivisions (a) and (b).¹ A.E. remained with Mother. Neither parent appeared at the initial detention hearing, and the juvenile court continued the matter to May 10, 2016; A.E. remained released to Mother. At the continued detention hearing on May 10, 2016, the juvenile court removed A.E. from Mother's custody and ordered A.E. suitably placed. The juvenile court found Father to be A.E.'s presumed father. On May 13, 2016, Father appeared in custody and was appointed counsel.

B. Jurisdiction Hearing – February 17, 2017

On February 17, 2017, the juvenile court sustained one count for serious physical harm (§ 300, subd. (a)), and two counts for failure to protect (§ 300, subd. (b)). As to Father, the petition alleged a history of violent and assaultive behaviors towards Mother, and a failure to provide adult supervision to A.H., leading to a detrimental and endangering situation for the child. The juvenile court set the disposition hearing for March 30, 2017. The juvenile court subsequently continued the disposition hearing to April 17, 2017.

C. Disposition Hearing – April 17, 2017

On April 17, 2017, the juvenile court ordered A.E. home with Mother and a family maintenance services plan. Father's case plan for enhancement services consisted of monitored visitation, and programs for domestic violence (52-week batterer's intervention program), anger management, drug/alcohol services

¹ Subsequent undesignated references are to the Welfare and Institutions Code.

(including on-demand drug testing), parenting education, and individual counseling (trauma-focused).

Between April 2017 and January 2018, Father was non-compliant with all court orders. Father did not have any visits with A.E. from February 2017 to January 2018.

D. Jurisdiction/Disposition Report and Hearing on Section 387 Petition

On January 22, 2018, A.E.'s attorney filed a section 388 petition informing the juvenile court that Mother died on January 11, 2018. The petition requested that A.E. be placed with either the maternal grandfather or maternal grandmother.

1. January 26, 2018 Detention Report

On January 26, 2018, the DCFS filed a detention report and a section 387 petition alleging A.E. did not have a parent available to care for her due to Mother's death and an existing juvenile court order removing A.E. from Father's custody. A.E. remained in the care of her maternal grandmother. The juvenile court set a hearing for the section 387 petition on January 29, 2018.

At the time of the filing of the detention report, Father remained non-compliant with all of the juvenile court's orders for enhancement services and he had not maintained contact with A.E. Father's last visit with A.E. had been in February 2017. One week before Mother's death, Father contacted the case social worker to set up visitation with A.E. The case social worker arranged for visitation to begin on January 26, 2018 at the DCFS's offices.

2. January 29, 2018 Last Minute Information

In the last minute information filed on January 29, 2018, the DCFS stated that, during the January 26, 2018 visit, Father wanted to engage in a video chat with a paternal relative. The human services aide contacted the case social worker, who explained that the video chat would not be allowed because Father should focus on A.E. Father became agitated and started accusing the DCFS of keeping A.E. from her paternal family. Father became increasingly verbally aggressive and the human services aide terminated the visit. Father grabbed A.E. and stated he would not let A.E. leave with the human services aide because he did not know who she was. Security and the case social worker arrived, and Father released A.E. to them.

3. January 28, 2018 Hearing on Section 387 Petition

On January 28, 2018, the juvenile court held a hearing on the section 387 petition. The juvenile court ordered the DCFS to provide family reunification services to Father, including monitored visitation twice a week for 2 hours per visit. The juvenile court set an adjudication hearing on the petition on March 20, 2018.

4. March 13, 2018 Jurisdiction/Disposition Report

The DCFS filed a jurisdiction/disposition report on March 13, 2018. Father reported that he and mother became involved in 2012 and had an “on and off” relationship until the dependency case was opened in 2016. Father stated that the DCFS created a “wedge between us” that prevented Mother and Father from “figuring out their problems and making it work.” Father acknowledged one incident of domestic violence, and denied all other alleged incidences of domestic violence.

Regarding the section 387 petition allegations, Father stated he feels “ready, willing, and able to care for A[E.] yet I’m not even being considered.” Father acknowledged he failed to visit A.E. between May 2017 and January 2018, and explained he “stopped coming around” because of his “bad report [sic]” with A.E.’s case social worker. He felt every time they had contact he would receive a “negative report” by the case social worker.

Beginning in January 26, 2018, Father visited A.E. twice a week at the DCFS office. Father felt visitation was going well and did not understand why his visits needed to be monitored.

Father enrolled in a domestic violence program and parenting classes at the end of February 2018. In the March 13, 2018 jurisdiction/disposition report, the DCFS observed that while Father “has been more appropriate and responsive” during the recent visits, “he has not adequately addressed the petition issues as evidence by his limited insight regarding case issues.” The DCFS recommended that “additional Family Reunification Services” not be offered to Father because the 6-month legal timeframe for reunification with A.E. had long been exceeded. As of March 13, 2018, it had been more than 19 months since A.E. was removed from Father’s custody.

5. March 21, 2018 Hearing on Section 387 Petition

At the March 21, 2018 adjudication hearing, the juvenile court sustained the section 387 petition as to one count. The juvenile court removed A.E. from her maternal grandmother’s care and ordered suitable placement under the DCFS’s supervision.² The juvenile court formally ordered family

² A.E. was placed in the home of maternal grandfather on March 20, 2018.

reunification services for Father “as set forth in the court ordered case plan and minute order which are incorporated herein by this reference.”³ The juvenile court set a section 366.21, subdivision (e) hearing for September 18, 2018.

E. Six-month Status Review Report and Hearing

1. *September 18, 2018 Status Review Report*

On September 18, 2018, the DCFS submitted a status review report. The DCFS reported that Father had “made significant, positive progress” as to his monitored visits with A.E. and at least one case plan objective. The DCFS stated that Father “regularly engages [A.E.] and is appropriately attentive, affectionate and nurturing.”

The DCFS expressed an overall concern that Father “continues to demonstrate that he does not take responsibility for things” and instead blames others for his actions. The DCFS noted Father’s use of “antagonistic, sarcastic and defensive language” with the social workers. Father continued to be unwilling to work with the DCFS to resolve the underlying issues of domestic violence and appropriate parental supervision. Although Father acknowledged the gravity of the petition issues that led to A.E.’s removal from his care, he also continued to verbalize that A.E. was removed due to a “big misunderstanding,”

³ Neither the case plan nor the minute order referenced by the juvenile court in its March 21, 2018 order is in the record. The status review report, however, summarizes the family reunification services ordered, which are the same enhancement services ordered on April 17, 2017: domestic violence (52-week batterer’s intervention program); anger management; drug/alcohol services (including on-demand drug testing); parenting education; and individual counseling (trauma-focused).

and placed blame on the case social workers. Father also denied that he physically assaulted Mother, stating that Mother blamed him to avoid being held responsible by the juvenile court. The DCFS also described a lack of transparency by Father, including unauthorized visits with A.E. in 2017, which Father and the maternal grandmother tried to cover up.

Father declined to meet with case social workers in April and May 2018; Father did not make himself available until June 29, 2018. The DCFS made unsuccessful efforts to provide a parent-focused child and family team meeting and home assessments.

The DCFS summarized enhancement or family reunification services provided to Father from March 2018 to September 2018. These services included attempted and successful in-person contacts with Father to discuss case issues; provision of an extended supervised visit and additional supervised visit for A.E.'s third birthday; provision of written visitation and telephone contact schedules; provision of transportation assistance; provision and arrangement of a parent-focused child and family team meeting, which Father declined; provision of information and referrals to community resources and services; consultation with various service providers to assist Father with case plan objectives; and collaboration with the Department of Probation.

As of September 2018, Father partially complied with his 52-week batterer's intervention program and anger management requirement. Father enrolled in domestic violence and anger management counseling services at Anger Me Not Counseling

Education and Support Group.⁴ Father's service provider, Ms. Hastings, confirmed that he was receiving services through the group and that he was making progress and following through with tasks.

Father also partially complied with his individual counseling requirement. Ms. Hastings reported that she had regular, weekly sessions with Father. Although Ms. Hastings reported that she is "certified" and consults with a supervised, licensed therapist, the DCFS learned that "it appears" Ms. Hastings is not a licensed therapist. The DCFS stated it would "continue to encourage [Father] to meet with Ms. Hastings as he continues to receive services from Anger Me Not. However, [Father] would benefit from a licensed professional in order to receive court-ordered trauma-focused therapy to address case issues"

Father complied with his parenting education requirement. The case social worker assessed that Father's "parenting has vastly improved and this appears to be his largest area of positive growth."

Notwithstanding the DCFS's concerns, it continued to encourage Father to build a relationship with A.E. with the goal of family reunification. Father expressed his commitment to doing so.

2. October 24, 2018 Last Minute Information

In the last minute information filed on October 24, 2018, the DCFS reported that Father continued to receive weekly, four-

⁴ Father enrolled in another program for domestic violence and anger management but was dismissed from the course due to absences.

hour visits with A.E. and the visits were of “good quality.” The DCFS noted that Father continued to need prompting as it relates to toilet-training, and that he had not consented to home assessment, claiming his home had been under construction during the past few months. Father also had not “provided any clear documentation as to individual counseling, which would clarify if Ms. Hastings is licensed to practice and provide trauma focused therapy as previously ordered by the court[.]” The DCFS maintained its recommendation to continue family reunification services and asked that a section 322.21(e) hearing be set in six months.

3. *October 30, 2018 Six-month Status Review Hearing*

On October 30, 2018, the juvenile court held a six-month status review hearing and found continuing jurisdiction necessary. The juvenile court determined that Father had partially complied with his case plan and that the DCFS had provided reasonable services and made active efforts towards family reunification. The juvenile court ordered the DCFS to provide further family reunification services and follow-up with Father on the completion of his programs, and set March 29, 2019 for the section 366.21(f) hearing.

F. 12-month Status Review Report and Hearing

1. *April 2, 2019 Status Review Report*

On April 2, 2019, the DCFS submitted a status review report.

Father remained on formal probation until 2021 for felony charges pertaining to a domestic violence incident in 2016. As of the date of the report, Father had not provided an updated form

to demonstrate his compliance with the conditions of his probation.

The DCFS arranged a child and family team meeting on February 4, 2019. Father brought a number of his family members. During the meeting, Father and his brother were “rude and disrespectful and disruptive to the entire process.” The DCFS observed that Father “demonstrated an inability to take responsibility for the sustained allegations[,]” including the levels of violence he perpetrated and leaving A.E. at home alone.

As to visitation, Father’s visits slowed down after the child and family team meeting. Between February 4, 2019 and April 2, 2019, Father had two visits with A.E. There was one incident during which Father made accusations about the maternal grandfather to A.E., insinuating he was abusing her. Additionally, Father failed to comply with the visitation schedule on several occasions and became antagonistic when the DCFS would not agree to a last minute change of venue or date.

As to case plan objectives, the DCFS received a certificate of completion for domestic violence and anger management, and a letter stating Father was receiving individual counseling and parenting training from Ms. Hastings at Anger Me Not.⁵ Ms. Hastings stated she works under the supervision of Ms. Martin. Although the certificate stated completion of a 52-week domestic violence program, the DCFS observed that Father only had

⁵ The DCFS informed the juvenile court that Anger Me Not is not a program utilized by the DCFS or included on the list of resources provided to Father. Although the program concerned the prior case social worker, the DCFS agreed to extend Father credit so long as his program facilitator discussed his progress with the DCFS.

attended the program for approximately nine months. Father insisted that the prior case social workers had approved this shortened plan, but later stated that “he was allowed to complete the DV book in under 52 weeks, but was still attending his program.”

The DCFS made “countless efforts” to reach out to Ms. Hastings to discuss Father’s progress and authenticate his certificate of completion, but the DCFS was unable to reach her. Father stated he would obtain the necessary information and provide it to the DCFS. The DCFS informed the juvenile court that because it was unable to verify the certificates of completion, it was unable to fully credit Father for the domestic violence and anger management program.

As to individual counseling, the last communication with Ms. Hastings appears to have been on December 15, 2018. During this conversation with Ms. Hastings, the case social worker confirmed that Ms. Hastings was not qualified to provide services to Father. Ms. Hastings stated she could provide services because she was working under the supervision of Ms. Martin. The DCFS reviewed Ms. Martin’s credentials and discovered she did not have the required certification or training to provide the court-ordered individual counseling. The DCFS informed Father that his time with Ms. Hastings⁶ could not be counted, and “he was made well aware of this from the prior [case social worker] and [supervising case social worker] several

⁶ The record states Father could not receive credit for individual counseling with “Ms. Martin,” which appears to be a typographical error because Father received counseling services from Ms. Hastings, and not Ms. Martin.

months ago.” The DCFS provided Father with therapy resources, and he agreed to enroll in one of these programs.

The DCFS explained it first had questions about Ms. Hastings’ qualifications as a counselor in August 2018. Ms. Hastings’ apparent refusal to speak with the DCFS after December 2018 exacerbated DCFS’s concerns with her.⁷ Although the DCFS encouraged Father to continue working with Ms. Hastings and Anger Me Not, Father was informed no later than November 2018 that he would need to enroll in individual counseling with a therapist from the DCFS-approved list of providers. A list of resources had been provided to Father in August 2018, and he still had not began working with a qualified therapist as of April 2019.

As to parenting education, Father completed his parenting classes in August 2018. The case social worker observed Father successfully employing his learned parenting skills during his supervised visits with A.E.

As of the date of the report, the DCFS had not received a service update for the services Father reported participating in.

The DCFS reported that, although Father “has demonstrated some control of his anger, he had not been able to work effectively with the Department” and “demonstrates very little maturity.” Father continued to deny responsibility for domestic violence with Mother and attempting to break into her home, despite being presented with police reports and supporting evidence. The DCFS noted that Father “struggle[s] with his overall understanding as to why his child came to the

⁷ Ms. Hastings also added to Father’s certificate of completion that he had completed individual counseling. This added to the DCFS’s concerns about Ms. Hastings.

Department's attention." To the extent Father took responsibility, he stated "then fine, I'll say it. I'll admit it if that's what you are asking me to do."

The DCFS summarized family reunification services provided to Father from September 2018 to April 3, 2019. These services included providing written visitation and telephone contact schedules; arranging a parent-focused child and family team meeting; arranging transportation and monitoring for A.E.'s visits with Father; consultation with various service providers to assist Father with case plan objectives; and collaboration with the Department of Probation.

The DCFS recommended that family reunification services continue for an additional six months.

2. May 7, 2019 Last Minute Information

The DCFS filed a last minute information on May 7, 2019, changing its recommendation from providing additional family reunification services to terminating family reunification services.

The DCFS described concerning changes in A.E.'s behavior reported by A.E.'s childcare provider, particularly after she returned from a monitored visit with Father. On April 23, 2019, the case social worker received a text from the human services aide monitoring Father's visits with A.E. He stated that Father questioned A.E. about a scratch by her eye and made statements that the maternal grandfather was abusing A.E.⁸

⁸ The last minute information states Father levied the accusation against the paternal grandfather, but this appears to be a typographical error given that A.E. was residing with the maternal grandfather at this time.

On April 29, 2019, Father refused to submit to an on-demand drug test, which is part of his case plan. On May 3, 2019, Father stated he completed his individual counseling, but failed to provide written verification. The DCFS noted it informed Father in August 2018, December 2018 and January 2019 that he needed to receive individual counseling with a certified counselor.⁹ According to the DCFS's calculation, Father had, at best, completed 8% of his individual counselling sessions since March 2018. Father, on the other hand, argued that he had met the individual counseling requirement because he attended 3-4 sessions, which represented 80% of his required sessions.

Based on the foregoing, the DCFS recommended setting a section 366.26 hearing.

3. *May 16, 2019 Last Minute Information*

The DCFS filed a last minute information on May 16, 2019, maintaining its recommendation to terminate family reunification services.

On May 8, 2019, Father and the maternal grandmother disrupted a visit with A.E. Father and the maternal grandmother were supposed to have separate visits, at separate locations, on the same day. Father showed up to the visit with the maternal grandmother, even though the locations of both visits were confidential. When asked to leave, Father refused and ignored the human services aide monitoring the visit. He became disruptive and belligerent, and the visit was canceled. The DCFS observed that Father and the maternal grandmother

⁹ The record includes receipts for therapy/counseling referrals signed by Father on January 15, 2019 and May 24, 2019.

“trigger each other” and that their “behaviors includes [sic] a clear alliance between [them] to work against the Department.”

On May 8, 2019, the case social worker spoke with Ms. Walker from Kedren Community Health Center, where Father had taken one intake session and four individual counseling sessions beginning in February 2019. Ms. Walker explained that Kedren provides services to individuals with diagnosable mental health disorders. Ms. Walker further explained that Father had initially stated he was depressed, but that after several sessions stated he was no longer depressed. As such, Ms. Walker explained to Father that the program he enrolled in is for individuals with chronic mental health disorders and that “for individual counseling he would need to be treated somewhere else.”

Father maintained that he completed 80% of his individual counseling services. Father continued his efforts to locate services not on the DCFS’s approved list of providers. According to the DCFS, he “remains non-compliant and defiant on many levels and he’s continued to be argumentative, accusatory and inhospitable.”

4. *June 11, 2019 Last Minute Information*

The DCFS filed a last minute information on June 11, 2019,¹⁰ reporting that in or around May 22, 2019, the case social worker attempted to meet with Father, as he had requested a new referral list for individual counseling. Father arrived 30 minutes late and, when the case social worker was unable to meet him within 10 minutes, Father left apparently because he

¹⁰ The DCFS also filed a last minute information on June 26, 2019, which is the same as the document filed on June 11, 2019.

had “something more pressing to get to.” The case social worker provided a list of resources to Father in-person on May 29, 2019.

On June 4, 2019, the case social worker received a call from a new therapist. The therapist explained that Father recently enrolled and inquired about the issues he needed to address. The therapist stated that her agency could provide individual counseling and help Father complete his domestic violence program. The DCFS believed Father would benefit from restarting his domestic violence program with the same agency from which he was receiving individual counseling.

5. *June 26, 2019 Contested 12-Month Status Review Hearing*

On June 26, 2019, the juvenile court held a contested 12-month status review month hearing. The juvenile court admitted into evidence various reports, including the Title twenties from October 20, 2018 to May 16, 2019; delivered services logs of March 1, 2018 to May 16, 2019; and various documents relating to Father’s enrollment and completion of court-ordered services.

The case social worker, Ms. Springer, was the sole witness at the hearing. Ms. Springer explained she learned about Ms. Hastings’ lack of qualifications by speaking directly with her, and she informed Father that he needed to seek individual therapy from a licensed therapist. Ms. Springer testified that she provided Father with referrals to service providers in December 2018, January 2019, and May 2019. Based on her review of the case file, Ms. Springer was aware that the social worker previously assigned to the case had also provided referrals to Father. Ms. Springer confirmed Kedren, where Father had subsequently enrolled for individual counseling for depression,

was on the list of the DCFS's approved provider list and that she texted Father that specific referral in December 2018.

Ms. Springer testified that she followed up with Father every month about his progress on individual counseling. She confirmed Father's completion of the anger management and parenting education components of his case plan, and that he had not completed the 52-week domestic violence program. Ms. Springer suspected Father of drug use on two occasions, and when she asked Father to submit to a drug test, he refused. The juvenile court found Ms. Springer's testimony credible.

Father requested the juvenile court find that the DCFS failed to demonstrate with clear and convincing evidence that it had provided reasonable services during the 366.21, subdivision (f) review period. Specifically with regard to individual counseling, Father argued the case plan never specified the counseling needed to be provided by a licensed therapist and the DCFS failed to promptly investigate Ms. Hastings' credentials and instead improperly left it up to Father to determine her qualifications to provide services. Additionally, Father argued he reasonably sought services at Kedren, given that Ms. Springer specifically referred Father to Kedren.

A.E.'s counsel joined Father's arguments about the failure to provide reasonable services relating to individual counseling. A.E.'s counsel noted discrepancies between Ms. Springer's testimony and the Title twenties, including "hole[s]" in the Title twenties about when the DCFS definitively informed Father that Ms. Hastings was unqualified to provide him individual counseling services prior to January 11, 2019. A.E.'s counsel requested that family reunification services be provided to Father for an additional six months.

County counsel argued family reunification services should be terminated because Father had received reasonable services for more than three years, but his behavior demonstrated that he had not benefited from the services he had been provided.

The juvenile court found by clear and convincing evidence that the DCFS provided reasonable reunification services to Father. The juvenile court observed that Father's "own conduct throughout this case has provided complications and made it very difficult for the department to service this case; nevertheless, the department has been in regular contact with the father, has provided him referrals."

The juvenile court found Father was in "minimal" compliance with his case plan. Father failed to submit to a drug test, in violation of his case plan; and failed to comply with the individual counseling requirement. Father had been provided with notice on multiple occasions that the counselor he was seeing was not appropriate.

The juvenile court concluded that Father had not made substantial progress in resolving the problems that led to A.E.'s removal and had not demonstrated the capacity and ability to complete the objectives of the case plan and to provide for A.E.'s safety and protection. Father had not made significant enough progress to justify extending services to the 18-month status review date because there was "no likelihood or probability of return to the Father within the next six months."¹¹

¹¹ The 12-month status review hearing was originally set for March 29, 2019, but was continued to June 26, 2019. Thus, by the time the hearing took place, formal family reunification services for Father, which the juvenile court ordered in March 20, 2018, had been provided for 15 months. Additionally, from

The juvenile court determined A.E. would face a substantial risk of harm if placed in Father's custody. Accordingly, the juvenile court terminated Father's reunification services and set a permanency planning hearing for October 9, 2019. Father timely filed a notice of his intent to file a writ petition, which he filed on August 30, 2019. (Cal. Rules of Court, rules 8.450(e), 8.452.)

DISCUSSION

A. The DCFS's Provision of Reasonable Services

Father argues the juvenile court erred when it terminated family reunification services and set a section 366.26 hearing date at the 12-month status review hearing. Father contends the DCFS failed to provide reasonable services because it delayed in: (1) informing him that he was participating in the wrong type of individual counseling; (2) advising him that he needed to receive services from a licensed therapist; and (3) providing suitable referrals to a service provider.

1. Governing Law

At the 12-month status review hearing, if the juvenile court determines that a child should not be returned, it is required to terminate reunification services unless it finds (1) there is a substantial probability that the child will be returned within 18 months of the initial removal; or (2) reasonable reunification services were not provided to the parent. (§ 366.21, subd. (g)(1)(c).)

April 17, 2017 to March 19, 2018, the DCFS provided Father with enhancement services, which mirrored his case plan for family reunifications services.

“The adequacy of the reunification plan and of the agency’s efforts to provide suitable services is judged according to the circumstances of the particular case.” (*Christopher D. v. Superior Court* (2012) 210 Cal.App.4th 60, 69.) “[T]he record should show that [DCFS] identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained reasonable contact with [parent] during the course of the service plan, and made reasonable efforts to assist [parent when] compliance proved difficult. . . .” (*In re Ronell A.* (1996) 44 Cal.App.4th 1352, 1361-1362.) “[I]n reviewing the reasonableness of the reunification services provided by [DCFS], we must also recognize that in most cases more services might have been provided, and the services which are provided are often imperfect. The standard is not whether the services provided were the best that might have been provided, but whether they were reasonable under the circumstances.” (*Elijah R. v. Superior Court* (1998) 66 Cal.App.4th 965, 969.)

We review a finding reasonable services were provided for substantial evidence, viewing the evidence in the light most favorable to the DCFS and indulging all reasonable inferences in favor of that determination. (*In re Precious J.* (1996) 42 Cal.App.4th 1463, 1472.) “If there is substantial evidence supporting the judgment, our duty ends and the judgment must not be disturbed.’ [Citation.] [Father] has the burden to demonstrate that there is no evidence of a sufficiently substantial character to support the juvenile court’s order. [Citation.]” (*Christopher D., supra*, 210 Cal.App.4th at 70.)

2. *Father Fails To Establish That The Juvenile Court Erred In Finding DCFS Provided Reasonable Services*

A.E. came to the attention of the DCFS on May 2, 2016. The 12-month status review hearing took place more than three years later, on June 26, 2019. Thus, the DCFS provided either enhancement services or family reunification services to Father for more than three years.

The DCFS identified the problems leading to Father's loss of custody of A.E., which included domestic violence with Mother, and anger management and child abandonment issues.

The components of the case plans ordered on April 17, 2017 and March 20, 2018 addressed the problems that led to the loss of custody. Father's argument that DCFS did not provide him with reasonable services relates only to the individual counseling component of his case plan. Father argues the DCFS delayed in determining that his counselor was unlicensed and unable to provide him the court-ordered counseling, and compounded the issue by providing him with referrals to a service provider who could not provide Father with the counseling he needed.

Father relies primarily on *Amanda H. v. Superior Court* (2008) 166 Cal.App.4th 1340, 1345, in which the court reversed the juvenile court's determination that reasonable services had been provided when the social worker initially told the mother that she was enrolled in all the correct programs, but at the 12-month hearing informed the mother that she needed to participate in an additional program. The mother immediately enrolled, but the juvenile court terminated her reunification services. (*Id.* at 1344-1345.) In reversing the termination of reunification services, the court found that the social worker had

“thwarted” the parent’s ability to timely and adequately address case issues. (*Id.* at 1347.)

Here, in contrast, Father was informed no later than January 2019, nearly six months prior to the 12-month status review hearing, that he would need to enroll in individual counseling with a licensed therapist. To facilitate enrollment, the DCFS provided a list of referrals to Father on multiple occasions, including in January 2019 and May 2019.¹² Citing *In re Taylor J.* (2014) 223 Cal.App.4th 1446, 1452, Father argues that services are not reasonable if they consist of handing a list of referrals to the parent, “especially if such referrals are not complete or specific to a parent’s case plan.” Here, however, Ms. Springer testified that the referral packet provided in January 2019 included “all services that are requested by the department and the court” and “it included individual counseling as well as domestic violence and anger management and the services that were on his case plan.” Thus, the referral packet provided the information Father needed to locate an appropriate therapist consistent with the objectives of his case plan. (See, e.g., *In re Michael S.* (1987) 188 Cal.App.3d 1448, 1463, fn. 5 [“The requirement that reunification services be made available to help a parent overcome those problems which led to the dependency of his or her minor children is not a requirement that a social

¹² Ms. Springer testified that she specifically provided a referral to Kedren in December 2018. Kedren, although on the DCFS-approved list of providers, was not qualified to provide Father with trauma-related individual counseling. Although this specific referral may have been confusing to Father, he was aware that his individual counseling was intended to focus on trauma-related issues, as set forth in his case plans, and not depression.

worker take the parent by the hand and escort him or her to and through classes or counseling sessions.”].)

Further, the DCFS was in regular contact with Father during the review period. The DCFS never told Father that he was enrolled in all the right programs but, in fact, nearly 10 months before the 12-month status review hearing, raised the issue of therapist qualifications with Father.

Additionally, the court in *Amanda H.* noted its concern that the DCFS had thwarted the mother’s ability to address the “fundamental problem” of domestic violence that led to the children’s detention. (*Amanda H.*, *supra*, 166 Cal.App.4th at 134.) Although Father focuses on the individual counseling component of his case plan, which was to be trauma-focused, it is significant that Father does not claim that he did not receive reasonable services relating to programs for domestic violence, anger management and parenting education: the “fundamental issues” that led to A.E.’s detention from Father in the first place. Father completed his parenting education program, and largely completed his programs for domestic violence and anger management. He received credit for the programs he completed on these components.

After January 2018, in addition to the services already described, the DCFS provided other services to Father to facilitate family reunification, including arranging visits with A.E., providing transportation assistance when needed, and coordinating a child and parent team meeting. Father, on the other hand, failed to submit to on-demand drug testing, which was part of his case plan. Under these circumstances, Father has failed to establish the juvenile court erred in finding the DCFS provided reasonable services to him.

B. Termination of Family Reunification Services

Father argues the juvenile court's denial of his request for further family reunification services until the 18-month status review hearing constitutes an abuse of discretion. Father argues his compliance with the case plan and consistent and positive visits with A.E. illustrate a substantial probability A.E. would be able to be placed in his care by the 18-month date.

1. Standard of Review

A juvenile court's decision to further grant reunification services is subject to the abuse of discretion standard. (*In re G.L.* (2014) 222 Cal.App.4th 1153, 1164-1165.) A court abuses its discretion when "a decision is arbitrary, capricious or patently absurd and results in a manifest miscarriage of justice." (*In re Karla C.* (2005) 113 Cal.App.4th 166, 180; accord *People v. Franco* (1994) 24 Cal.App.4th 1528, 1543.)

2. The Juvenile Court Did Not Abuse its Discretion in Denying Additional Reunification Services to the 18-month Status Review Hearing

At the 12-month review hearing, the juvenile court continues a case if there is a "substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time." (§ 366.21, subd. (g)(1).) When determining what constitutes a "substantial probability" of return, the juvenile court considers visitation, progress, and whether the parent has "demonstrated the capacity and ability to complete the objective of his or her treatment plan and to provide for the child's safety, protection, physical and emotional well-being, and special needs." (§ 366.21, subd. (g)(1)(A)-(C).)

The juvenile court assessed the probability that A.E. would be returned to Father by the 18-month status review hearing within the context of the significant case history. Father points to his partial compliance with the case plan and “significant progress in resolving the issues leading to A.E.’s removal,” his improved parenting skills and his positive and continuous visits with A.E. Father also enrolled in court-ordered individual counseling on May 31, 2019. Notwithstanding Father’s efforts, the juvenile court did not abuse its discretion in determining that he had not shown sufficient progress during the 15 months he received formal family reunification services to support the provision of additional services. The juvenile court observed that Father did not seem to have benefited from the programs and visits, based on his behavior with the DCFS personnel and, at times, in front of A.E. Given the long history of this case, and Father’s continuing demonstration that he does not accept responsibility for his past actions that led to loss of custody, including domestic violence with Mother, and continuing argumentative and hostile behavior towards the DCFS personnel, the juvenile court did not abuse its discretion in denying additional reunification services.

DISPOSITION

The petition for extraordinary writ is denied.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.