Filed 9/24/19 L.B. v. Superior Court CA2/6

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

L.B.,

Petitioner,

v.

THE SUPERIOR COURT OF VENTURA COUNTY,

Respondent;

VENTURA COUNTY HUMAN SERVICES AGENCY,

Real Party in Interest.

2d Juv. No B297489
(Super. Ct. No. J071718)
(Ventura County)

In a petition for extraordinary writ, L.B. (Mother) challenges the juvenile court's order terminating reunification

services and setting the matter for a permanency plan hearing. (Welf. & Inst. Code,[1] § 366.26.) We deny the petition.

FACTS AND PROCEDURAL HISTORY

In January 2018, Ventura County Human Services Agency (the Agency) received a referral alleging that Mother was refusing to comply with recommended medical treatment for her daughter, G.B., who had cancer. At a contested dispositional hearing, the juvenile court declared G.B. a dependent of the court and ordered reunification services for Mother.[2]

At the six-month review, the Agency reported that Mother "minimally participated in case plan services" and was "inconsistent in showing behavioral changes." During more recent visits Mother had difficulty focusing on G.B. and controlling her emotions. Based on the Agency's recommendation, the juvenile court ordered G.B. to remain a dependent of the court and continued family reunification services for Mother for another six months.

At the 12-month review, the Agency reported that Mother lacked insight into her own behavior and "repeatedly reacted in a negative manner during visits" with G.B. For instance, Mother engaged in verbal arguments with G.B.'s father and Agency staff members in front of G.B. These behaviors had a "negative effect" on G.B. Mother also did not comply with

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[1] Further unspecified statutory references are to the Welfare and Institutions Code.

[2] In a related case, G.B.'s father appealed from the orders sustaining the Agency's petition and removing G.B. from his custody. We affirmed. (*In re G.B.* (Jan. 17, 2019, B288231) [nonpub. opn.].)

visitation rules and "engaged in inappropriate conversation" with G.B.'s previous caretaker, which led to a restraining order against Mother.

Three months later, the juvenile court adopted the Agency's recommendation and terminated Mother's reunification services and set a permanency plan hearing.

DISCUSSION

The Agency argues Mother's writ petition is "plainly inadequate" because it does not assert coherent arguments, allege error, or include citation to the record or legal authority. We agree.

A writ petition to review an order setting a hearing under section 366.26 must be liberally construed. However, the petition must include: a summary of "significant facts, limited to matters in the record," "a separate heading or subheading summarizing the point and support each point by argument and citation of authority," reference to the record by citation, and an explanation of the significance of any cited portion of the record. (Cal. Rules of Court, rule 8.452(a), (b); *Cheryl S. v. Superior Court* (1996) 51 Cal.App.4th 1000, 1005.) If a petition does not "present an adequate record, argument, and points and authorities," the petition may be dismissed. (*Cheryl S.*, at p. 1005.)

Here, Mother's writ petition is inadequate. Her "summary of factual basis for petition" is an incoherent summary of facts without citation to the record for most of the facts asserted. Some of her facts, such as the reference to restraining orders against the foster parent and current caregiver, are matters outside the record, and we do not consider them. (*In re Angel L.* (2008) 159 Cal.App.4th 1127, 1141.)

The points and authorities in support of the petition includes a list of cases without reference to the page number, and none of these cases are mentioned in what appears to be the "argument" portion of her petition. In fact, she cites only two cases in her "argument" section, and neither of these cases are included in her points and authorities. More importantly, the petition also does not specify any error by the juvenile court. Mother alleges the court's order terminating services was based on "perjured testimony" by the Agency, but she points to no supporting evidence.

Even on the merits, we conclude there was no error. At the conclusion of a 12-month review hearing, the juvenile court shall continue the case for up to six months only if there is a "substantial probability" a child will be returned to a parent's custody. (§ 366.21, subd. (g)(1).) A "substantial probability" of reunification requires the court to find that the parent: (1) regularly contacted and visited the child; (2) "made significant progress in resolving problems that led to the child's removal from the home"; and (3) "demonstrated the capacity and ability both to complete the objectives of [the] treatment plan and to provide for the child's safety, protection, physical and emotional well-being, and special needs." (*Ibid.*) We review the court's decision to order termination of reunification services for substantial evidence. (*J.H. v. Superior Court* (2018) 20 Cal.App.5th 530, 535.) We resolve all conflicts in favor of the court's determination, and construe all inferences to uphold its findings. (*Ibid.*)

Here, substantial evidence supports the juvenile court's order terminating reunification services. Mother did not demonstrate she made significant progress in resolving her

behavioral issues, nor did she demonstrate her capacity to provide for G.B.'s well-being. The Agency reported that Mother "repeatedly reacted in a negative manner during visits," and failed to comply with rules, which led to a restraining order against her. Her behavior had a "negative effect" on G.B. In light of this evidence, the trial court properly found there was no substantial probability of G.B.'s return to Mother's custody.

DISPOSITION

The petition for extraordinary writ is denied.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

YEGAN, Acting P. J.

PERREN, J.

Tari L. Cody, Judge

Superior Court County of Ventura

L.B., in pro. per., for Petitioner.

No appearance for Respondent.

Leroy Smith, County Counsel, Joseph J. Randazzo, Assistant County Counsel, for Real Party in Interest.