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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

JOHN P.,

Petitioner,

v.

THE SUPERIOR COURT OF
SAN LUIS OBISPO COUNTY,

Respondent;

SAN LUIS OBISPO COUNTY
DEPARTMENT OF SOCIAL
SERVICES,

Real Party in Interest.

2d Juv. No. B286917
(Super. Ct. No. 17JD00023)
(San Luis Obispo County)

John P. (Father), in pro. per., petitions for
extraordinary writ review of an order terminating his
reunification services and setting a permanent plan hearing

regarding his minor son, J.P.O. (Welf. & Inst. Code, § 366.26, subd. (l).)¹ We deny the petition.

FACTUAL AND PROCEDURAL HISTORY

In February 2017, the San Luis Obispo County Department of Social Services (Department) filed a section 300 petition regarding J.P.O., who was an infant. J.P.O. was removed from Father's care when law enforcement and Child Welfare Services (CWS) went to Father's house to investigate a report of an assault. The house was in disarray and smelled strongly of dog urine, feces, and trash. Father's partner, G.O., was under the influence and in possession of a methamphetamine pipe. G.O. was arrested for child endangerment. The petition alleged, among other things, that Father was unable to supervise or protect J.P.O. (§ 300, subd. (b).) J.P.O. was detained and placed in foster care.

Jurisdiction and Disposition Report and Hearing

In the disposition report, Department concluded that J.P.O. would be at risk if he was returned to Father's care. Father continued to be in a relationship with G.O., who had a history of drug abuse and was not in treatment. Additionally, Father stated he was in the process of improving his house to community standards, but indicated that other individuals continued to frequent the property.

The report also noted that Father was given two visits per week and was encouraged to have G.O. attend only a portion of the visits. But G.O. accompanied Father on "almost every single visit." Department raised concerns with Father's failure to set boundaries with his relationship with G.O.

¹ Unspecified statutory references are to the Welfare and Institutions Code.

An addendum report noted that while the case was pending, Father started a fundraising website, which divulged information regarding the dependency proceedings. G.O. shared this information on Facebook and made comments attacking CWS and law enforcement. The juvenile court commented that the dependency proceedings were confidential and admonished against divulging any details on social media. G.O.'s attorney and Father indicated that they spoke to G.O. about removing his Facebook posts regarding the case. G.O. removed some of the information on Facebook, but a portion of the information remained online.

At the jurisdiction and disposition hearing, the juvenile court took jurisdiction over J.P.O. and ordered reunification services for Father and G.O.

Three-month Report

The three-month report noted that Father made progress on his case plan, but continued a “codependen[t]” relationship with G.O. Because Father and G.O. indicated their commitment to stay together, Department noted that the success of one person was dependent on the other. Department indicated that it was “unknown” if Father could demonstrate a “protective capacity for [J.P.O.] when it comes to [G.O].”

The report noted that G.O. failed to make progress on his case plan. He delayed his assessment for drug and alcohol services and failed to provide the social worker with requested information about his medications. Social workers had a difficult time contacting G.O., and he engaged in threatening behavior against a staff member. G.O. did not attend an important appointment, and he frequently disappeared for long periods of time during his visits with J.P.O.

Six-month Report and Hearing

In the six-month report, Department recommended terminating reunification services to Father and G.O. Father continued to have a relationship with G.O. and failed to fully acknowledge G.O.'s substance abuse problem. Department reported that Father exhibited no "observable behavior change[s] or insight into the safety concerns and lack of protective parenting that resulted in [J.P.O.] being placed into protective custody."

Additionally, Father failed to show that he had a home suitable for J.P.O. Father mentioned a few housing options, but had not made any changes in his living arrangement. The condition of the home was significantly improved, but there were still safety risks in the backyard.

G.O. "refused to engage with all aspects of his case plan." He denied his substance abuse problem and failed to finish his drug and alcohol services assessment. Department believed that G.O. had an untreated substance abuse problem based on G.O.'s criminal history, his interaction with unsafe individuals, the presence of drugs on the night J.P.O. was placed in protective custody, and his refusal to participate in drug testing and treatment. When asked about his understanding of J.P.O.'s removal, G.O. made excuses and blamed law enforcement for targeting him. G.O. was "aggressive and combative" with Department staff.

At the six-month hearing, the juvenile court terminated reunification services and referred the matter for a section 366.26 hearing. The court found that though Father had made "adequate progress" on his individual case plan, he made

“minimal progress on his protective capacity and ability to provide a safe environment for [J.P.O.]”

DISCUSSION

Father claims the juvenile court erred in terminating reunification services and setting a section 366.26 hearing. At the six-month review hearing, the court may terminate services and schedule a hearing under section 366.26 if the minor was under the age of three at the time of the removal and if the court finds by clear and convincing evidence the parent failed to participate regularly and make substantive progress in a court-ordered plan. (§ 366.21, subd. (e).) We review the court’s finding for substantial evidence. (*Edgar O. v. Superior Court* (2000) 84 Cal.App.4th 13, 18-19.)

Father’s writ petition is procedurally deficient. California Rules of Court, rule 8.452(b)(1) provides that a petition for extraordinary writ relief must be accompanied by a memorandum providing “a summary of the significant facts, limited to matters in the record.” The memorandum must also “state each point under a separate heading or subheading summarizing the point and support each point by argument and citation of authority.” (Cal. Rules of Court, rule 8.452(b)(2).) It 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.)

Father’s writ petition fails to meet these requirements. It contains no citations to the record and no citation to legal authority, and on this basis alone, we may summarily deny the petition. (*Anthony D. v. Superior*

Court (1998) 63 Cal.App.4th 149, 157.) Father’s petition consists of unsubstantiated claims that his case was “mishandled from the beginning” and that Department “did not give [him] a chance to prove that [he] could care and keep [his] son safe.” He claims without citation to the record Department was against him and G.O. and never planned on returning his son to them because they were gay and unmarried.

Even if we consider the petition on the merits, there is no error. The disposition and three- and sixth-month status reports consistently reported that Father had codependency issues with G.O. and did not demonstrate any ability to set boundaries with him. Father failed to acknowledge G.O.’s drug problem and the underlying safety issues that resulted in J.P.O.’s placement in protective custody. Instead, Father continued to have a relationship with G.O., who failed to comply with his case plan and continued to have an untreated substance abuse problem. Moreover, Father failed to show that he was living in a home suitable for J.P.O. Based on the evidence, the juvenile court properly terminated reunification services to Father and set a section 366.26 hearing.

DISPOSITION

The petition for extraordinary writ is denied. The request for a stay of the section 366.26 proceedings is denied.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

YEGAN, Acting P. J.

PERREN, J.

Linda D. Hurst, Judge

Superior Court County of San Luis Obispo

John P., in pro. per., for Petitioner.

No appearance for Respondent.

Rita L. Neal, County Counsel, Leslie H. Kraut,
Deputy County Counsel, for Real Party in Interest.