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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

Diamond B.,

Petitioner,

v.

SUPERIOR COURT OF THE CITY AND
COUNTY OF SAN FRANCISCO

Respondent;

SAN FRANCISCO HUMAN SERVICES
AGENCY et al.,

Real Parties in Interest.

A140494

(City & County of San Francisco
Super. Ct. No. JD12-3164)

In this writ proceeding, Diamond B. (mother) seeks extraordinary relief from the juvenile court order terminating her reunification services and setting a permanency planning hearing for her son L.B.K. (born May 2012). Specifically, mother argues that there was no substantial evidence supporting the juvenile court's finding that she received reasonable reunification services. Mother similarly faults the juvenile court's finding that she failed to participate regularly and make substantive progress in her court-ordered services. She requests an additional six months of reunification. Seeing no error warranting reversal of the juvenile court's setting order, we deny the petition.

I. BACKGROUND

1. *The Initial Dependency Petition*

L.B.K., the minor who is the subject of these proceedings, came to the attention of the San Francisco Human Services Agency (Agency) in the weeks following his birth, as the Agency became increasingly concerned about his well being while in the care of his mother. On June 15, 2012, the Agency filed its initial petition in this matter, alleging that L.B.K. was a child described by subdivisions (b) and (g) of the Welfare and Institutions Code.¹ Specifically, the petition alleged that Diamond had developmental disabilities and anger management issues which affected her ability to care for L.B.K. It was also asserted that Diamond had mental health concerns that required assessment and treatment. Moreover, the minor's alleged father, Darnell K., was reported to have an extensive criminal history and an un-assessed substance abuse problem.²

In addition, Diamond and Darnell had an ongoing history of domestic violence. In 2011, Darnell spent two months in jail after slapping Diamond in the face. On June 8, 2012, the couple was residing in a shelter with the two-week-old L.B.K. when they became involved in a verbal argument. The disagreement escalated into a physical altercation when Darnell pushed Diamond while she was holding the baby. Although the push was described as "not aggressive," the minor hit his head against a door. Further, as a result of this incident, the family lost their housing. After mother declined placement in a domestic violence shelter, the Agency assisted her in finding alternate shelter housing with the minor.

Diamond B. (now age 22) is, herself, a product of the dependency system. Her mother died when she was a toddler and her father was incarcerated, leading to her placement with an adult sister. After 20 child welfare referrals, mostly for physical

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² Diamond and Darnell are not married, and Darnell was not named on the minor's birth certificate. Although he was determined to be the minor's biological father in November 2012, Darnell never achieved presumed status in the juvenile court and is not a party to these proceedings.

abuse, Diamond was removed from her sister when she was approximately 12 years old and, eventually, placed at the Lincoln Child Care Center, a level 14 placement. Diamond emancipated and dependency was dismissed in 2010, but she maintained involvement with the Independent Living Skills (ILS) Program. Diamond has been diagnosed as borderline mentally retarded, with a reported IQ of 56. In addition, she has received a host of mental health diagnoses, including conduct disorder, post-traumatic stress disorder, major depressive disorder, anxiety disorder NOS, and mixed personality disorder (with paranoid and borderline types with obsessive and psychotic features). Although she had been prescribed medications in the past to combat these conditions, at the commencement of these dependency proceedings, she was not taking any psychotropic medication. Mother also reported an ongoing issue with anger. She was arrested in September 2010 for inflicting corporal injury on a spouse and in June 2010 on an excessive force charge.

Although the Agency recognized that mother had “many challenges,” it chose not to detain L.B.K. in connection with the filing of the initial petition in this matter. The Agency felt that any risk to the minor was mitigated because mother had stable, supportive housing and was working with both the Homeless Prenatal Program and a Public Health Nurse. In addition, Diamond had signed a safety plan agreeing to complete a parenting class, complete an anger management class, attend weekly therapy, consider taking medication if recommended by a mental health specialist, and sign necessary releases so that the Agency could monitor her progress.

2. The Amended Petition and Jurisdictional Finding

A week later, on June 22, 2012, Diamond called the Agency’s child welfare hotline at 4:30 a.m. to request help with her crying baby. She stated that the baby was crying because he would not eat and requested that her assigned social worker come “ ‘immediately’ ” to help her with the situation. A police officer responded to do a well child check and assisted in calming the minor and his mother. The officer was concerned because Diamond was very tired and frustrated and L.B.K. was crying excessively. When a social worker did respond to the hotel where Diamond was staying

approximately two hours later, he found both mother and child asleep. Upon being awakened, Diamond agreed to a temporary safety plan, stating that she would meet with her social worker by 10:00 a.m. that morning to discuss the events of the previous evening.

Diamond finally arrived at her social worker's office at approximately 2:00 p.m. During this meeting, she had to be instructed several times to support L.B.K.'s head, which she was allowing to dangle. In addition, Diamond only had three ounces of milk to feed her obviously hungry baby and stated that she only fed him "about three times" a day. When the still-hungry infant continued to squirm after quickly drinking all of the available milk, Diamond complained that he had "an 'attitude' problem" that she would "have to deal with" later. Diamond claimed to have no further formula as she had lost her supply and used her available money to buy clothes. She further stated that she could not breastfeed due to medication issues. After Diamond and her social worker left to obtain formula for L.B.K., an Agency supervisor, who was trying to sooth the minor and change his wet diaper, found a baby bottle containing red liquid in L.B.K.'s stroller. Although the liquid smelled exactly like the half-full bottle of strawberry soda sitting nearby, Diamond claimed that the red liquid was not soda, but juice.

Finally, during the June 22 meeting, Diamond confirmed that she was currently homeless. She had been asked to leave the shelter placement arranged by the Agency for not following the rules. Subsequently, she was asked to leave a second shelter after several nights of returning late. At the conclusion of the meeting—worried about Diamond's ability to feed, handle, and provide adequate shelter for the minor—the Agency detained L.B.K. On June 26, 2012, the Agency filed an amended petition memorializing its concerns, and the social worker took Diamond to the Bayview TLC Family Resource Center (Bayview Center) for an intake appointment and to obtain food assistance. At the detention hearing on June 27, 2012, the minor was detained in foster care, and mother was granted supervised visitation. Shortly thereafter, on July 9, the minor was moved to the home of a relative. On August 8, 2012, Diamond submitted to jurisdiction after the amended petition was further modified in open court.

3. *The Disposition Hearing*

In its dispositional report, the Agency again noted that Diamond was not medication compliant. In addition, according to Darnell K., Diamond was impatient and verbally aggressive towards the minor. Further, Diamond was reported to have no social support system in place and, instead, tended to trust random strangers to support her emotionally and help her care for the minor. As an example, the Agency detailed one incident that occurred when the minor was only two weeks old. At that time, a stranger stopped to assist Diamond on the street because Diamond was trying to get L.B.K. to hold his own bottle. After the woman began to feed the infant and he quieted down, Diamond asked the stranger if she wanted to take the baby home with her because the minor “ ‘liked her.’ ” The social worker opined that, likely due to her cognitive deficits, Diamond had no understanding that she was not parenting L.B.K. appropriately.

With respect to domestic violence, mother acknowledged that Darnell K. was physically abusive towards her. Moreover, she played numerous voicemail messages for the social worker in which Darnell threatened to harm her and indicated that he had enlisted the assistance of his friends and relatives to harm her if they saw her on the streets. Other than slapping mother around, Darnell denied any domestic violence, despite the evidence of the voicemails and various police reports.³ Darnell would speak about Diamond in “very derogatory terms,” but then indicate in the same conversation that they were working on their relationship. Although Diamond did not minimize the domestic violence between her and Darnell, she failed to appreciate its seriousness and continued to stay in the relationship.

Mother also remained homeless, staying in hotels or with friends when she could not afford a hotel. Although she received SSI payments, she was unable to manage her finances throughout the month to meet her basic needs. Despite her circumstances, she refused multiple services offered to her through the ILS Program, including housing

³ Indeed, one such police report indicated that Darnell had pushed a woman (possibly Diamond’s older sister with whom he has two children) through a glass shower door.

placements. Mother was hoping to receive a Section 8 voucher to provide for her housing needs, but there was concern that she would nevertheless be unable to maintain housing as she had “no understanding of resource management.”

In sum, the Agency concluded that Diamond’s chaotic life—including her environment of constant abuse, neglect, homelessness, and domestic violence—had undermined her “already fragile emotional and mental health.” As a result, she was “vulnerable and susceptible to making irrational decisions.” The Agency recommended that a host of reunification services be provided to Diamond. As a reunification goal, the Agency identified providing Diamond with “the necessary services and tools to educate her on learning self-control and self-discipline to refrain from violence.” Another stated goal was to educate her “on becoming self-sufficient in order to learn time-management, prioritization and effective parenting.”

At the dispositional hearing on September 11, 2012, the court declared L.B.K. to be a dependent minor and ordered reunification services for Diamond, including: (1) individual therapy to address her various mental health diagnoses; (2) completion of a psychological evaluation and follow through with any recommended treatment, including medication; (3) completion of a parent education program focused on the needs of newborns; (4) maintenance of suitable housing; and (5) regular visitation with the minor. L.B.K. was reported to be doing well in his relative placement, and mother was visiting with the minor in that relative’s home while waiting for therapeutic visitation to commence.

4. The Six Month Review

Unfortunately, mother’s progress towards reunification during her first six months of services was marginal at best. On October 11, 2012, the social worker had referred Diamond for her court-ordered psychological evaluation with Dr. Jones. The social worker gave Diamond the contact information and told her to call and arrange an appointment. The social worker then transported Diamond to her scheduled appointment on November 15, 2012. Regrettably, Dr. Jones could not finish the evaluation on that date, as she assessed Diamond as too tired to successfully complete the session. The

evaluation was re-scheduled for December 21, 2012. On the morning of the 21st, the social worker called Diamond to remind her about her re-scheduled appointment with Dr. Jones. Although Diamond assured the social worker that she would be there, she failed to attend. Finally, on February 1, 2012, the social worker again transported Diamond to Dr. Jones' office, where she successfully completed the evaluation.

Diamond's individual therapy was also significantly delayed during this period. Diamond was slated to begin individual therapy at the Bayview Center as of early October. However, on October 4, 2012, Diamond arrived at the Bayview Center with Darnell for a supervised visit with the minor. Darnell appeared to be under the influence, and the couple began cursing and yelling at each other. When staff told Diamond that she could not use that type of inappropriate language in the visitation center, Diamond got upset and became very argumentative and threatening. As a result, one staff member filed a restraining order against Diamond, and all of Diamond's services through the Bayview Center were cancelled permanently. Diamond was then referred to the Tenderloin Adult Clinic for individual therapy and a medication evaluation. The social worker escorted Diamond to her intake appointment on October 30, 2012, and a follow up appointment was scheduled for November 9. However, Diamond did not attend the November 9 appointment; nor did she follow through with re-scheduling. In December 2012, Diamond transitioned from the ILS Program to the Family Service Agency of San Francisco, Care/Map (FSA) Program. Ms. Gembinski, Diamond's long-term FSA case manager, indicated that Diamond could obtain both individual therapy and a medication evaluation through the FSA program. Thereafter, Diamond finally began weekly individual therapy through FSA on February 7, 2013. A medication evaluation was scheduled for February 12, 2103. In order to help Diamond manage compliance with her scheduled appointments, the Agency provided her with a monthly bus pass.

During this period, Diamond's housing situation remained unresolved. In December 2012, she entered a two-year housing program through the Salvation Army in which she receives a studio apartment and the rent she pays is retained to aid her in transitioning to other housing at the end of the two-year period. Unfortunately, this

program does not allow children. However, after being contacted by the social worker, the program did agree that Diamond could have unsupervised visits with the minor on the premises, should such visitation ever be authorized. In addition, although Diamond received a Section 8 voucher and had an ILS worker helping her find qualified housing, she refused all potential Section 8 apartments that they viewed together. In short, Diamond wanted to remain in San Francisco, but she did not like any of the housing that she would qualify for in the city. After receiving an extension, Diamond's Section 8 voucher was scheduled to expire permanently at the end of March 2013 if she failed to find eligible housing by that time.

Diamond was consistent in visiting the minor, although her visitation schedule was disrupted due to the October 4 incident at the Bayview Center, where she had initially been receiving supervised visitation. As a result, supervised visits were temporarily relocated to the Agency offices as of October 11, 2012. On January 2, 2013, Diamond began weekly therapeutic visitation at A Better Way, where she had been on a waiting list. These visits were quickly increased to twice weekly, and Diamond was reported to be "engaged and doing well with her visitations and the information presented."

Finally, although Diamond did complete a "prep-parenting class," she had not completed a certified eight-week course. Diamond's scheduled parenting class through the Bayview Center was cancelled due to the October 4 incident. Diamond was then scheduled to begin a different parenting class on January 24, 2013, but indicated that the class would be difficult for her to attend due to her "increasingly complex schedule." She also complained that she did not like the neighborhood the class was in (Potrero Hill) and stated that she did not feel she needed a parenting class. Given Diamond's difficulty keeping scheduled appointments, the Agency ultimately agreed to put the parenting class on hold for a time so that Diamond could instead fully engage in her individual therapy. In the interim, the social worker confirmed with the visitation therapist at A Better Way that Diamond's therapeutic visitation would include a parenting education component.

As of the 6-month review hearing on March 14, 2013, L.B.K. continued to live with a maternal cousin in Oakland. He appeared to be a "happy baby" who was "very

attached and interactive with” his caregiver. The minor’s placement allowed L.B.K. to remain connected both to family and to his mother. With the exception of this cousin, however, mother continued to have limited support from her family. Conversely, mother was reported to rely on her various case managers for support and exhibited comfort in turning to them for help. Although—given her mental health issues and cognitive deficiencies—the Agency had concerns that mother would never be able to care for L.B.K. on a full-time basis without assistance, it recommended that six more months of services be provided to mother. Specifically, the Agency described mother as cooperative and “very motivated” to reunify with the minor. Since she had only recently engaged in services, the Agency felt that she “should be given the opportunity to demonstrate knowledge, skills and growth gained after the completion of these services in regard to her ability to effectively parent her son.” The juvenile court continued reunification services for mother for an additional six months.⁴

5. *The Twelve Month Review*

A contested twelve month review hearing was held on December 2, 2013. On that date, the juvenile court considered various reports and testimony regarding Diamond’s compliance with her court-ordered services. With respect to the court-ordered psychological evaluation, for instance, it turned out that the evaluation had not been completed on February 1, 2013, as originally reported at the six month review. Rather, when the social worker contacted Dr. Jones in March 2013 to check on the status of the evaluation, she discovered that Dr. Jones had contacted Diamond several weeks after the February 1 appointment to arrange for an additional session, as the results for one of the

⁴ We note that, given the minor’s young age and mother’s spotty compliance with the services provided and offered to her during this first six month period, the juvenile court might have been within its rights to terminate reunification services at the six month hearing pursuant to subdivision (e) of section 366.21 (if child was under three at date of detention, services may be terminated at the six month hearing where “the court finds by clear and convincing evidence that the parent failed to participate regularly and make substantive progress in a court-ordered treatment plan”). Nevertheless, the juvenile court granted mother an additional six months of services in accordance with the recommendation of the Agency.

tests were inconclusive. No appointment had been arranged, however, so the social worker transported Diamond to a follow-up appointment on March 19, 2013.⁵

Thereafter, the evaluation was issued on May 1, 2013, and confirmed mother's mental health issues and cognitive delays. Specifically, mother was given diagnoses of major depression (recurrent, with mood congruent psychotic features); post traumatic stress, complex; bipolar disorder NOS; mild mental retardation; dependent personality features; and borderline personality traits. Additionally, the evaluation supported the Agency's concerns regarding mother's "cognitive delays and her limited ability to think abstractly and appropriately respond to unexpected changes in behavior or challenges from [the minor]." The social worker transported Diamond to Dr. Jones's office for the last time on June 14, 2013, to discuss the results of the psychological evaluation.

At that point, Diamond's Agency social worker went on leave, and the case was transferred to another worker. Given the evaluation's findings, the new social worker made a referral for Diamond to the Golden Gate Regional Center (GGRC) on July 29, 2013, but was told that Diamond would have to contact the agency herself to complete the intake process. Diamond's Salvation Army case manager agreed to help Diamond with the GGRC intake, and, although it took them "quite awhile" to coordinate and complete the process, an assessment meeting with GGRC was scheduled for November 21, 2013.

With respect to individual therapy, although Diamond finally began weekly sessions on February 7, 2013, her participation in therapy was minimal. Specifically, as of July 19, 2013, she was reported by her FSA worker to have attended only five of the available weekly sessions. The remaining appointments were all " 'no call, no show,' " with excuses from Diamond that she was too tired, too sick, or too stressed out due to boyfriend issues. When she did attend, she was reported not to be engaged in the

⁵ Indeed, at the December 2 hearing, the social worker testified that she eventually had to take mother to all of her psychological evaluation appointments, as mother would miss appointments saying "[s]he forgot, couldn't make it, she wasn't feeling well."

therapy. Further, in April 2013, Diamond was apparently again the victim of an incident of domestic violence with a boyfriend.

Despite mother's inconsistent participation in individual therapy, when the Agency learned that Diamond's therapist was scheduled to leave her job in early August, the social worker faxed a new referral to Foster Care Mental Health on July 29, 2013. The referral asked for dialectical behavioral therapy (DBT) for Diamond, but Foster Care Mental Health was unable to find a DBT provider. Instead, they looked for other providers that would be easy for Diamond to access, and, ultimately, gave her a choice of two, Mission Mental Health and the Tenderloin Clinic. After discussing these options with her social worker for some period of time, Diamond selected the Tenderloin Clinic on October 18, 2013.

Although Diamond's Salvation Army case manager offered to accompany Diamond to her intake appointment at the Tenderloin Clinic, Diamond never followed through with the therapy referral. Diamond's FSA case manager had reported in August 2013 that she was going to close Diamond's case since she had not seen her in over a month. At some point, however, the two re-established contact and were meeting in the park by Diamond's apartment, as Diamond expressed discomfort at meeting in the FSA building. Both of mother's case managers told the Agency social worker that they believed fostering Diamond's connection to the FSA was a better option for Diamond than individual therapy through the Tenderloin Clinic. Specifically, since Diamond had attachment issues and difficulty building rapport with multiple service providers, it was felt that cementing her relationship with the FSA—which could provide case management services to her for life—was preferable. Further, although the FSA case manager was not a licensed therapist, she was willing to meet with Diamond weekly to help her process her emotions until the FSA was able to hire a therapist. However, as of November 6, 2013, Diamond's contact with her FSA case manager was "sporadic," and she was not otherwise engaged in therapy.

Diamond did complete a medication evaluation through the FSA on April 24, 2013, and was prescribed Seroquel. In addition to the Agency social worker, Diamond's

FSA and Salvation Army case managers were both available to assist with medication compliance issues. And, in fact, mother's FSA worker did straighten out some initial confusion with regard to multiple prescribing agencies. Nevertheless, mother admitted to the social worker on August 1, 2013, that she was not medication compliant. Thereafter, on October 1, 2013, Diamond's Salvation Army case manager reported that mother was not medication compliant, stating that the medication had negative side effects for her.

At the time of the sixth month review, the Agency had agreed to put formal parenting classes on hold so that mother could focus on her individual therapy. Over the course of the next six months, the social worker discussed the parenting class requirement with Diamond on "numerous occasions." Diamond, though, continued to state that she was "too busy" to complete a parenting class and that she didn't need one given the education component of her therapeutic visitation. It is true that Diamond was receiving some parent education in conjunction with her therapeutic visitation. However, one of her two weekly therapeutic visits had been replaced in May 2013 with a two hour unsupervised visitation. Further, in October 2013, the therapist supervising Diamond's visitation opined that Diamond was not capable of caring for the minor "because she still needs to learn a lot of the basics of parenting." Although the therapist had tried to teach Diamond these basics during their sessions, Diamond was "challenging" to work with because of her mood fluctuations. When Diamond was upset or agitated, the therapist was unable to provide any redirection to her with regards to L.B.K.

With respect to housing, Diamond continued to reside at the Salvation Army Housing Program, which does not allow children. Although Diamond's ILS worker tried to help her find eligible Section 8 housing for approximately nine months, Diamond refused all available options. After several extensions, her temporary Section 8 voucher (which could have become permanent) expired at the end of March 2013. Much later, while the twelve month review hearing was pending, Diamond made several unsuccessful attempts to find alternate housing. First, in September 2013, she recommended an uncle as a possible housing resource, but the Agency determined that this option was not viable. Second, in November 2013, she went to Compass Connecting Point to look for family

housing, but the only opportunity she found required her to have actual custody of the minor. When she learned of the mother's efforts, the social worker referred mother to Homeless Prenatal for additional housing assistance. In addition, mother continued to receive support from her Salvation Army case manager with respect to budgeting and financial management.

Finally, although she was sometimes up to an hour late for her two-hour visitation, Diamond continued consistently to visit with L.B.K. As stated above, in addition to her weekly therapeutic visitation, Diamond also had weekly two-hour unsupervised visitation with the minor, with the Agency transporting the minor to mother's home for these visits. Further, she was welcome to visit the minor at his relative placement, but appeared reluctant to take advantage of this opportunity. Diamond continued to have age-inappropriate expectations for the minor, was easily distracted from her parenting responsibilities when frustrated or upset, and had difficulty putting the minor's needs before her own. In the opinion of both Agency social workers who provided services to Diamond, while mother was able to care for the minor for short periods of time during visitation, she was unlikely to be able to parent him successfully on a full-time basis without day-to-day assistance in meeting his needs. In the meantime, L.B.K. continued to be described as a healthy and happy baby. On August 21, 2013, he was moved from the home of his maternal cousin to the home of a different maternal cousin who is willing to provide an adoptive home for the minor. Although both of these maternal cousins had offered to provide daily support for Diamond if it meant that she could reunify with L.B.K., Diamond was hesitant to move to Oakland and generally reluctant to accept familial assistance.

Mother was not present at the contested twelve month review hearing on December 2, 2013. The matter had previously been set for November 19, 2013, but mother failed to appear, reportedly due to illness and morning sickness. The juvenile court judge continued the hearing, but indicated that counsel should be ready to proceed in mother's absence if she failed to appear a second time. On the December 2 date, mother contacted the social worker and her attorney claiming that she could not come to

court because she had some type of unspecified surgery that day. Without more facts, the juvenile court judge refused to continue the matter further. After hearing testimony from the two Agency social workers that had provided services to mother in this case, the juvenile court found by clear and convincing evidence that reasonable services had been provided or offered to mother, but that her progress was minimal and that the minor could not safely be returned to her care. The juvenile court further found that there was no substantial probability that L.B.K. could be returned to mother within the next six months. It therefore terminated mother's reunification services and set the matter for a hearing pursuant to section 366.26 so that a permanent out-of-home plan could be developed for the minor. Thereafter, mother filed a timely notice of her intent to file a writ petition challenging the juvenile court's termination of services, and the petition itself was filed on January 7, 2014. (Cal. Rules of Court, rules 8.450(e), 8.452.)

II. REASONABLE SERVICES

Undoubtedly, family reunification services play a critical role in dependency proceedings. (*In re Alanna A.* (2005) 135 Cal.App.4th 555, 563; see generally § 361.5.) Such services “implement ‘the law’s strong preference for maintaining the family relationship[] if at all possible.’” (*In re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1787 (*Elizabeth R.*)). To maximize the chances of family preservation, reunification services should be tailored to the specific needs of a particular family. (*Elizabeth R., supra*, 35 Cal.App.4th at p. 1787; *David B. v. Superior Court* (2004) 123 Cal.App.4th 768, 793.) In particular, as is pertinent here, the juvenile court and child welfare agency should accommodate the special needs of a disabled parent when fashioning a reasonable reunification plan for that parent. (*Elizabeth R., supra*, 35 Cal.App.4th at p. 1792; see also *In re K.C.* (2012) 212 Cal.App.4th 323, 332-334.)

The adequacy of a reunification plan and the reasonableness of the reunification efforts made by a child welfare agency are judged according to the circumstances of each case. (*Robin V. v. Superior Court* (1995) 33 Cal.App.4th 1158, 1164.) However, “[i]n almost all cases it will be true that more services could have been provided more frequently and that the services provided were imperfect.” (*In re Misako R.* (1991) 2

Cal.App.4th 538, 547 (*Misako R.*); see also *Elijah R. v. Superior Court* (1998) 66 Cal.App.4th 965, 969.) Thus, when considering the adequacy of reunification services, “[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.” (*Misako R.*, *supra*, 2 Cal.App.4th at p. 547; see also *Tracy J. v. Superior Court* (2012) 202 Cal.App.4th 1415, 1425-1426.) To support a finding that reasonable services were offered or provided, “the record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult (such as helping to provide transportation and offering more intensive rehabilitation services where others have failed).” (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414.)

Finally, “with regard to the sufficiency of reunification services, our sole task on review is to determine 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 (*Angela S.*)). In doing so, we “must view the evidence in a light most favorable to the respondent. We must indulge in all legitimate and reasonable inferences to uphold the verdict. If there is substantial evidence supporting the judgment, our duty ends and the judgment must not be disturbed.” (*Misako R.*, *supra*, 2 Cal.App.4th at p. 545.)

When considered in this context, we believe that the record contains substantial evidence that reasonable services were provided or offered to Diamond in this case. L.B.K. was initially detained due to Diamond’s mental health issues, anger management problems, involvement in domestic violence, and inability to provide for the minor’s basic needs, likely due to her developmental delays. The Agency’s reunification plan was well designed to assist Diamond in resolving these concerns. And, in fact, the record reveals that Diamond was offered a “veritable plethora” of services, including: psychological and medication evaluations; individual therapy; supervised, unsupervised,

and therapeutic visitation; parenting classes; housing assistance from her Agency social worker, her Salvation Army case manager, and the ILS Program; financial management instruction; ILS services; case management through her Agency social workers; and long-term case management through the FSA. (Compare *Angela S.*, *supra*, 36 Cal.App.4th at pp. 762-763.) When Diamond had trouble complying with her reunification plan, she was given transportation to appointments, a monthly bus pass and alternative means of compliance. (Compare *Ibid.*) Moreover, both Agency social workers kept in contact with mother throughout the reunification period.⁶ In short, the services provided were extensive in nature, tailored to the problems that led to the minor's dependency, and took into account Diamond's special needs. Perforce, they were reasonable. (Compare *Ibid.*)

Furthermore, we are not convinced, as Diamond argues, that these otherwise reasonable services were somehow fatally undercut by the Agency's failure to provide a referral to the GGRC until July 2013. First, as the Agency correctly points out, Diamond was referred to the GGRC shortly after she completed her last follow-up appointment related to her cognitive psychological evaluation in June 2013. It was not unreasonable to wait for the results of the psychological evaluation before making the GGRC referral. Unfortunately, this process took an extended period of time. However, the lengthy delays in completing the evaluation were attributable, in large part, to Diamond, who had numerous difficulties with scheduling and attending the necessary appointments.⁷

⁶ Indeed, Diamond's second Agency social worker evinced significant resourcefulness when testifying regarding her continuing contacts with Diamond. At first, she contacted Diamond using the Agency telephone. When Diamond's phone began blocking that number, she contacted her using her cell phone. She later discovered that she was able to set up meetings successfully with Diamond through texting. Finally, if she was unable to get in contact with Diamond, she would arrange with the Salvation Army case manager to see Diamond during one of their scheduled meetings.

⁷ Indeed, it seems likely that the psychological evaluation would never have been completed if the social worker had not taken Diamond "by the hand" and escorted her to all of her evaluation sessions. (See *In re Michael S.* (1987) 188 Cal.App.3d 1448, 1463, fn. 5 ["The requirement that reunification services be made available to help a parent

Second, and even more importantly, mother had significant services in place to aid her in overcoming her developmental deficits, even absent a referral to the GGRC. At any given time during the reunification period, she had three different individuals providing her with case management services. Her Agency social workers provided case management with respect to her reunification issues. Her Salvation Army worker helped her with financial management, agreed to go with her to appointments, and was helping her with the intake process for the GGRC. Diamond's FSA case worker was able to provide long-term case management for Diamond, including medication management and emotional processing. Diamond also received extensive housing assistance from her ILS worker. Finally, she received one-on-one parenting instruction during her therapeutic visitation.⁸ In fact, in the absence of familial assistance, mother was reported to rely on her various case managers for support, and she exhibited comfort in turning to them for help. (Compare *Misako R.*, *supra*, 2 Cal.App.4th at p. 547 [the record showed that the child welfare agency "commendably utilized a wide range of services" in assisting a mildly retarded mother].) At the twelve month review hearing, the Agency social worker confirmed that there were services in place to support mother's developmental and cognitive needs, stating: "I would say [Diamond] had—she has a pretty good support staff around her, and had she engaged she could have had a lot of support to help her." Under these circumstances, any delay in referring Diamond to the GGRC did not render her reunification services unreasonable. (Compare *In re Walter P.* (1991) 228 Cal.App.3d 113, 129 [in upholding services for mildly retarded mother with mental health issues where no regional center referral had been made the court stated that "the pertinent question to be raised to this court is not whether the trial court should have

overcome those problems which led to the dependency of his or her minor children is not a requirement that a social worker take the parent by the hand and escort him or her to and through classes or counseling sessions"].)

⁸ As noted above, despite this one-on-one parenting instruction, Diamond's progress was hampered by her mood fluctuations. Had she engaged in individual therapy and/or been medication compliant, the therapeutic visitation services offered might very well have been more successful.

evaluated whether minor's mother would have benefitted from the services of a regional center, but whether there was sufficient evidence adduced at trial to support the court's finding that [the child welfare agency] had offered the parents adequate reunification services"].)

Nor are we persuaded that Diamond was denied reasonable services because, as she maintains, she lacked a qualified referral to a licensed therapist for the five months leading up to the December 2013 twelve month review hearing. In fact, the record is clear that the Agency bent over backwards in its attempts to get Diamond to engage in individual therapy throughout these proceedings. After disposition, the Agency initially referred Diamond to the Bayview Center for individual therapy, but this referral fell through almost immediately after Diamond was banned from the Center for inappropriate behavior. That same month, the Agency referred Diamond to the Tenderloin Adult Clinic. However, even though the social worker transported Diamond to her intake appointment at the Clinic, Diamond failed to follow through. After Diamond transitioned from the ILS Program to the FSA in December 2012, it was determined that she could obtain individual therapy through the FSA. And, in fact, weekly individual therapy was arranged for Diamond at the FSA starting February 7, 2013. However—despite the fact that the Agency agreed to temporarily suspend Diamond's parenting class requirement so that she could focus on her individual therapy—as of July 19, 2013, she had only attended five sessions. Moreover, when she did attend, she was reported not to be engaged in the therapeutic process.

In addition, when the Agency learned that Diamond's therapist would be leaving the FSA in August 2013, it sought a DBT therapist for her at the end of July. After determining that a DBT therapist was not available, other options were developed that would be easy for Diamond to access, and Diamond was given a choice of two. Although she picked the Tenderloin Adult Clinic on October 18, 2013, and her Salvation Army case manager offered to accompany her to intake, Diamond, again, never followed through. Given her difficulties engaging with multiple service providers, it was ultimately determined that Diamond should just stay connected to her FSA case manager

while that agency went through the process of hiring another therapist. As of November 6, 2013, Diamond was in “sporadic” contact with her FSA worker. Under these circumstances, it seems clear that, with respect to individual therapy, Diamond’s “real problem was not a lack of services available but a lack of initiative to consistently take advantage of the services that were offered.” (*Angela S.*, *supra*, 36 Cal.App.4th at p. 763.)

In sum, we conclude that, mother’s assertions to the contrary notwithstanding, substantial evidence supports the juvenile court finding that reasonable services were offered or provided to her in this case.

III. SUBSTANTIAL PROGRESS

Without any citation to the record or substantive argument, mother baldly asserts that the juvenile court also erred in this case by failing to provide her with an additional six months of services given her level of participation in, and the progress that she had made with, her reunification plan. We dismiss this contention with similar alacrity. The twelve month review hearing in this matter was held on December 2, 2013, over 17 months after the minor was initially detained. We have determined that the services provided to mother in this case were reasonable. Thus, absent some type of extraordinary circumstance, the juvenile court could have continued the matter for, at most, several more weeks and only if it concluded that there was “a substantial probability” that L.B.K. could have been returned to Diamond’s physical custody and safely maintained in her home during that extended period of time. (§ 366.21, subd. (g)(1).) Moreover, to support its “substantial probability” determination, the juvenile court would have been required to find, among other things, that Diamond “has made significant progress in resolving problems that led to the child’s removal from the home.” (*Id.*, subd. (g)(1)(B).)

L.B.K. was initially detained due to concerns regarding Diamond’s mental health issues, involvement in domestic violence, developmental deficits, and inability to provide for the minor’s basic needs. It can hardly be said that Diamond has made “significant progress” in resolving any of these concerns. At the time of the twelve month review hearing, Diamond was not medication compliant. She had refused to engage in

individual therapy in any meaningful way, despite multiple referrals and accommodations by the Agency. She had also been involved in another incident of domestic violence in April 2013. In addition, Diamond repeatedly refused to take a parenting class, saying that she didn't need one, and the parenting instruction that she did receive through her therapeutic visitation with the minor was hampered by her mood fluctuations. Further, although she had been given significant assistance from multiple service providers, she had failed to secure housing that would accept the minor. Finally, both of her Agency social workers and her visitation therapist were of the opinion that Diamond was incapable of providing supervision for the minor on a long-term basis. On this record, we can conclude nothing other than that the juvenile court's order terminating mother's reunification services was appropriate.

IV. DISPOSITION

The petition is denied on the merits. (§ 366.26, subd. (1)(1)(C), (4)(B).) Because the permanency planning hearing in these matters is set for April 9, 2014, this opinion is final as to this court immediately. (Rules 8.452(i), 8.490(b)(2)(A).)

REARDON, Acting P.J.

We concur:

RIVERA, J.

HUMES, J.