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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

A.R.,

Petitioner,

B256810

v.

(Super. Ct. No. CK32835)

SUPERIOR COURT OF THE STATE
OF CALIFORNIA FOR THE COUNTY
OF LOS ANGELES,

(Rudolph A. Diaz , Judge)

Respondent.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

ORDER

Real Party in Interest.

Writ petition to review order setting hearing under Welfare and Institutions Code section 366.26. Rudolph Diaz, Judge. Petition granted.

Law Office of Timothy Martella, Rebecca Harkness and Ed Edge for
Petitioner.

No appearance for Respondent.

Richard D. Weiss, Acting County Counsel, Stephen D. Watson, Deputy
County Counsel for Real Party in Interest Los Angeles County Department of
Children and Family Services.

Petitioner A.R. seeks extraordinary writ relief (Welf. & Inst. Code, § 366.26, subd. (I)¹; Cal. Rules of Court, rule 8.452) from the juvenile court's order, made at a combined six- and 18-month review hearing (§§ 366.21, subd. (e), 366.22), setting a hearing pursuant to section 366.26 to consider termination of parental rights and implementation of a permanent plan for her three-year-old son A.T. We issued an order to show cause and requested a response from the Los Angeles County Department of Children and Family Services (Department). In lieu of a response, County Counsel on behalf of the Department has filed a document conceding that A.R. is entitled to receive additional reunification services. We will grant the relief requested by A.R.

At the combined six- and 18-month review hearing, the juvenile court found the Department failed to provide A.R. reasonable reunification services throughout the reunification period.² The record fully supports this finding by the juvenile court. Under these circumstances, it was premature to terminate A.R.'s reunification services and set a section 366.26 hearing. As provided by section 366.22, subdivision (b)(3), "[t]he court may not order that a hearing pursuant to section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent" And, "[t]he remedy for a failure to provide reasonable reunification services is an order for the continued provision of services, even beyond the 18-month review hearing." (*In re Taylor J.* (2014) 223 Cal.App.4th 1446, 1453, citing *In re Alvin R.* (2003) 108 Cal.App.4th 962, 975; see also *In re Daniel G.* (1994) 25 Cal.App.4th 1205, 1211-1215.)

¹ Statutory references are to the Welfare and Institutions Code.

² At the hearing the juvenile court stated, "[i]t would defy reasonableness on the part of the court to make a finding that [the Department] has been reasonable in its efforts, and I can't make that finding."

The petition is granted. The matter is remanded to the juvenile court, which is directed to proceed as follows: The court shall vacate its order of June 3, 2014 terminating reunification services for A.R. and setting a hearing pursuant to section 366.26; order the Department to provide reunification services to A.R. for an additional period no shorter than six months; and conduct a new hearing pursuant to section 366.22 at the conclusion of the additional reunification period.

This decision shall become final as to this court five days after the date hereof. (Cal. Rules of Court, rule 8.490(b)(2)(A).)

PERLUSS, P. J.

We concur:

WOODS, J.

SEGAL, J. (Assigned)