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

B.W.,

Petitioner,

v.

THE SUPERIOR COURT OF THE CITY
AND COUNTY OF SAN FRANCISCO,

Respondent;

SAN FRANCISCO HUMAN SERVICES
AGENCY,

Real Party in Interest.

A142934

(San Francisco City & County
Super. Ct. No. JD133168)

MEMORANDUM OPINION¹

N.H., a newborn, was the subject of a dependency petition, filed June 11, 2013, alleging she was at serious risk of physical harm in the care of her mother, petitioner B.W. (Mother). (Welf. & Inst. Code,² § 300, subd. (b), (j).) N.H. was found to be a dependent on the basis of allegations that Mother suffered from mental illness and failed to reunify with three prior children who had become dependents of the court. Following a contested 12-month review hearing, the juvenile court entered an order finding reasonable services had been provided, terminating reunification services to Mother, and

¹ We resolve this case by a memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1(1), (3).

² All statutory references are to the Welfare and Institutions Code.

finding by clear and convincing evidence that return of N.H. to Mother would be detrimental. The court scheduled a permanency planning hearing pursuant to section 366.26.

On October 1, 2014, Mother filed a petition for an extraordinary writ in this court, seeking an order directing the juvenile court to vacate its order scheduling a section 366.26 hearing and to provide her further reunification services. Mother contends the juvenile court erred in finding she was provided adequate reunification services.

The factual circumstances underlying Mother's claim of error are known to the parties and are summarized in the memorandum of points and authorities filed by Mother in support of her writ petition.

The purpose of reunification services is to place the parent in a position to gain custody of the child. (*In re Karla C.* (2010) 186 Cal.App.4th 1236, 1244.) The law governing the provision of reunification services was summarized in *Tracy J. v. Superior Court* (2012) 202 Cal.App.4th 1415: "Family reunification services play a critical role in dependency proceedings. [Citations.] Reunification services should be tailored to the particular needs of the family. [Citation.] . . . [¶] The 'adequacy of reunification plans and the reasonableness of the [Agency's] efforts are judged according to the circumstances of each case.' [Citation.] To support a finding 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' [Citation.] 'The 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.' " (*Id.* at pp. 1425–1426.) We review the juvenile court's finding of reasonableness under the substantial evidence test. (*Amanda H. v. Superior Court* (2008) 166 Cal.App.4th 1340, 1346.)

N.H. was detained on the basis of allegations that Mother suffered from mental illness and had a history of failing to care properly for her children, and there was

evidence Mother also suffered from substance abuse. The San Francisco Human Services Agency (Agency) designed a reunification plan to address these problems, requiring completion of an outpatient drug treatment program, psychological evaluation and, if recommended, treatment, individual counseling to address a history of domestic violence and substance abuse, a parenting education program, regular visitation with N.H., compliance with the terms of Mother's criminal probation, and participation in N.H.'s medical treatment program. The Agency provided the recommended reunification services, which were extended at the time of the six-month hearing, and monitored Mother's compliance. Services were terminated only after Mother left the substance abuse program, continued in her substance abuse, neglected to participate in the recommended mental health services, and ceased regular visitation with N.H.

Substantial evidence supports the conclusion the Agency accurately identified the problems causing N.H. to come to its attention and designed a reunification plan appropriately targeted at those problems, focusing on Mother's substance abuse, mental illness, and deficient parenting skills. Mother's contention the Agency failed to provide adequate services is based solely on its failure to perform a "comprehensive neuropsychological evaluation," recommended by the psychologist who evaluated Mother, to assess her "undiagnosed learning disability." Although the Agency referred Mother to an appropriate mental health program for the recommended evaluation, the program failed to "assign a provider" until just before the time of the 12-month review hearing.

As noted above, reunification services need not be "the best that might be provided in an ideal world," but only "reasonable under the circumstances." (*Tracy J. v. Superior Court, supra*, 202 Cal.App.4th at p. 1426.) The Agency provided a broad slate of appropriate services. Given Mother's many challenges, the failure to refer her for evaluation of a learning disorder did not render the reunification plan unreasonable.

Mother's petition for an extraordinary writ is denied on the merits. (See *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) The decision is final in this court immediately. (Cal. Rules of Court, rules 8.452(i), 8.490(b)(2)(A).)

Margulies, Acting P.J.

We concur:

Dondero, J.

Banke, J.