Filed 1/11/17 In re H.G. CA2/4

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re H.G., a Person Coming Under the Juvenile Court Law.	B275573 (Los Angeles County Super. Ct. No. DK08230)
JESUS G., Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Real Party in Interest.	

ORIGINAL PROCEEDINGS in mandate. Veronica S. McBeth, Judge. Petition granted.

Los Angeles Dependency Lawyers, Inc., Law Offices of Marlene Furth, Gibran Bouayad and Jody Marksamer for Petitioner.

No appearance for Respondent.

No appearance for Real Party in Interest.

Children's Law Center of Los Angeles and Cynthia Widitora for Minor.

Petitioner Jesus G. (father) is the presumed father of now four–year–old H.G. (born October 2012), and her nearly nine-year-old twin half–brothers Ricardo and Aaron 0–G. (born February 2008). The children were detained from their parents and are the subjects of a Welfare and Institutions Code section 300[1] petition filed by respondent Department of Children and Family Services (DCFS) in November 2014; only H.G. is a subject of the instant petition. As sustained, the petition alleged that H.G.'s parents placed the children in a detrimental and dangerous environment by allowing two adult relatives, whom the parents knew or should have known had been convicted of sexual offenses against children and were registered sex offenders, to live in the home, which was also filthy.[2]

The petition was filed after DCFS investigated a referral regarding possible sexual molestation by a paternal uncle living in the home, and parental neglect. During the investigation, father conceded that he knew his brother had been arrested for child molestation, but

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1 Further undesignated statutory references are to this Code.

2 Although C.O., the children's mother (mother), is not a party to this petition, her involvement is addressed where relevant because father has indicated that both parents will care for H.G. if she is returned to parental custody.

did not believe the uncle posed a danger to the children. Mother knew the uncle was a registered sex offender convicted of a felony sexual offense against a child, and that he had sexually assaulted two members of his family in September 2014.[3] As for the dirty house, the parents claimed it was not theirs and they had no ability to keep it clean. They understood it was not a good place for their children, but had nowhere to go.

At the November 10, 2014, detention hearing, the court ordered monitored visitation for father. Father visited H.G. once a week, and called her daily. At the disposition hearing in January 2015, H.G. was removed from her parents' custody, and declared a dependent child. Reunification services were ordered for the father, including individual counseling, a psychological assessment, a parenting class for special needs children,[4] transportation and housing assistance, and father was given monitored visitation. Father enrolled but did not immediately begin to participate in the court-ordered programs. Salvador, one of the relatives with a history of child sexual abuse, continued to live with the parents. Mother told DCFS the parents were saving money to move out. The parents regularly visited H.G.; they were loving with and attentive to her.

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[3] The uncle's therapist told DCFS the uncle lacked impulse control and had exposed himself to his counsel and therapist multiple times.

[4] The twins have been diagnosed with developmental disabilities and severe autism.

DCFS filed its six-month status review (§ 366.21, subd. (e)), report in mid-July 2015. The parents had moved and had separated in June. Father was living with relatives, and remained unemployed. Both parents had completed parenting programs. In early July, father enrolled in and was placed on a waiting list for individual counseling. A court-ordered psychological evaluation of father revealed no need for medication or treatment.

DCFS reported that the parents continued to visit H.G., but that neither was implementing skills they should have gleaned from their parenting programs, or providing H.G. with positive reinforcement or redirection. Father tried to hug H.G. continuously and monopolize her attention during visits. He would "pretend to be mad and cross his arms and pout" if H.G. spent time with mother. The parents were consistently late, and were distracted and bickered with one another during visits. H.G.'s therapist opined that the visits were not of a quality that would help the parents reunify with H.G. At the six-month hearing on July 22, 2015, the juvenile court found DCFS had provided reasonable services, and that father had partially complied with his case plan. The court continued reunification services.

The 12–month status review hearing (§ 366.21, subd. (f)), took place on January 20, 2016. DCFS reported that the parents had partially complied with their case plans. Father's therapist told DCFS that, by mid-December, father regularly and enthusiastically had participated in 14 individual therapy sessions. He was focused on expressing his feelings regarding his separation from his children and his relationship with mother, and increasing his awareness in order to

prevent sexual abuse. Father liked attending therapy and believed that it helped him. By mid-August, the parents had reconciled to "work on their relationship." By the end of December 2015, they rented a room in a four-bedroom home, and father found a part-time job.

Both parents continued to struggle in their ability to parent the "special needs" twins. But the quality of their visits and parenting skills had improved "significantly" during their increased, and increasingly longer visits with H.G. Father continued consistently to visit H.G. and worked on setting limits with her and exercising discipline techniques. H.G. seemed to enjoy the visits, reciprocated her parents' affection and was sad to leave. Around this time, H.G.'s foster parents informed DCFS that she began to experience "extreme anxiety" before a parental visit, and engaged in erratic and negative behavior—hitting, spitting and screaming—after visits. It was not clear if her behavior was attributable to parental visits. The child's therapist reported that the parents interacted well with H.G. during sessions, she had no safety concerns about the parents, and believed H.G.'s behavior might be the result of the fact that she missed her parents. The social worker who monitored visits observed that H.G. enjoyed the visits, was sad when they ended and did not want her parents to leave. The therapist concurred with DCFS that H.G. should remain in foster care for the time being, and that the parents should have unmonitored visits. The court ordered DCFS to provide the parents unmonitored visits with H.G., and housing assistance.

The 18–month (section 366.22) review hearing was set for May 10, 2016. The parents continued to struggle in an effort to achieve financial

stability and to obtain adequate housing; DCFS's housing assistance had not been helpful. Both parents had part-time jobs, and continued to progress in therapy in their effort to address H.G.'s behavior. Father continued to work with his counselor to understand the importance of keeping H.G. away from sexual offenders and was working to obtain appropriate housing so he could reunify with H.G. In January 2016, DCFS suggested to the parents that their visitation with H.G. be liberalized to unmonitored home visits. Father said he would love to have such visitation, but was uncomfortable bringing H.G. to the residence where parents rented a room. They were actively seeking housing elsewhere, but disagreed about where to move. Father identified his sister (H.G.'s paternal aunt), L.A., as a potential child care provider when he was at work.

Father continued to participate in individual counseling. The therapist informed DCFS that father was strongly motivated to reunify with H.G. and actively looking for housing. She also said that, although father understood the need to protect H.G. from sexual offenders, he minimized the impact of his family members' legal issues, and believed the children had been removed due to a "misunderstanding and false identification of his family members."

Mother participated in individual counseling sessions with the same therapist. Each parent cancelled two sessions with the therapist, and attended three between early February and April 2016. The parents' relationship remained troubled. In March 2016, mother told DCFS that father was not talking to or feeding her, and they argued about money and her drinking. Father expressed concern about

mother's smoking and drinking, and complained that she did not contribute to expenses. He felt as though he was "taking care of another child" with mother, and needed her to change her habits. Mother believed counseling would help, but it was not available through their insurance. H.G. regularly began attending bi-weekly therapy sessions with her parents when unmonitored visits began. No information is available about those sessions, other than the fact that the parents consistently arrived on time.

H.G.'s foster parents had several concerns about H.G.'s visits with the parents. First, H.G. complained before some visits that she did not want to go. She felt lonely and left out when the parents spoke Spanish to one another and ignored her, or when mother left to spend time on the phone. When H.G. returned from visits, her clothes were wet and her "pull-up" was soaked.

Second, the foster parents reported that in February 2016, H.G. put the handle of a toy spoon into her vagina while playing with toys during a bath, began to disrobe and touch herself and to put her hands down her pants. H.G.'s therapist did not view the child's behavior as sexualized or atypical for a three–year–old. She opined that H.G. might be anxious or regressing as she experienced stress from having "two sets of parents," and adjusting to changes in visitation.

Third, in March 2015, the foster parents reported seeing H.G. trying to eat inedible substances (baking soda and dirt). A physical examination indicated an observation of possible Pica and "ongoing emotional dietary issues." H.G.'s physician recommended that she be given nutritious foods, and that juices, snacks, milk, and that the

provision of junk/fast food be decreased. The parents told DCFS they were aware of this recommendation, but never saw H.G. try to eat anything inedible (apart from a leaf mother saw H.G. bite and told her to spit out). They said she was a picky eater. The foster parents complained that the parents continued to take H.G. to fast food restaurants.

DCFS reported that the parents completed the court-ordered programs, but continued to struggle with the twins. DCFS said they had "failed to demonstrate any growth" in their ability appropriately to parent or meet the needs of their autistic sons, and made no concerted effort to spend time with them.

DCFS informed the juvenile court that it believed the parents had had sufficient time, but failed to ameliorate the circumstances that brought the children to the court's attention in the first place, and were unable to provide a safe or nurturing home environment for H.G. or her brothers. The potential for future risk remained "high" if the children and parents reunified. DCFS also reported that H.G. was strongly bonded to her foster parents, who were interested in adopting her. The agency recommended reunification services be terminated and that a selection and implementation (section 366.26) hearing be set.

In early May 2016, the court was informed that the parents had recently moved into appropriate housing and wanted to begin having overnight visits with H.G. as soon as possible. H.G.'s counsel requested, and the court ordered that DCFS assess whether Parent Child Interaction Therapy (PCIT) was an appropriate program for this family. Father expressed an interest in participating in PCIT, which had not

been part of the now completed court–ordered case plan, and was placed on a waiting list for those and family preservation services. DCFS was ordered to inspect the apartment and provide a supplemental report as to the housing and Pica issues. The matter was continued for a contested section 366.22 hearing.

On June 8, 2016, the court conducted a contested 18–month permanency review hearing under section 366.22. DCFS reported that the parents' new apartment had been assessed, that no safety concerns had been identified as to H.G., and that the parents had at least two, two–night visits with H.G. in May. After one visit, the foster mother complained that H.G. was returned wearing the same clothes she wore when she left to visit her parents; mother said she laundered the clothes before H.G. was returned to her foster parents. During another visit, father left H.G. with L.A. for a few hours while he was at work. Neither DCFS nor H.G.'s foster mother reported any major concerns after visits.

H.G.'s therapist observed that the child had a difficult time readjusting to her routine after her overnight visits with her parents, and explained she would work with the parents to help manage H.G.'s behavior while they waited to receive PCIT services.[5] DCFS continued

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[5] At about this time, there was some confusion regarding the parents' ability and/or obligation to attend therapy with H.G. At least one session was missed because the parents believed they were supposed to start PCIT instead, or because they had no fuel for their car. In any event, therapy was temporarily halted for about one month before the June 2016 hearing.

to recommend termination of parental rights as to the twins. However, the agency had now reevaluated its position as to H.G. and determined that the risk of returning her to her parents' care had been reduced from "high to moderate." DCFS recommended that H.G. be returned with family preservation and PCIT services in place.

Both parents testified at the June 8, 2016 hearing. Mother said the parents had three weekend–long visits with H.G., which went well. She had had no contact with the relatives who are registered sex offenders. H.G. was left in L.A.'s care when both parents had to work. She was not sure how long the child had been with L.A., but thought it may have been at least four hours. The parents' plan was to have L.A. provide childcare, as necessary. Mother believed L.A. had been cleared by DCFS. Mother understood what Pica is. She never saw H.G. exhibit aberrant eating behavior. She and father fed H.G. home-cooked meals.

Father testified that he understood H.G. was detained because his brother and uncle were sex offenders (which he had not known before DCFS showed up), and that it was not safe for her to be around them. From the parenting class, father learned how to protect her from child abuse. He knew he had to keep her away from harmful people. When asked how to identify a dangerous person, he said "I would say my brother, my uncle, . . . those kinds of people," who posed a danger to the children because of "mental health or . . . physically." Father testified that the parenting course taught him "how to take care of or humor, [*sic*] like, how to–what type of mental way [*sic*] us thinking, like what do we feel, like, without our children or our kids or how to," and that if his children's behavior got out of control, and they needed calming, he

"would just explain [things] to them . . . take them for a walk . . . and wait." They would count to 10 to help forget what had made them angry.

Father works 32 hours per week delivering pizza. He makes $1,700 per month, in wages and tips. His rent is $1,124 per month. He left H.G. with L.A. one evening when he and mother had to work. Father testified that he usually works mornings, and also that he rarely works mornings. He testified that he left H.G. with L.A. for four hours, and that he dropped her off at 5:00 and picked her up at 11:00. Father testified that the social worker told him L.A. had been cleared to provide childcare in an emergency, and that the incident in question was an economic emergency because both parents had overlapping work schedules, and often worked "almost in the same schedule." Father acknowledged that he did not specifically receive permission from DCFS for L.A. to watch H.G., but also said he was never told she could not watch H.G., or that anyone else in her home had to be cleared. Father gave himself permission to let his sister babysit his daughter. If H.G. was returned to the parents' care, father planned to work mornings and mother would work evenings. They would not require regular daycare, but would use L.A. in case of emergencies.

At the conclusion of the hearing, father's counsel pointed out that, despite the significant barriers posed by homelessness and poverty, father had fully completed his case plan, and had maintained consistently positive visitation with H.G. In addition, the parents understood the concerns about Pica, and were feeding H.G. appropriate, homemade meals as recommended by her doctor. Father's counsel

argued that DCFS had not met its burden to demonstrate detriment, and requested that H.G. be returned to father's care. Alternatively, he requested that the court continue the permanency review hearing. (§ 352.) Mother joined father's arguments.

Counsel for the children urged the court to terminate reunification services and set the matter for a permanency planning hearing (§ 366.26). She did not respond to father's request for a continuance. Minor's counsel expressed concern that H.G. would not be an easy child to raise and that the parents had demonstrated only "limited abilities" to raise her. She pointed to confusion and contradictions in father's testimony regarding his attendance at his own and H.G.'s therapy. Minor's counsel informed the court that her concerns had increased as she listened to the parents' testimony. Their responses to inquiries about work schedules, participation in programs and understanding of their children's needs were at times conflicting and at others incoherent. Notwithstanding their completion of court-ordered programs, counsel believed the parents had not benefitted from those programs so as to safely permit them to provide full–time care for a child. On the contrary, even at this late stage, the parents demonstrated only a "vague [and] incoherent understanding" of what they had learned. Counsel noted the parents might have a strong 388 petition later, after participating in PCIT. In the meantime, minors' counsel urged the court to terminate reunification services, order PCIT and continue H.G.'s overnight visits.

DCFS acknowledged that its social worker had become "very, very concerned" after listening to the parents' testimony. County counsel

also observed that the parents stated "a lot of untruths . . . while . . . under penalty of perjury." Nevertheless, DCFS did not depart from its recommendation that H.G. be returned to parental custody.

At the conclusion of argument, the juvenile court observed there was no question that it was proper to terminate reunification services and set a section 366.26 hearing as to the boys, whom the parents seemed to "have just checked . . . off the list." However, the court was troubled by DCFS's recommendation that H.G. be returned to the parents' care, and concluded that termination of reunification services was a more appropriate course of action. The court was concerned that H.G. had only two overnight visits in 22 months.[6] It agreed the parents had recently begun to make progress in an effort to overcome barriers posed by homelessness and poverty, but their efforts had been inconsistent. The court believed it was too soon to determine whether H.G., like her brothers, would have special needs and, if so, whether the parents could demonstrate an ability to cope with those needs in a way they had not shown as to the twins. The court wanted to see a consistent, lengthier demonstration of the parents' ability to attend to H.G.'s needs. The court did not explicitly acknowledge father's compliance with his case plan, or find that the problems that had led to the children's detention had not been ameliorated. It did, however, encourage the parents to participate in PCIT and stated that if they

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6 This was incorrect. By June 2016, H.G. had been detained for about 19 (not 22) months, and had three two–night visits with her parents.

continued to show improvement they could prevail on a subsequent section 388 petition. Reunification services were terminated and the court set a permanency planning hearing under section 366.26.

Father filed the instant petition for extraordinary relief. We issued an order to show cause and stayed the permanency planning hearing pending our decision in this matter.[7]

DISCUSSION

By his petition, father challenges the juvenile court's decisions terminating reunification services, and setting a section 366.26 hearing. Father maintains there is insufficient evidence to support the court's findings that H.G. would be at substantial risk of detriment if returned to his care, and that there are less drastic means to address last minute concerns raised at the section 366.22 hearing regarding his ability to meet his daughter's needs. We agree.

There is Insufficient Evidence to Support the Finding that H.G. Could Not Safely Be Returned to Father's Care

At an 18–month review hearing, the juvenile court must return a child to her parent's care unless it finds, by a preponderance of evidence, that return would "create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child."

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[7] Only H.G. answered the writ petition. DCFS notified this Court that it will take no position in response to the petition.

(§ 366.22, subd. (a)(1).) "If the child is not returned to a parent . . . , the court shall specify the factual basis for its conclusion that return would be detrimental." (*Ibid*.) The burden to show detriment is fairly high. "It cannot mean merely that the parent in question is less than ideal, did not benefit from services as much as we might have hoped, or seems less capable than an available foster parent or other family member." (*David B. v. Superior Court* (2004) 123 Cal.App.4th 768, 789.) The court's finding must reflect an *actual, non-speculative danger* to the child. (*In re Yvonne W.* (2008) 165 Cal.App.4th 1394, 1400 (*Yvonne W.*), italics added; § 300.2.) In determining whether such a danger exists the juvenile court considers the case as a whole, looking to, among other things, the parent's participation in reunification services and any progress made to eliminate conditions that led to the child's removal. (*Yvonne W., supra*, 165 Cal.App.4th at p. 1400; § 366.22, subd. (a) [court must "consider the efforts or progress, or both, demonstrated by the parent . . . and the extent to which he or she availed himself or herself of services provided"].)

We review the record from a finding that return of a child to a parent's care would create a risk of detriment to determine if substantial evidence supports the order. (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 763.) Substantial evidence is evidence that is "reasonable, credible and of solid value; it must actually be substantial proof of the essentials that the law requires in a particular case. [Citation.] (*Yvonne W., supra*, 165 Cal.App.4th at p. 1400.) In sum, at this stage in the proceedings, a parent is entitled to parent his

or her child unless there is evidence such parenting would result in harm to the child. Absent proof of a substantial risk of such detriment, the court must return the child to parental custody. (*Rita L. v. Superior Court* (2005) 128 Cal.App.4th 495, 505.)

Father argues the record contains insufficient evidence to support the juvenile court's findings because the court failed to articulate the substantial risk of detriment or to specify a factual basis for its decision not to return H.G. to his care, terminated reunification services and scheduled a permanency planning hearing solely because "there had not been enough overnights." Father's characterization of the court's rationale is too simplistic. The court had legitimate concerns about the parents' commitments and abilities, particularly given their failure to attempt to reunify with their developmentally disabled sons. Moreover, the parents' testimony was sometimes contradictory and, even at the time of the 18–month hearing, their degree of stability with regard to appropriate housing for H.G. and employment was in a nascent stage, and their own relationship remained tenuous.

Nevertheless, we agree with father that the juvenile court's focus at this hearing had shifted from the proper goal of family reunification to speculation that H.G. might be evolving into a child with developmental delays and/or behavioral problems who, like her brothers, might face parental abandonment and whose interests might better be served by adoption. Such conjecture is an insufficient basis upon which to justify refusal to return H.G. to father's care. Speculation about harm that might theoretically befall H.G. (such as the court's concern that father might not take her to therapy or other

appointments if she developed special needs), does not constitute a substantial risk of danger. The juvenile court failed to articulate any specific danger posed to H.G.'s physical or emotional safety. The court also failed to make the requisite finding that H.G. would be at "substantial risk of detriment" if returned to parental custody to justify termination of reunification services and scheduling of a section 366.26 hearing.

Moreover, neither minor's counsel nor the court observed that any of the conditions that led to the children's removal posed a continuing risk to H.G. (See *In re Dustin R.* (1997) 54 Cal.App.4th 1131, 1141–1142 [court must consider advances "parent has made towards eliminating the conditions leading to the children's placement out of home"].) There is no question that, by June 2016, father had vacated the residence at which the sexual offenders lived. It is also undisputed that father completed his case plan, and that he had a positive relationship with and consistently visited H.G., and that the quality of his visits with H.G. improved over time. (§ 366.22, subd. (a)(1); *Yvonne W., supra*, 165 Cal.App.4th at p. 1400.) Moreover, although the parents' presently could afford no more than the studio apartment into which they moved in May 2016, there is no evidence that this home—in contrast to the residence in which the family lived when the children were detained—was unsafe or unclean. Minor's counsel argues that detriment was impliedly found because, as in *Constance K. v. Superior Court* (1998) 61 Cal.App.4th 689, a child's therapist or social worker believed a substantial risk of detriment existed, notwithstanding father's compliance with the case plan. (*Id.* at p. 711, citing *Blanca P. v.*

Superior Court (1996) 45 Cal.App.4th 1738, 1751–1752.) however, unlike those cases, H.G.'s therapist had no concern about the child's safety in the father's unsupervised care, and DCFS did not alter its recommendation that H.G. be returned to father, notwithstanding new reservations expressed by its social worker at the June 2016 hearing.

The court's concern that returning H.G. to her parents' care after a few overnight visits was not irrational, particularly viewed in light of the parents' virtual abandonment of the twins. It is understandable that the court wanted an opportunity to observe the parents' ability to care for H.G. over a longer term. However, the court improperly shifted the burden of proof to father to demonstrate that the return of H.G. posed no danger to the child.[8]

Moreover, there were less drastic means by which the court's concern could have been addressed. For example, "good cause" existed to grant father's request to continue the contested hearing for a short time. (§ 352, subd. (a); *In re Abbigail A.* (2016) 1 Cal.5th 83, 95.) Doing so would provide an opportunity to monitor the parents' ability to care for H.G. during additional, presumably lengthier, unmonitored visits

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8 The court's intent to shift the burden to father, rather than to require DCFS or minors' counsel to establish why return of H.G. to father's care would be detrimental was evident from the outset of closing argument: "THE COURT: All right. So everybody has rested and it's time for argument. [¶] On behalf of father?
"[The Court to counsel for DCFS]: You're waiving opening, right?
"[County Counsel]: Okay.
"THE COURT: Yes."

while the family participated in PCIT and family preservation services, to which father had agreed. Indeed, the fact that the court ordered continued weekend visits, joint therapy for the parents and H.G. and urged them to participate in PCIT, reflects that its goal remained reunification. Otherwise, particularly given the fact that H.G. had prospective adoptive parents waiting in the wings, no purpose would be served by having family members work at strengthening their relationship, only to sever that relationship several months later.[9]

Alternatively, the court may order a child returned under court supervision. (See *Yvonne W., supra*, 165 Cal.App.4th at p. 1403.) Here, the court could have ordered H.G.'s return with family preservation services and PCIT in place, in order to mitigate its concern that the parents might miss future medical or therapy appointments. Such services would assist the parents to manage their schedules and help them adjust to the responsibility of parenting and develop their ability to address H.G.'s behavioral needs. By the time of the 18–month hearing, the parents had participated in about 13 months of joint counseling with H.G. during which they had addressed specific parenting issues as they arose and, according to the therapist, demonstrated an ability to handle them. A desire on the part of minor's counsel or the court to see a demonstration and to have the parents

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9 The possibility that father could file a subsequent section 388 petition is not an equivalent alternative to a continuance because, once reunification services have terminated after the section 366.22 hearing, the case moves toward a permanent plan and the burden of proof shifts markedly. (See *In re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1796–1799.)

participate in the PCIT program (which was never part of their court–ordered case plan, but to which the parents had agreed) while having more unmonitored visits does not rise to the level of a substantial risk of detriment.

Accordingly, we conclude there is insufficient evidence to support the court's order terminating reunification services and setting the matter for a section 366.26 hearing. The court failed to make the requisite detriment findings to warrant scheduling a section 366.26 permanency planning hearing. On this record, rather than setting a section 366.26 hearing, the juvenile court could have briefly continued the 18-month review hearing (§ 352; *In re Abbigail A., supra,* 1 Cal.5th at p. 95), or returned H.G. to the parents with family maintenance services and PCIT. Because the court failed to conduct a proper 18-month review hearing, the order scheduling the section 366.26 hearing must be reversed.

As set forth below, we will remand this matter with directions to the juvenile court to conduct a new section 366.22 hearing. DCFS is directed to prepare a supplemental 18–month status review report. The purpose of the new section 366.22 hearing is to consider evidence since the prior hearing on June 8, 2016.

DISPOSITION

The petition for extraordinary relief is granted. The matter is remanded and the juvenile court is directed to vacate the order terminating reunification services, and setting a hearing under section

366.26. The court shall conduct a new 18–month hearing within 60 days from the date of this opinion and, at that hearing, shall consider all relevant evidence, including new evidence which may have developed since this writ proceeding was undertaken. The juvenile court shall require DCFS to prepare a supplemental 18–month status review report to address events since June 8, 2016. This opinion shall become final immediately upon filing. (Cal. Rules of Court, rule 8.490(b)(2)(A).)

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.