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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

B.P.,

Petitioner,

v.

THE SUPERIOR COURT OF  
LOS ANGELES COUNTY,

Respondent;

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Real Party in Interest.

B276249

(Los Angeles County  
Super. Ct. No. CK72888)

PETITION for writ of mandate from orders of the Superior Court of Los Angeles County, Rudolph A. Diaz, Judge. Petition denied.

Law Office of Marlene Furth, Nicole J. Johnson, and Molly Walker for Petitioner.

No appearance for Respondent.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and William D. Thetford, Deputy County Counsel, for Real Party in Interest.

## **INTRODUCTION**

Mother B.P. seeks writ review of juvenile court orders terminating reunification services and setting the Welfare and Institutions Code section<sup>1</sup> 366.26 hearing as to her daughter, R.P. We deny Mother's petition for a writ of mandate because substantial evidence regarding Mother's unaddressed anger management problems, poor judgment, lack of a bond with R.P., and poor-quality visitation supports the court's finding that return of the child to Mother would create a substantial risk of detriment to the physical and emotional well-being of R.P.

## **FACTS AND PROCEDURAL BACKGROUND**

### **1. Mother's Dependency History**

Mother has five children. One passed away shortly after birth due to a genetic abnormality. Another died of shaken baby syndrome in 2008, when Mother left the child in her boyfriend's care. In that case, the Los Angeles County Department of Children and Family Services (DCFS) investigated a multitude of referrals for physical abuse of the child, which prior to the child's death were closed as unfounded or inconclusive based on Mother's denial of abuse.

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

When R.P. (Mother's youngest child) was born prematurely at 33 weeks, her remaining siblings, then-10-year-old Jayden and then-three-year-old J.R. (Sister), were dependents of the juvenile court. In September 2013, the court had sustained jurisdiction over these two children because Mother engaged in violent altercations with her male companion (Sister's father) in the children's presence, Mother's male companion had a substance abuse problem, Mother's male companion physically abused Jayden by striking Jayden's head with a fist during one of the domestic violence incidents, Mother failed to protect Jayden from that abuse, and Mother failed to take Jayden to his psychotherapy appointments and administer his prescribed psychotropic medications to address his Attention Deficit Hyperactivity Disorder and auditory hallucinations.

Jayden and Sister were eventually placed with their respective fathers in 2015 and the court terminated jurisdiction over both children by February 2016, with Mother receiving monitored visitation. We discuss Mother's conduct in those overlapping dependency cases as relevant below.

## **2. Mother Gave Up R.P. Shortly After Birth**

Solely Mother's reunification with and parental rights to R.P. are at issue in this case. Notably, R.P.'s father died while committing a robbery before R.P.'s April 2014 birth. Due to Mother's mental health issues, the deceased father's family has taken on an important role in R.P.'s life.

On June 18, 2014, when R.P. was about two months old, Mother telephoned R.P.'s paternal aunt and asked her to take R.P. Mother was very emotional and kept repeating that she could not take care of R.P. and needed help. Mother said she did not know what was wrong, and did not like the way the baby looked at her. From that point forward, R.P. lived with her paternal grandmother and paternal aunt. But, Mother refused to give the grandmother and aunt authority in writing to make educational and health-care decisions for the child. Mother also initially refused to give the social worker paternal grandmother's name and contact information. Mother insisted to social workers that she did not need a safety plan for R.P. and that she could go get the child from the paternal grandmother and aunt whenever she was ready.

Around the time she gave R.P. to the paternal relatives, Mother contacted the psychiatric evaluation team at Didi Hirsch Mental Health Services, where she was receiving mental health services, for an emergency assessment because she believed she was suffering post-partum depression and felt overwhelmed. Mother's Didi Hirsch case manager, Legran Hollie, thought Mother appeared unstable. Hollie tried to explain to Mother how it was not sensible to assert that she could not take care of R.P. but still seek custody of her other two children before the court. Mother was subsequently diagnosed with Major Depressive Disorder, and prescribed psychotropic medications, Celexa and Seroquel.

In July 2014, DCFS removed R.P. from Mother's custody, and filed a section 300 petition that alleged Mother had mental and emotional problems rendering Mother unable to provide care and supervision of R.P. On July 11, 2014, the juvenile court

detained the child with the paternal grandmother and paternal aunt. On August 19, 2014, Mother pleaded no contest to the section 300, subdivision (b) petition. The juvenile court sustained allegations that Mother “has mental and emotional problems including a diagnosis of Major Depressive Disorder, which renders [M]other unable to provide care and supervision of the child. Such mental and emotional problems on the part of [M]other endangers the child’s physical health and safety and places the child at risk of physical harm, damage and danger.” The court ordered Mother to continue receiving reunification services. Mother was permitted unmonitored visitation with R.P. as well as her siblings.

### **3. Mother’s Participation in Services and Visitation**

In relation to her two older children’s dependency cases, Mother had been participating in individual counseling since November 2013 at Didi Hirsch. As of March 19, 2014, Mother was in full compliance with Didi Hirsch’s program and showed strong motivation and commitment. Mother also enrolled in a domestic violence program in October 2014 and completed it in April 2014, after attending 14 sessions. A progress report from the program stated Mother was able to successfully process her experiences, provide positive feedback, and maintain active participation in every session. In addition, Mother attended parenting classes until she gave birth to R.P. and she later completed these classes. It was again reported in February 2015 that Mother was in full compliance with all court-ordered programs. Mother also began unmonitored visitation with R.P. by February 2015.

In February 2015, the juvenile court granted Mother and Jayden's father joint physical and legal custody of Jayden and terminated jurisdiction over him. The court also ordered unmonitored overnight visitation for Mother with Sister and R.P.

At this point in time, problems began to arise. Jayden returned to Mother's care for the first two weeks following the court's termination of jurisdiction. During this time, Mother checked herself into the hospital and did not arrange substitute care for Jayden. Unsupervised, 11-year-old Jayden slept in Mother's car with his friend Michael for three days and missed multiple days of school. Mother never made Jayden's father aware of her hospitalization or that Jayden was sleeping in her car. Mother also gave Jayden a cellular telephone containing explicit pictures of Mother, unclothed, engaging in sexual acts with men. Mother was aware Jayden was viewing these photos but did not delete the photos or take away the phone.

Jayden subsequently started acting out sexually. DCFS received a referral stating that Jayden had been sexually inappropriate with Sister. It was alleged that Jayden put his hand down Sister's diaper. The referral also alleged that Jayden had been sexually inappropriate with other children in the home where he temporarily lived with Mother. Mother denied allegations that Jayden engaged in sexually inappropriate behavior.

In March 2015, Mother vacated the home she shared with a roommate because of altercations that occurred between them, which may have been related to Jayden's behavior. Mother failed to inform DCFS of her address change and DCFS discovered Mother had moved when a social worker made an unannounced visit. When DCFS asked what had happened, the roommate

responded, “ ‘her mouth, I just can’t take her mouth. [Mother] doesn’t know when to stop, and I couldn’t do it anymore.’ ” Jayden stated Mother had to move again because she argued and had a physical altercation with the roommate, who was also her best friend, over a game of dominos while Jayden was in the home. Mother stated that they moved from the last home due to her roommate inappropriately disciplining Jayden.

Mother had another physical confrontation with a resident at her transitional living home shortly before the incident described above; Mother refused to discuss the altercation with DCFS. Mother also created discord with the paternal grandmother and paternal aunt who were caring for R.P. by repeatedly sending them belittling text messages and threatening to have R.P. removed from their care. As a result, the grandmother and aunt stopped monitoring Mother’s visitation. Mother also became volatile when the grandmother refused to let Mother visit R.P. when the grandmother learned of the allegations of sexual misconduct by Jayden toward Sister. In response, Mother drove to Sister’s father’s house, shouted at him, blamed him for the sexual misconduct referral, and threatened to have someone shoot him in the head.

During this timeframe, Didi Hirsch confirmed Mother’s participation but would not comment on Mother’s progress in the mental health programs. The Didi Hirsch counselors expressed concern about returning the children to Mother, but would not elaborate. They recommended Mother attend anger management classes, but Mother did not believe she needed that counseling. Mother’s combative behavior and poor parenting continued to occur despite her completion of a 14-session domestic violence

support group, completion of a nine-session parenting program, and participation in Didi Hirsch's mental health services.

By this point in time, more than six months had lapsed since R.P.'s dispositional hearing, and R.P. was approaching her first birthday. DCFS thus recommended termination of reunification services. (See § 361.5, subd. (a)(1)(B) [for a child under three years old on the date of removal, reunification services shall be provided for six months from the date of dispositional hearing but are not to exceed 12 months from date of removal unless the child is returned to the home of the parent].)

In April 2015, the court ordered Mother's visitation to be monitored as to all three children. On May 27, 2015, the court detained Jayden from Mother's custody and allowed him to remain in his Father's care. DCFS filed a new section 300 petition on behalf of Jayden based on Mother's conduct giving Jayden a cell phone with explicit photos and allowing him to live in her car; Mother later pleaded no contest to this petition and the court sustained it in part. Following the May 27, 2015 hearing, Mother became very upset with the DCFS social worker and her supervisor, and Jayden's father outside the courtroom. Mother followed them to the first floor of the court house and cursed at them. Mother stood inches from the social worker's face, pointed at her in a threatening manner, and addressed the social workers and the father with expletives. Mother told the social worker (who had previously helped Mother regain custody of Jayden) that she was not going to be her social worker anymore. After the May hearing, Mother filed an affidavit of prejudice against Judge Philip Soto, who had been presiding over



her dependency case, and the case was transferred to Judge Rudolph Diaz.

For four months following this incident, Mother refused to have any contact with the social worker working on her case, and the social worker had difficulty assessing Mother's subsequent progress. Due to Mother's lack of cooperation, referrals to the Regional Center for R.P. were returned and R.P. could not be assessed for services for her developmental delays without Mother's consent.

In July 2015, DCFS learned that Mother violated the terms of her probation stemming from a 2014 felony vandalism conviction and she was incarcerated for several months. DCFS was previously unaware of Mother's conviction as it was never reported by Mother and did not appear on her rap sheet.

In October 2015, Mother transitioned out of Didi Hirsch's program and into its Wellness Center, where she had access to anger management classes. Mother subsequently enrolled in another anger management program and individual counseling at West Central Mental Health Services in November 2015. Mother did not start the anger management program until February 2016. In her first six classes, according to Mother, she learned a breathing technique, learned to "just cope and relax," and learned to think before reacting to her stressors. Mother eventually completed the program in 2016.

Mother also attended individual therapy once a month through the Wellness Center. In May 2016, Mother's therapist reported that Mother was making progress toward her goals to decrease depression symptoms, obtain community resources, and participate in therapy. Mother's therapist reported that Mother had told her very little about the dependency case and if DCFS

wanted the therapist to address anything else with Mother, Mother would have to seek treatment elsewhere.

Mother's visits with R.P. remained monitored and she never asked them to be unmonitored. Mother visited R.P. every other week for about an hour and a half at the paternal grandmother's home or at Mother's home. Mother did not bring R.P. age-appropriate toys to play with, nor did she bathe, feed, or comb the child's hair during visits. Mother often brought a friend with her to the visits, and paid more attention to the friend than to R.P. Mother would typically watch R.P. play while she sat on the couch, and Mother became upset because R.P. did not really know Mother. During one visit, Mother brought a male companion and they argued. After Mother and the man left, Mother returned alone but continued to argue with someone over the phone during the visit. The paternal grandmother reported these events to the social worker but feared Mother's retaliation for doing so. We note that Mother testified that her visits were more engaging with R.P. than described by the paternal grandmother.

From March 2015 forward, DCFS continued to recommend reunification services for R.P. to be terminated and a section 366.26 hearing set based on Mother's extensive history of referrals, extensive criminal record, and failure to abate problematic and violent behaviors despite the array of rehabilitative programs she attended.

#### **4. Mother's Criminal History and History of Domestic Violence**

We also note that Mother has an extensive criminal history involving physical violence towards others that includes: an arrest for battery on a person in 2000, a 2003 felony conviction

for obstructing a public officer and giving false information to a police officer, arrests in 2004 for inflicting corporal injury to a spouse or cohabitant and threatening crime with intent to terrorize, a 2006 misdemeanor conviction for inflicting corporal injury on a spouse or cohabitant, a 2006 arrest for domestic violence that was resolved by a felony conviction for assault with a deadly weapon, a 2009 arrest for assault with a deadly weapon, a 2011 arrest for assault with a deadly weapon, and convictions for various probation violations in 2011 and 2012. Also during the pendency of these dependency proceedings, Mother was convicted of felony vandalism in 2014, and violated her probation in 2015 for that offense, resulting in several months of incarceration.

#### **5. The Section 366.22 Review Hearing**

At the section 366.22 hearings, the court heard testimony from Mother and the social worker, and accepted DCFS's reports into evidence. Mother argued that she complied with her case plan, and that DCFS failed to provide reasonable services because it was aware of Mother's anger management issues but did not provide her with a referral for treatment. Counsel for R.P. asked for her to be returned to Mother, saying that Mother has shown progress and her "big issue" is that she does not get along with people. DCFS argued that despite the programs Mother has participated in, Mother has not changed.

On May 25, 2016, after receiving almost two and one-half years of reunification services (beginning in November 2013), the juvenile court terminated reunification services and set the section 366.26 hearing. The court stated:

“This case has been around a long time. Almost two years. Mother by statute is entitled to six months reunification services.

“We are now past the .22 date. And it is not the Department’s fault. Mother went almost six months because she didn’t want to speak to the social worker. She had an episode outside the courtroom at the previous .22 hearing involving the other father who the court returned the custody to.

“And I did review the letter from the therapist. I note Mother’s frequency of therapy is about once a month. However, the therapist has not even addressed the issues in this case. They didn’t have any information about it.

“And I don’t think there is a likelihood the court can return these children to Mother today. She hasn’t even gone from monitored visits to unmonitored visits. I don’t think it is appropriate.

“I think she still has a ways to go. And it is unlikely that the child can be returned to her even in six months. I don’t think she has made that much progress. So I am going to follow the Department’s recommendation at this time.

“[¶] . . . [¶]

“The court finds by a preponderance of the evidence that return of the child to the physical custody of Mother creates a substantial risk of detriment to the safety, protection, physical or emotional well-being of the child creating a continuing necessity for an appropriateness of the current placement.

“Mother was ordered a case plan of which she has not complied with. And, particularly, the individual counseling.

“The court finds by clear and convincing evidence that the Department has complied with the case plan by making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child

“[¶] . . . [¶]

“In fact, the court finds that Mother has sufficient visits. Not all the visits have been the most productive. Mother brings people to the visits with her. They immediately distract Mother from actually bonding with the child and I think there is an issue about bonding between Mother and the child.

“Mother has not made significant progress in resolving the problems that led to the removal of the child; has not demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the child’s safety, protection, physical and emotional health.”

The court set the section 366.26 hearing for September 21, 2016, and Mother timely filed this petition for writ of mandate.

### **DISCUSSION**

Mother petitions for review of the juvenile court’s orders terminating reunifications services and setting the section 366.26 hearing. Mother argues that insufficient evidence supported the court’s finding that R.P. could not be safely returned to her custody and its decision to terminate reunification services.

Mother also argues that the trial court erred in finding reasonable services were offered and provided to Mother.

**1. Substantial Evidence Supports the Court's Order**

Under section 366.22, subdivision (a)(1), the juvenile court is required to return the child to the parent's custody at the 18-month permanency review hearing "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." (§ 366.22, subd. (a)(1).) DCFS bears the burden of establishing that detriment. (*Ibid.*)

When the child is not returned to the parent at the permanency review hearing,<sup>2</sup> the juvenile court shall "order termination of reunification services to the parent" and set a section 366.26 hearing to "to determine whether adoption, . . . guardianship, or continued placement in foster care is the most appropriate plan for the child." (§ 366.22, subd. (a)(3).) "[T]he proceeding terminating reunification services and setting a section 366.26 hearing is generally a party's last opportunity to litigate the issue of parental fitness as it relates to any subsequent termination of parental rights, or to seek the child's

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<sup>2</sup> There are special conditions under section 366.22, subdivision (b), that allow a court to forego setting the section 366.26 hearing at this point and provide a parent with additional reunification services. These conditions are inapplicable to the case before us as they involve parents who make significant and consistent progress in residential substance abuse treatment programs, parents who were minors or nonminor dependents at the time of the initial hearing and who have made consistent progress, and incarcerated or institutionalized parents who made consistent progress. (§ 366.22, subd. (b).)

return to parental custody.’ ” (*In re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1788.) “Once reunification services are ordered terminated, the focus shifts to the needs of the child for permanency and stability.” (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.)<sup>3</sup>

In making the detriment determination, the court considers “efforts or progress, or both, demonstrated by the parent . . . and the extent to which he or she availed himself or herself of services provided.” (§ 366.22, subd. (a)(1) [“The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental.”].) In addition, the juvenile court “can consider, among other things: whether changing custody will be detrimental because severing a positive loving relationship with the foster family will cause serious, long-term emotional harm [citations]; properly supported psychological evaluations which indicate return to a parent would be detrimental to a minor [citations]; . . . instability in terms of management of a home [citation]; . . . limited awareness by a parent of the emotional and physical needs of a child [citation]; failure of a minor to have lived with the natural parent for long periods of time [citation]; and the manner in which the parent has conducted himself or herself in relation to a minor in the past.” (*Constance K. v. Superior Court* (1998) 61 Cal.App.4th 689, 704-705 (*Constance K.*)). The court also considers the parent’s

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<sup>3</sup> The parent may petition for modification of the court’s orders in order to obtain additional reunification services or custody based on changed circumstances or new evidence. (§ 388, subd. (a)(1).)

criminal record to the extent it is related to her ability to exercise custody and control over the child. (§ 366.22, subd. (a)(1).)

We review the juvenile court's decision pursuant to section 366.22 for substantial evidence. (*Constance K.*, *supra*, 61 Cal.App.4th at p. 705.) "Evidence sufficient to support the court's finding 'must be "reasonable in nature, credible, and of solid value; it must actually be '*substantial*' proof of the essentials which the law requires in a particular case." ' [Citation.] 'Where, as here, a discretionary power is inherently or by express statute vested in the trial judge, his or her exercise of that wide discretion must not be disturbed on appeal *except* on a showing that the court exercised its discretion in an arbitrary, capricious or patently absurd manner that resulted in a manifest miscarriage of justice. [Citations.]' [Citations.]" (*In re Brequia Y.* (1997) 57 Cal.App.4th 1060, 1068.)

Here, substantial evidence supports the court's detriment finding. Despite Mother completing court-ordered programs in her case plan, she did not substantively learn from them and continued to exhibit poor parenting and poor anger management. When Jayden was released to her care in 2015, she allowed him to live in her car while she was hospitalized for three days. She also gave him a cell phone containing nude photos of her doing activities of a sexual nature with men. Mother was well aware that Jayden accessed these photos and did not inhibit him from doing so. This particular two-week period of parenting evidences Mother's poor judgment and the danger of placing R.P., a vulnerable two-year-old child with developmental disabilities, in Mother's sole care.



Mother's anger and violence, initially evidenced by her long history of criminal conduct involving assaults and domestic violence incidents, remained unaddressed during this dependency case despite Mother repeatedly engaging in the appropriate programs. DCFS became involved in Mother's life because of domestic violence between her and her male companion in 2013, resulting in physical abuse of Jayden. Despite completing a domestic violence program and anger management classes, Mother became verbally confrontational and threatening toward her roommate, the fathers of her children, and DCFS staff in 2015. Mother was also verbally abusive to R.P.'s caregivers such that they feared reporting Mother's misconduct to DCFS and that they no longer wanted to monitor visitation. During visitation, Mother had a verbal confrontation in front of R.P. with the male companion she brought with her. Due to Mother's anger problems, she refused to communicate with the social worker on her case for four months, resulting in delayed regional center services for her child. Notwithstanding this behavior, Mother asserted to her therapist that she did not need additional anger management classes. Following her discharge from Didi Hirsch, it took Mother four months to commence another anger management program despite Mother acknowledging to the social worker that they were available through the Wellness Center. We also note that Mother failed to address the issues of this dependency case during her monthly therapy sessions following her release from Didi Hirsch.

Furthermore, Mother does not have a close relationship with R.P., who is now two years old. R.P.'s paternal aunt and grandmother have been her sole caretakers since she was two months old. Mother became upset during visitation because R.P.

did not really know her. Mother nonetheless consistently failed to engage R.P. during visitation. Rather, Mother was more interested in speaking to the adult she brought with her or to the monitors. Mother never asked for unmonitored visitation with R.P. or sought a larger role in R.P.'s life.

In sum, Mother's completion of the court prescribed programs has not benefited her as she does not apply what she has learned to her life. As such, Mother remains a danger to her child. Mother has also failed to form a strong bond with her child, who has lived with the paternal relatives since infancy. Based on the foregoing, we conclude substantial evidence supports the court's finding of detriment.

Mother argues that during the two year period DCFS was involved in R.P.'s life, "the social worker never submitted any details that [M]other posed a risk to [R.P.]'s safety, protection, or physical or emotional well-being." Mother mischaracterizes the record. Throughout this case, DCFS documented Mother's volatile temperament and poor parenting of R.P.'s siblings as evidence of the ongoing risk to R.P.'s wellbeing. Simply because Mother did not have custody of R.P. for most of her life and thus has had very few opportunities to endanger her physically and emotionally (as visits have been monitored) does not mean that the record does not support a finding of detriment.

Mother also argues that the court's decision is based on Mother's conflicts and incidents with adults and there is no nexus between those poor interpersonal relationships and risk of detriment to R.P. Yet, there is ample evidence in the record demonstrating the connection. Mother's domestic violence caused one of Mother's children to be hit in the head and Mother engaged in these interpersonal conflicts in front of her children.

Moreover, Mother's angry conflict in March 2015 with her roommate caused her to move Jayden suddenly from their home, and her outburst towards social workers in May 2015 was followed by an intentional four-month hiatus in contact with DCFS. Again, Mother's lingering anger toward the social worker delayed R.P.'s receipt of services for the child's developmental delays. There is clearly a nexus between Mother's hostility toward the people in her life and the well-being of her children, including R.P. Furthermore, substantial evidence of poor parenting and lack of a bond between Mother and R.P. also support the court's decision as stated above.

Finally, to the extent Mother argues that she complied with and completed her case plan, this is not the issue. The problem is that despite Mother's compliance she has not modified her parenting or behavioral patterns. In addition, although Mother's depression brought R.P. into dependency proceedings, other significant issues arose during the case. Mother cannot simply argue that she addressed her depression and thus R.P. should be return to her—this argument ignores her poor parenting of Jayden, her unaddressed anger issues, and her lack of bonding with R.P.<sup>4</sup>

We therefore affirm the court's finding of detriment.

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<sup>4</sup> To the extent Mother disputes the lack of a bond between her and R.P., Mother asks this court to reweigh the evidence and credibility of the witnesses in this case. On appeal, we may not reweigh or express an independent judgment on the evidence. (*In re Laura F.* (1983) 33 Cal.3d 826, 833.) Issues of fact and credibility are matters for the dependency court alone. (*In re Amy M.* (1991) 232 Cal.App.3d 849, 859-860.)

## **2. Reasonable Services Were Offered to Mother**

Mother argues that the court erred in finding that reasonable services were offered to Mother. Citing section 366.21, Mother asserts that the court may not set the section 366.26 hearing unless there is clear and convincing evidence that reasonable services have been provided to the parents. Section 366.21 addresses 12-month review hearings, not the 18-month review hearing at issue in this case, which is governed by section 366.22. It is well established by case law interpreting section 366.22 that a reasonable services finding does not influence setting the section 366.26 permanency hearing. At the section 366.22 hearing, when the court reached the conclusion “that returning the [child] to Mother’s custody would create a substantial risk of detriment to [the child], and that it was not in [child]’s best interest to provide Mother additional reunification services—the juvenile court lacked discretion to grant a further continuance or to order additional reunification services.” (*N.M. v. Superior Court* (2016) 5 Cal.App.5th 796, 807-808.) Section 366.22 obligates the court to set the section 366.26 and terminate reunification services upon making a finding of detriment regardless of the court’s finding as to reasonableness of DCFS’s efforts.

Thus, we conclude that the finding regarding reasonableness of DCFS’s efforts has no impact on the primary issues in this petition for writ, i.e. setting the section 366.26 hearing and terminating reunification services. Nonetheless, we briefly address the reasonableness finding because at the section 366.26 hearing, a finding of no reasonable efforts precludes termination of parental rights. (§366.26, subd. (c)(2) [“The court shall not terminate parental rights if: [¶] (A) At each hearing at

which the court was required to consider reasonable efforts or services, the court has found that reasonable efforts were not made or that reasonable services were not offered or provided.”].) We review the juvenile court’s reasonable reunification services finding for substantial evidence. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010, superseded by statute as indicated in *Earl L. v. Superior Court* (2011) 199 Cal.App.4th 1490, 1504.) In doing so, we view the evidence in the light most favorable to the respondent and “indulge all legitimate and reasonable inferences to uphold the order.” (*Ibid.*)

In general, “DCFS must make a good faith effort to develop and implement a family reunification plan.” (*Amanda H. v. Superior Court* (2008) 166 Cal.App.4th 1340, 1345.) “A proper service plan must be tailored to the specific needs of the dysfunctional family. However, to make the requisite findings, the record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult (such as helping to provide transportation and offering more intensive rehabilitation services where others have failed).” (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414.) “The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.’” (*In re T.G.* (2010) 188 Cal.App.4th 687, 697.)

Here, DCFS made reasonable efforts to connect Mother with the services she needed and to help her regain custody of R.P. Even before R.P.'s birth, DCFS connected Mother with services through Didi Hirsch to address her depression, parenting skills, and anger. She attended parenting classes, a domestic violence program, anger management programs, and individual counseling. She also received psychiatric treatment and medications as needed. At the outset of the case, Mother was completely compliant in completing reunification services and programs. Due to her progress, she received joint custody of her 11-year-old son, Jayden in February 2015.

At this juncture it became apparent that although Mother participated in extensive reunification services, she had not benefitted from the extensive treatment she received. She permitted Jayden to live in her car without supervision for three days and gave him a cell phone containing nude, sexual photos of Mother. Then, Mother's poor anger management manifested when she (1) had to move out of her home due to conflicts with her roommate, (2) threatened one of the fathers of her children, and (3) cursed at DCFS social workers at the courthouse. Following the courthouse incident, Mother refused to speak to the DCFS social worker, making it very difficult for the social worker to assist Mother. Mother, however, continued to receive services. When Mother transitioned out of Didi Hirsch because she completed its program, Mother began receiving services from the West Central Mental Health Services. Mother informed the social worker that she received individual counseling and anger management classes.

Substantial evidence supports the conclusion that DCFS's provision of services was reasonable. DCFS identified Mother's anger, psychological, and parenting issues and addressed them with anger management, parenting classes, individual counseling, and psychiatric treatment. Compliance with these programs and attendance never appeared to be an issue for Mother. Rather, Mother plainly failed to make substantive progress, which was not caused by a lack of reasonable efforts by DCFS.

Mother takes issue with DCFS's communication with her therapist regarding details of her case plan, but this did not hinder Mother's ability to participate in programs and reunite with her children (as she received custody of Jayden early in this case). The court's decision was expressly based on Mother's failure to make substantive progress in reunification services, which had been provided for more than 18 months in R.P.'s case, in addition to the four more months of services she received prior to R.P.'s birth in association with Jayden's and Sister's dependency cases. Mother also argues that DCFS did not provide a referral to individual counseling or anger management following her completion of Didi Hirsch's program. But, Mother informed DCFS that she was to receive these programs through the Wellness Center. There was no need for additional referrals. DCFS's efforts were reasonable under the circumstances of this case. (See *In re T.G.*, *supra*, 188 Cal.App.4th at p. 697; *In re Alvin R.* (2003) 108 Cal.App.4th 962, 972 [reunification services need not be perfect, just reasonable].)

We therefore affirm the juvenile court's finding of reasonable efforts by DCFS.

### **DISPOSITION**

Mother B.P.'s petition for a writ of mandate is denied. We lift the stay on the trial court's Welfare and Institutions Code section 366.26 hearing.

### **NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

GOSWAMI, J.\*

We concur:

ALDRICH, Acting P. J.

LAVIN, J.

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.