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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

In re C.L., a Person Coming Under the
Juvenile Court Law.

HUMBOLDT COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Plaintiff and Respondent,

v.

H.H.,

Defendant and Appellant.

A133827

(Humboldt County
Super. Ct. No. JV110024)

H.H. (father), an incarcerated parent, contests the juvenile court’s finding at a six-month review hearing that he was provided reasonable family reunification services. (Welf. & Inst. Code, § 366.21, subd. (e).)¹ Substantial evidence supports the court’s finding and we shall therefore affirm the order.

Background

Seven-year-old C.L. was placed in protective custody after her parents were arrested following a domestic disturbance and the discovery of a home drug laboratory. An argument between father and mother escalated when C.L.’s adult half-sister, N., intervened on mother’s behalf. According to witness statements in a police report, N. told father to “leave my mom alone” and father replied, “Stay out of my business and get the fuck out of my house.” N. “begged her mom to leave the room with her and to get [C.L.]

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

out of the house. When [N.] told [C.L.] to get out of the house, [C.L.] said she [could not] because her dad would beat her. [N.] grabbed [C.L.] and started to leave with her because she was afraid of what [father] would do.” Father grabbed clothing belonging to N. and threw it out the front door. Father then choked N. and pushed mother to the floor. Father grabbed a revolver and yelled at N., “I’ll shoot you bitch!” Father fired two shots at N., about 20 seconds apart. Father missed N., then put the gun to his head but did not fire. C.L. was standing next to father during the shooting. The police were called and found a drug laboratory in the home. There were over six pounds of marijuana leaves in bags, five ounces of concentrated cannabis, and equipment used to convert marijuana leaves into concentrated cannabis. Father and mother were both arrested for drug offenses and child endangerment. Father was also charged with attempted murder.

The Humboldt County Department of Health and Human Services (the County) filed a petition to declare C.L. a ward of the court. At the jurisdictional hearing, the juvenile court found that C.L. was at substantial risk of suffering serious physical harm from domestic violence and illegal drugs in the home, and that her parents failed to provide for her support during their incarceration. (§ 300, subds. (b), (g).) At the time of the dispositional hearing, mother had been released from custody but father remained incarcerated in the county jail. The court approved placement of C.L. with her paternal grandmother and ordered family reunification services to both parents. The case plan required father to obtain an alcohol and drug assessment and to complete domestic violence and parenting classes if those services were “available while in custody.” The social worker agreed to assist father in referrals to such programs and advised father to notify the social worker if he encountered any barriers that prevented him from obtaining services.

At the six-month review hearing, evidence was presented that the county jail where father was incarcerated offers domestic violence, parenting, and substance abuse classes and that notice of the availability of these classes is posted at the facility. Father enrolled in a GED program upon his incarceration in January 2011. He did not enroll in classes required by the March 2011 case plan until September 2011, one month before

the review hearing, when he enrolled in domestic violence and parenting classes. Father argued at the review hearing that the County did not provide reasonable reunification services and should have done more to assist him with accessing programs in jail.

The court found that reasonable reunification services had been provided and that father complied with the case plan but made only minimal progress toward alleviating the problems necessitating out-of-home placement. In finding the services reasonable, the court observed that the case plan only required father “to sign up for programs that were available to him in the jail; and they weren’t going to hold anything against him that he wasn’t able to do.” The ability to attend classes in jail was “a relatively simple process” and father had no difficulty signing up for classes. The court found father’s progress on the case plan to be minimal because father could have enrolled in parenting and domestic violence classes when the case plan was adopted in March 2011 but did not do so until six months later. The court continued family reunification services and indicated that the preferred plan was that C.L. be returned home at the next review hearing.

Discussion

Father challenges no part of the juvenile court’s order other than the finding that the County provided reasonable family reunification services. Father’s stated concern is that the court’s finding that reasonable services were provided, and that father did not fully avail himself of those services, may be used in the future to deny family reunification.

The role of the appellate court is to decide “whether the record discloses substantial evidence which supports the juvenile court’s finding that reasonable services were provided or offered.” (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 762.) Under the substantial evidence standard, we view the evidence in the light most favorable to the County and indulge all legitimate and reasonable inferences to uphold the juvenile court’s finding. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010.) The parent challenging the finding bears the burden of showing that the evidence is insufficient. (*In re Geoffrey G.* (1979) 98 Cal.App.3d 412, 420.)

Reunification services must be provided to an incarcerated parent unless the court has determined the services would be detrimental to the child. (§ 361.5, subd. (e)(1).) In evaluating the reasonableness of reunification services provided to a parent, “[t]he standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.” (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.) *Mark N. v. Superior Court, supra*, 60 Cal.App.4th at page 1013, considered the circumstances of an incarcerated parent and concluded that the agency concerned with the child’s dependency should “determine whether any appropriate services are available at the particular institution in question” and, if not available, the agency should contact the institution to facilitate the provision of services.

The County here did not fail to identify services available to incarcerated parents. The County social worker testified at the review hearing that she had worked for over nine years with parents incarcerated in the jail and was familiar with the programs offered. Those programs include domestic violence, parenting, and substance abuse classes. Father complains that the social worker failed to inform him about the availability of these programs and to assist his access to them. But the social worker knew that the availability of programs is posted in the jail dormitory rooms and that the programs can be accessed by the inmate filling out a simple, one-page enrollment form. Father filled out the form to enroll in a GED program, and that form lists all available programs including ones relevant to his case plan for reunification. While the social worker might have discussed the availability of programs with father and encouraged his participation, because there is a readily available network of programs of which father had actual knowledge, we cannot say that father was denied *reasonable* reunification services.

Disposition

The order is affirmed.

Pollak, J.

We concur:

McGuinness, P. J.

Siggins, J.