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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

JUAN C. R.,

Petitioner,

v.

THE SUPERIOR COURT OF  
VENTURA COUNTY,

Respondent;

VENTURA COUNTY HUMAN  
SERVICES AGENCY,

Real Party in Interest.

2d Civil No. B285772  
(Super. Ct. No. J068944)  
(Ventura County)

Juan C.R. (Father) challenges orders of the juvenile court terminating family reunification services and setting a permanent plan hearing regarding his minor child. (Welf. & Inst.

Code, § 366.26, subd. (c).)<sup>1</sup> We deny his petition for extraordinary writ.

*FACTUAL AND PROCEDURAL HISTORY*

F.U.L. (Mother) and Father are the parents of a minor daughter, A.<sup>2</sup> On January 5, 2016, the Ventura County Human Services Agency (HSA) detained A. from the care of Mother and Father due to Father's methamphetamine abuse and domestic violence in A.'s home. On December 23, 2015, and again on January 5, 2016, Father was arrested for being under the influence of methamphetamine. He acknowledged his methamphetamine use and driving under the influence with A. in his vehicle during the January 5 incident.

On January 7, 2016, HSA filed a dependency petition on behalf of A. HSA alleged that A. was at significant risk of physical or emotional harm due to Father's drug abuse, acts of domestic violence, untreated mental illness, and incarceration. HSA also alleged that Mother failed to protect A. (§ 300, subds. (b), (c), & (g).) HSA referred to a 2012-2014 dependency proceeding regarding A. that concerned similar allegations against Mother and Father. The previous dependency proceeding was dismissed following the parents' successful completion of reunification services.

On January 8, 2016, the juvenile court held a detention hearing. It found a prima facie case regarding the dependency petition, placed A. in the temporary care and custody of HSA, and set the matter for a jurisdiction and disposition

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

<sup>2</sup> Mother is not a party to this petition for extraordinary writ.

hearing. On February 9 and March 7, 2016, the court sustained the allegations of the dependency petition following uncontested hearings and ordered that Mother receive family maintenance services and that Father receive family reunification services. Father's reunification services plan included substance abuse treatment, random drug testing, and mental health counseling, among other services.

Following a brief stay in foster care, HSA placed A. in the care of Mother. On August 3, 2016, HSA removed A. from Mother's care due to Mother's substance abuse and domestic violence with her boyfriend. The juvenile court later sustained the allegations of a supplemental dependency petition and ordered that Mother and Father continue to receive reunification services. HSA again placed A. in foster care.

On May 1 and May 2, 2017, the juvenile court held a 12-month review hearing. Despite discouragement from the court, Father dismissed his attorney and proceeded in propria persona. The court received evidence of HSA reports and memoranda, and testimony from Mother and Father. Following argument by the parties and submission of the matter, the court terminated reunification services to Father. In a thoughtful written ruling, the court stated: "While the father has participated regularly in his case plan requirements, it is also clear that he has not made significant progress. Although he has tested negative for drugs, he now denies completely that the abuse of drugs was the reason why [A.] was removed from his care over a year [16 months] ago. He also continues to act in very odd and strange ways including sending multiple emails to the social worker. He simply has not demonstrated the capacity to

modify his behavior such that [A.] feels comfortable in his presence or care."

Prior to the next review hearing, A.'s attorney and HSA requested that the juvenile court terminate Mother's reunification services. On October 16, 2017, the court then terminated reunification services to Mother and set the matter for a permanent plan hearing. (§ 366.26.) Neither Mother nor Father objected to the setting of the hearing and each expressly agreed to the setting of the permanent plan hearing in contemplation of the future filing of a section 388 petition.

Father now challenges the juvenile court's orders denying reunification services and setting a permanent plan hearing. DSS responds in part that Father's writ petition contains many shortcomings and fails to comply with California Rules of Court, rule 8.452 requiring a statement of legal issues, citations to the appellate record, and discussion of legal authorities.<sup>3</sup>

### *DISCUSSION*

In his writ petition, Father states that: "Five (5) negative drug tests were not turned in to court . . . resulting in five (5) automatic positive tests." He also claims that psychological assessments were improperly performed and that he was not evaluated properly. Father requests that the court vacate the order setting the section 366.26 hearing and order that reunification services be provided, visitation with A. occur, and custody of A. be granted to him.

Pursuant to rule 8.452(a)(1)(D), a writ petition must include "[a] summary of the grounds of the petition." Rule 8.452(b)(1) provides that the petition must be accompanied by a

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<sup>3</sup> All references to rules are to the California Rules of Court.

memorandum providing "a summary of the significant facts" with supporting references to the record. "The memorandum must state each point under a separate heading or subheading summarizing the point and support each point by argument and citation of authority." (Rule 8.452(b)(2).) The memorandum "must, at a minimum, adequately inform the court of the issues presented, point out the factual support for them in the record, and offer argument and authorities that will assist the court in resolving the contested issues." (*Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 583 [court received "utterly deficient" writ petition].)

Father's writ petition contains no citations to the record and no relevant supporting authorities for any argument. As a result, we may summarily deny his petition. (*Anthony D. v. Superior Court* (1998) 63 Cal.App.4th 149, 157.)

We are required, however, to liberally construe the writ petition. (Rule 8.452(a)(1) ["The petition must be liberally construed"].) "Absent exceptional circumstances, the reviewing court must decide the petition on the merits by written opinion." (*Id.*, subd. (h)(1).) Accordingly, we discuss Father's claim that the juvenile court erred by terminating his family reunification services and setting a permanent plan hearing.

The juvenile court terminated Father's reunification services based upon his failure to progress sufficiently with his services plan, his denial of methamphetamine abuse, and his unaddressed mental health issues. The court's written ruling referred to Father's odd email statements to the HSA social worker (with copies to the media and elected officials) regarding "bioethics activism MALES victim of domestic violence and sexual abuse," "current male social policy and bioethics in

Ventura County," "Operation 'The Fish Rots From the Head' deployed. You are legion, we are one," among other statements, many with religious overtones. Indeed, the ruling acknowledged that Father's drug tests were negative and were not a basis for the decision to terminate services.

Moreover, Father expressly agreed to the setting of the section 366.26 hearing and may not now raise the issue on appeal. (*In re Christopher B.* (1996) 43 Cal.App.4th 551, 558 [nonjurisdictional issues may not be raised for the first time on appeal, citing examples].) Mother proposed the setting of the hearing in contemplation of the filing of a future section 388 petition and Father stated that he was “agreeing with what [Mother] is – is suggesting.”

We deny the petition for extraordinary writ.

NOT TO BE PUBLISHED.

GILBERT, P. J.

We concur:

PERREN, J.

TANGEMAN, J.

Manuel J. Covarrubias, Judge  
Superior Court County of Ventura

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Juan C.R., in pro. per., for Petitioner.

No appearance for Respondent.

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