Filed 12/6/12 Sarah R. CA1/1

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

SARAH R., Petitioner, v. THE SUPERIOR COURT OF DEL NORTE COUNTY, Respondent; DEL NORTE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES et al., Real Parties in Interest.	A136491 (Del Norte County Super. Ct. Nos. JVSQ-11-6054, JVSQ-11-6055, JVSQ-11-6056)

SARAH R. (Mother) seeks extraordinary relief from orders of the Del Norte County Superior Court, Juvenile Division, entered August 28, 2012, terminating Mother's reunification services after a continued 12-month permanency hearing, and setting a hearing under Welfare and Institutions Code section 366.26[1] to select a permanent plan for her three daughters, D.C. (born 1996), E.R. (born 1998) and L.R. (born 1998). Mother contends essentially that the Del Norte County Department of Health and Human Services (Department) failed to identify and offer services for her mental health issues, and such failure impaired her ability to engage in her reunification case plan. We conclude substantial evidence supports the juvenile court's finding that the

[1] Further statutory references are to the Welfare and Institutions Code.

Department provided or offered Mother reasonable services, and deny on the merits Mother's petitions for extraordinary writ.[2]

BACKGROUND

The Department filed dependency petitions as to each of the minor girls on April 5, 2011, indicating they had been detained the preceding week. Their detention was based on a referral to the effect that the girls had been left in the care of "an inappropriate person" whose own children were dependents of the juvenile court in out-of-home custody. The petitions sought dependency jurisdiction under section 300, subdivisions (b) and (g), alleging that Mother had a substance abuse history impairing her ability to provide for the care and supervision of her daughters, that her current whereabouts were unknown and she had not been providing for the girls' care, and that she had previously declined to engage in voluntary services offered under section 301. In addition, the petitions alleged that D.C.'s biological father was deceased, and the biological father of E.R. and L.R.—D.R. (Father)—was homeless and the Department had been unable to assess his ability to provide for their care and support. The paternal grandmother of D.C. and maternal grandfather of all three children were additionally alleged to be unable or unwilling to provide their respective grandchildren with care or support.

The Department's detention report noted 23 prior referrals involving the family, including four substantiated referrals of general neglect by Mother since March 2004. It also detailed an extensive criminal history for both Mother and Father, and described Mother's failure to engage in voluntary services offered by the Department under section 301 in 2009. The juvenile court formally detained the minors on April 6, 2011, after a hearing at which Mother did not appear. Mother made her first appearance on April 15, 2011, at the hearing to set the matter to determine jurisdiction when she entered her

[2] Section 366.26, subdivision (*l*)(1)(A), bars review on appeal if the aggrieved party has not made a timely writ challenge to an order setting a hearing under section 366.26, and encourages the appellate court to determine such writ petitions on their merits. (§ 366.26, subd. (*l*)(4)(B).)

denial of the jurisdictional allegations against her. On the Department's motion the court dismissed the jurisdictional allegations regarding Mother's unknown whereabouts.

The Department's jurisdictional report indicated that during 2009 and 2010, D.C. lived with her paternal aunt or with Mother, while E.R. and L.R. lived with Father. D.C. told the assigned social worker (SW) that she did not want to be returned to Mother's care, whom she described as a "lifelong tweeker." E.R. and L.R., in turn, said they did not want to return to Father's care, or even to have visitation with him, due to his physical and emotional abuse. The SW concluded that all three girls needed stability in their lives, after having been "passed around between the two parents, other relatives and friends of their parents for several years." Mother's and Father's issues regarding substance abuse, domestic violence, and criminal activity had adversely impacted the minors. When the SW interviewed Mother, the latter saw her lack of housing as the only issue preventing the children's return to her care, and described herself as the "non-offending" noncustodial parent in the proceeding.

At the conclusion of the jurisdictional hearing on April 29, 2011,—at which Mother did not appear—the juvenile court sustained the jurisdictional allegations summarized above. The following May 13, after a dispositional hearing at which Mother also failed to appear, the court ordered the children to continue in out-of-home custody and directed the Department to provide reunification services to Mother and Father.

The Department's report prepared for the six-month status review hearing, completed in November 2011, noted, among other things, that Mother had not been in contact since the previous April, and the assigned SW did not know where she currently resided. Mother had not yet made any follow through with the referrals the SW had offered her, which included a referral to "Mental Health" for an assessment. The girls had reported their reluctance to have contact either with Mother or Father. Nevertheless, the Department recommended continuing both parents' services. On December 2, 2011, at the conclusion of the six-month hearing, at which Mother once more failed to appear, the juvenile court continued her services as recommended.

The reports for the 12-month permanency hearing, completed by the Department in May 2012, recommended the termination of Mother's services and the setting of a hearing under section 366.26. Mother, again, was reported to be homeless, unemployed, and not in regular contact, although she had in January 2012 resumed visitation with the girls. She had still not followed through with the referrals provided as early as the jurisdictional hearing over one year ago. Mother was present at the contested 12-month review hearing, which commenced on June 29, 2012. At the conclusion of this continued hearing, on August 28, the court terminated Mother's services and set the matter for a hearing under section 366.26.

Mother's petitions followed. (§ 366.26, subd. (*l*).)

DISCUSSION

Mother's petitions, as to each of her daughters, are identically presented in the form of a declaration, to the effect that the Department's intervention was "confusing" and "unclear" to her, as were the reunification services offered. She avers that she became depressed and overwhelmed. Her engagement in mental health services offered by the Department did not provide treatment for her depression, and she blames the Department for failing to identify and offer proper treatment for her depression, suggesting that this failure impaired her ability to pursue successfully the requirements of her reunification case plan.

Her argument, in essence, challenges the juvenile court's finding that Department offered or provided reasonable services during the period under review at the continued 12-month hearing. In reviewing the challenged finding, we examine the record in the light most favorable to the juvenile court's order, to determine whether there is substantial evidence from which a reasonable trier of fact could have made the finding under the clear and convincing evidence standard. (*In re Isayah C.* (2004) 118 Cal.App.4th 684, 694.) We construe all reasonable inferences in favor of a finding regarding the adequacy of an agency's reunification plan and the reasonableness of its efforts. (*In re Julie M.* (1999) 69 Cal.App.4th 41, 46 (*Julie M.*).) We likewise resolve

conflicts in favor of such a finding and do not reweigh the evidence. (*In re Jasmine C.* (1999) 70 Cal.App.4th 71, 75.)

An agency is not obligated to provide the best services possible in an ideal world, but only those that are reasonable under all the circumstances. (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547; *Julie M., supra,* 69 Cal.App.4th 41, 48.) Services may be deemed reasonable when the case plan has identified the problems leading to the loss of custody, the Agency has offered services designed to remedy those problems, has maintained reasonable contact with the parent, and has made reasonable efforts to assist the parent in areas in which compliance has proven to be difficult. (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414.)

In light of these principles we find no legal merit to Mother's averments. In addition to the facts reported in the Department's report for the 12-month hearing, mentioned above, the assigned SW testified on June 29, 2012, that she had, as early as April 2011, recognized that Mother "struggle[d] to understand a lot of what the process [involved], a lot of the paperwork, [and] a lot of the requirements." She had at that time offered to Mother a referral for a mental health evaluation, because she believed Mother had mental health issues. From April 2011 up to the time of the SW's testimony Mother had failed to follow through with this referral. At the conclusion of the continued hearing, on August 28, a newly assigned SW testified she had attempted to have Mother sign off on this and other referrals after the hearing on June 29, so that Mother could access services. Mother, however, had failed to show for meetings arranged for this purpose. Although the SW finally had face-to-face contact with Mother after a scheduled visitation on August 1, Mother chose to leave rather than sign the referrals. This was notwithstanding Mother's own testimony, at the June 29 hearing, that she was willing to engage in a mental health assessment.

From the 12-month report, and the foregoing testimony, it is clear the Department identified the fact that Mother had potential mental health issues and sought to have her assessed for appropriate counseling or other treatment. Although the Department was obligated to offer Mother reasonable reunification services, reunification is

fundamentally a parental obligation, and the assigned SW's were not required to "take [Mother] by the hand and escort . . . her to and through . . . counseling sessions." (*In re Michael S.* (1987) 188 Cal.App.3d 1448, 1463, fn. 5.) "A parent whose children have been adjudged dependents of the juvenile court is on notice of the conduct requiring such state intervention. If such a parent in no way seeks to correct . . . her own behavior or waits until the impetus of an impending court hearing to attempt to do so, the legislative purpose of providing safe and stable environments for children is not served by forcing the juvenile court to go 'on hold' while the parent makes another stab at compliance." (*Ibid.*)

We conclude substantial evidence supports the juvenile court's finding that the Department offered or provided Mother with reasonable reunification services under the particular circumstances of this case.

DISPOSITION

The petitions for extraordinary writ are denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd. v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The decision is final in this court immediately. (Cal. Rules of Ct., rules 8.452(i), 8.490(b)(3).)

_____

Dondero, J.

We concur:

_____

Marchiano, P. J.

_____

Banke, J.