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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re R.T. et al., Persons Coming Under the
Juvenile Court Law.

ALAMEDA COUNTY SOCIAL
SERVICES AGENCY,

Plaintiff and Respondent,

v.

A.T.,

Defendant and Appellant.

A146018

(Alameda County
Super. Ct. Nos. OJ13021540,
OJ13021541)

On appeal from orders issued after a combined twelve and 18-month review hearing, Ameeta T. (Mother) contends the juvenile court and social services agency improperly delegated to her children the authority to decide whether visitation would occur. As a result, she maintains, she was deprived of reasonable reunification services and a meaningful opportunity to reunify. There was no improper delegation of authority, so we affirm.

BACKGROUND

Removal and Detention

Between 2004 and 2013 this family was the subject of 16 reports of physical abuse, emotional abuse and neglect. In August 2013, 17-year old S.T., 14 year old R.T. and nine year old A.T. were taken into protective custody and placed with their paternal

aunt.¹ The court issued a temporary order for no contact between the children and their parents.

The Alameda County Social Services Agency (the Agency) filed a petition alleging the children had suffered or were at substantial risk of suffering harm as a result of their father's history of angry behavior and both parents' history of domestic violence, abusive discipline, abusive language, and child neglect. The allegations described several specific events of physical and verbal abuse in 2012 and 2013 during which one or both parents verbally abused and pinched, hit or slapped A.T. and R.T. In 2012 Father dragged Mother by the hair and hit her all over, leaving bruises on her arms, legs and face when she tried to protect A.T. from abuse. Later that year R.T. was temporarily removed from the home due to physical abuse by both parents. In 2013 A.T. saw Father try to stab Mother with a knife. Father daily called R.T. and A.T. names such as "dog," "mother fucker," "idiot," "prostitute," "fuck-up" and "faggot." The parents fought with each other several times a week.

The detention report provided additional information about the recent incidents. On August 5, 2013, police came to the home because Father was violent with the children and their mother. A.T. told the case worker Father was angry because the landlord told him they had to move out. Father told A.T. to "shut-up," pinched his cheek, poked him in the neck with a finger, slapped his face and pulled his hair. R.T. and Mother pushed Father. Mother punched him. Father slapped R.T., who locked herself in a room and called the police. Father tried to break down the door. Mother later asked the children to apologize to Father for this incident. A.T. said that Father hit and cursed at him and Mother every day and that Mother's arms and legs were covered in marks from his abuse.

R.T. similarly described the August 5 incident. She said her parents fought once or twice a week and Father cursed at Mother every day. She felt like hurting herself when her parents fought, and had cut herself with a razor. She felt depressed, cried frequently, and had suicidal thoughts, trouble sleeping and nightmares in which she saw

¹ S.T. turned 18 in September 2013 and is now a non-minor dependent. She is not involved in this appeal.

Mother dead and Father beating her and trying to kill them. R.T. repeated A.T.'s reports that Father hit and cursed at him daily or almost daily. Father cursed at her as well, and called her names like "idiot," "prostitute," "bitch," and "fuck-up."

R.T. was "very scared" of Father and did not want to return home. When the case worker asked A.T. if he was afraid of Father, he responded " 'I'm not scared of a monster.' " He, too, did not want to return home.

S.T. confirmed her siblings' reports about the events of August 5. Father had hit her in the past, most recently in late 2012 when he punched, slapped and pinched her for losing a receipt for a broken toaster. Her parents fought two or three times per week. Father would hit Mother with his hands, sticks and wires, but Mother refused to leave him. Like her younger siblings, S.T. did not want to return home.

On September 4 the children's attorney obtained a temporary restraining order against Father due to an incident the day before the children were removed from their home. S.T. was staying with the paternal aunt when Father came to the aunt's house, stood outside and screamed at her to come down. He stayed there for approximately 45 minutes. When he returned home he threatened to kill the paternal grandfather and aunt and physically abuse S.T.

The children were detained after a contested hearing. The court ordered the Agency "to arrange for appropriate level of visits between the minor[s] and parents. Therapeutic intervention and consultation before the visits occur. Supervised visits between the minor[s] and parents preferably in a therapeutic setting." The petition was subsequently amended to add an allegation that the children refused to return home.

Jurisdiction/Disposition

On September 12, 2013, the Agency submitted a report for the combined jurisdiction/disposition hearing. The Agency recommended the court find the petition true, place the children out of the family home, and order reunification services for the parents.

The children were doing well with their aunt, who provided emotional as well as material support. The case worker described them as developmentally appropriate and

“bright articulate children, capable of expressing their feelings very appropriately.” The parents had a long history of domestic violence and abusive behavior toward the children that had not been resolved despite prior offers of services. The children “have had enough of the long history of abusive parenting” and did not want to return to their parents.

No visits had occurred, and the children were unwilling to see their parents. Both the temporary no-contact order and the restraining order against Father were still in effect. The Agency believed the family would require ongoing participation in services to address the longstanding dynamics of domestic violence, dysfunction and child abuse. The proposed case plan included that the case worker would ensure the parents had an opportunity to participate in supervised visits, subject to the children’s willingness to see them. The case worker would also meet separately with the children and parents on a regular basis.

The combined hearing on jurisdiction, disposition and the restraining order was held September 20. The parties submitted on the Agency’s report. The court found Father had made minimal progress toward alleviating or mitigating the causes necessitating out of home placement and Mother had made none. Reunification services were ordered for both parents and the Agency was ordered to “arrange for supervised visitation between the minor and mother as frequently as possible consistent with the [children’s] well being in consultation with [their] therapist.” The court ordered no visitation with Father until further order. On October 1, the restraining order against Father was reissued.

Six-Month Review

According to the Agency’s report for the February 26, 2014 status review hearing, Mother and Father were still living together. Mother said the children exaggerated their reports of abuse and were influenced by their aunt and grandparents. She did not understand why the children were upset with her and Father and could not see how her own actions and choices had affected them. She said she and Father made a mistake, but, when asked, could not identify what the mistake was.

Mother told the case worker that her therapist said she was ready to have contact with the children. Mother's therapist said this was not true and that she was working with Mother on boundaries, understanding the children's feelings, and the reasons for their removal. She had completed a parenting class and been given referrals for a domestic violence support group, but had not developed a domestic violence relapse prevention plan. Mother had not seen the children because they refused to have any contact with her.

Father maintained he had done nothing wrong and that the aunt and grandparents influenced the children against him. He did not understand why the children were upset with him, had not accepted responsibility for his actions and had not developed a domestic violence relapse prevention plan. Father felt he had done nothing wrong and that the children's refusal to return home was only because the aunt and grandparents had brainwashed them.

In February 2014 a family friend told the aunt that Father instructed him to tell her that Father would come to her home and hurt the children and himself if they were not returned. Father called the grandparents three times and said he would die if the children were not returned to him. His former therapist reported that at each of their six sessions Father displayed anger toward her and was "vaguely" threatening. He had completed a parenting class and undergone a psychological evaluation.

Every time the case worker met with the children they said they did not want any kind of contact with their parents. R.T. expressed anger towards her parents for what they put her through and became annoyed when the case worker continued to ask her about contact with them. Discussing any kind of contact with the parents raised her anxiety. The therapist told the case worker that R.T. had not changed her mind about visitation.

Like his sister, A.T. told the case worker about the physical and emotional abuse he had endured. He was more fearful of his parents than angry at them. He had nightmares about them taking him away, and said that when Mother came to his school

he was scared she was there to take him home. A.T.'s therapist told the case worker about A.T.'s nightmares and his discomfort when visitation was addressed.

Mother and Father felt they had done nothing wrong and that the aunt and grandparents were manipulating the children and reinforcing negative thoughts in their minds. Mother wanted to talk to their therapists so that they could hear her side of the story. She told the case worker that she could not believe the children were still upset, and that A.T would want to come home if he could just see her. The children consistently said they were happy in their placement, did not see themselves returning home and did not want any contact with Mother and Father.

The six-month status review hearing was held on February 26, 2014. The parents got into a verbal altercation with the children's aunt in front of R.T., and Father was removed from the building by the sheriff. Then Mother tried to hug and kiss R.T., which so upset her that she felt physically ill and had difficulty breathing.

When the hearing resumed on March 13 the parties submitted on the Agency's report. The court found the case worker had solicited and integrated into the case plan the input from the children, the family and other interested parties, the Agency had provided reasonable services, and both parents had made partial progress toward alleviating the causes that necessitated the out of home placement. The court continued the children's placement with reunification services for both parents and ordered visitation with Mother "as frequently as possible consistent with the [children's] well-being."

Combined Twelve and Eighteen-Month Review

1. Status Reports

The next review hearing was set for August 28, 2014. The Agency recommended the children remain with their aunt and grandparents with a permanently planned living arrangement, and that the court terminate reunification services for both parents.

According to the Agency's status review report, Mother and Father had made minimal progress on their case plans during the reporting period. Mother did not participate in any aspects of her case plan and had minimal contact with the case worker.

The case worker tried to meet with Mother in May, but Mother said she and Father would not meet with the worker until they started working on their case plan objectives. Mother said she and Father had been ill and unable to meet with service providers. The case worker learned from the aunt, the children, and A.T.'s CASA worker that the parents had moved to Pittsburg. Letters sent to their last known address in Oakland had not been returned and Mother's telephone number was not in service when the case worker tried to call her in June. A voice mail message for Mother left on August 14 was not returned.

Both children told the case worker they were not ready for any contact with their parents and did not envision returning home. R.T. said Mother had tried to send her messages through friends on social media. In May R.T.'s maternal uncle contacted her through social media and told her she was disrespectful. R.T. believed Mother and Father were responsible for her uncle's message. According to the report, "[t]hroughout this reporting period, [R.T.] has made it clear that she did not want to have physical or written contact with the parents."

A.T. had made attempts in therapy to write a letter to Mother expressing his feelings, but he was not ready for contact. He was fearful that when his maternal grandparents visited the United States in May they would bring Mother and Father to see him.

In March 2014 the therapist reported that Mother had not come to therapy in six weeks. On April 10 the therapist told the case worker she would be terminating sessions with Mother due to lack of attendance. The therapist reported she had seen some improvement, but Mother "still had a long way to go." In May Mother asked the case worker for a referral to a therapist who was culturally sensitive and spoke Punjabi. The case worker had previously provided Father with a referral for a Punjabi-speaking therapist, but Mother said that provider was too far away. The case worker referred Mother to a Punjabi-speaking therapist in Pleasanton and another therapist in Oakland. As of August 28 it did not appear that she had contacted either one. Mother was also given referrals to domestic violence support groups.

Father had completed parenting classes and a psychological evaluation during the reporting period, but he had stopped participating in individual therapy despite being provided with multiple referrals to Punjabi-speaking and culturally sensitive therapists.

Mother contested the Agency's recommendations and the matter was set for a contested hearing on December 9, 2014. On December 5 the Agency filed an addendum report that continued to recommend the children remain with their aunt and reunification services be terminated. Mother had not given the case worker the parents' new address in Pittsburg or responded to letters sent to their last known address in Oakland, so the caseworker had had no contact with them during the reporting period.

On September 23 the aunt reported receiving harassing phone calls from a woman she believed was renting a room to the parents. The woman called several times and called the aunt derogatory names. The police contacted the caller, who identified herself as a friend of the family. On October 7 the aunt reported that Father was "continuously" calling her home from a blocked telephone number, making threats against her and the grandparents.

On November 19, 201, the case worker spoke with the parents' therapist. The parents first met with the therapist on August 28 and did not return until October 10, but since then they had been attending weekly sessions. The therapist was getting conflicting information from the parents. She was unable to discuss their treatment goals without the parents' consent, but she felt the parents had some misunderstanding about how the "system" works.

The case worker reported the children had "been consistent throughout the case about their feelings regarding the parents. They made it clear to the undersigned and other service providers that they do not want to have contact with their parents and they do not want to return home. They are fearful that anyone asking or encouraging them to have contact with their parents is attempting to reunify them."

The children had begun individual therapy, but it was discontinued by August due to multiple missed appointments and scheduling problems. The aunt felt the therapist was inflexible, and she was "adamant" about ending services. In September and October

the case worker made referrals for two other counseling services. As of December R.T. was seeing a therapist once a week and A.T. was waiting to be assigned a therapist who could work with the aunt's schedule.

On December 10, 2014, the court heard and denied a *Marsden*² motion brought by Mother but had to continue the review hearing due to lack of time. It permitted Mother to send letters and photographs to the children through the Agency to look at with their therapist. It continued the prior orders and granted the Agency discretion as to supervised phone calls between Mother and the children.

The Agency submitted another status review report March 16, 2015. Mother confirmed that she and Father had moved to Pittsburg but said they did not have permission to disclose their exact address, but had a post office box address in Oakland. She said they were attending therapy, but that she could not participate in other services because she had been sick.

The children still refused to have any contact with Mother. In December R.T. had refused to read a Christmas card from her. She felt that the card was "just a way for the mother to try and manipulate her" and said that "mother saying 'I love you' is really a way of making her feel guilty because what the mother is really saying is 'After all I have done for you and you treat me this way.'" R.T. "has made it clear that she does not want physical or written contact with the parents."

A.T. was initially willing to read Mother's Christmas card, but later changed his mind.

R.T. was seeing a new individual therapist. She was still angry with her parents about the way they treated her and her siblings. She enjoyed her new therapist and said she was learning how to focus on herself and build on her self image. R.T.'s therapist said R.T. was making good use of her time.

² *People v. Marsden* (1970) 2 Cal.3d 118.

On March 4 the aunt reported that a family friend told her Father had bought a gun. Father allegedly told the friend he planned to shoot the aunt, the grandparents and the children. The case worker encouraged the aunt to make a police report.

The parents had made minimal progress on their case plans. They still felt they had done nothing wrong and did not understand why the children were upset with them. The children were happy in their placement, wanted to stay there and were not ready for any contact with their parents.

2. Hearing

The combined 12 and 18-month review hearing began on May 1 and concluded on July 20, 2015. Case worker Mary Ann Tyler-Sims testified about her efforts to encourage visitation. Tyler-Sims had met with R.T. monthly since September or October of 2013. The children were in therapy the entire period she was assigned to their case. Tyler-Sims asked them about visitation every time she saw them, “[s]pecifically if they were ready to see their parents; if they were willing to see them, um, in a controlled environment, meaning in a therapeutic environment, in a supervised environment with me being present, with a therapist being present, with the other worker . . . being present. And the kids have consistently answered no.”

R.T. told Tyler-Sims she wanted no contact with Mother. She wanted to move forward and focus on her own well-being, and she felt any contact with her parents would hinder that process. R.T. was consistent on this point the entire time Tyler-Sims was involved in the case. Tyler-Sims also discussed visitation with R.T.’s therapist and suggested modes of contact that might be more comfortable for R.T., such as letters, phone calls, and visits in a therapeutic setting. R.T. was not open to any of her suggestions.

A.T. was fearful of his parents and had nightmares about them. His therapist reported that A.T. was uncomfortable when visitation was discussed, and that his discomfort manifested in nightmares and fears about Mother coming to his school to take him. When Tyler-Sims asked the children what it would take for a visit to happen, they told her that nothing would change their minds.

Since September 2013 Tyler-Sims had consulted with the children's therapists to determine whether visitation was in their best interests. None of the therapists recommended family therapy or visitation. They believed the children were not ready and that nothing could be done in therapy to encourage them to change their minds other than working on R.T.'s self-esteem and confidence.

Tyler-Sims also discussed visitation with the parents' therapist, Dr. Kapoor. Dr. Kapoor was surprised that the children did not want contact with their parents and voiced concerns about how they could reunify without visitation. Tyler-Sims explained that the children were in therapy and that the Agency would arrange for family therapy or other contact with the parents when their therapists felt they were ready.

On July 8, 2015, the day set for argument, Mother made an emotional statement to the court in which she cast herself as a victim and castigated the caretakers, the court, and the children.³ In response, the court explained that its concern had to be the children's best interest. "That's my job. And it's not always an easy job, but in this case my concern is that the children have consistently been adamant about the fact that they do not want to have any contact with you or your husband. . . . [¶] And the way I can read the reports and the information that I gather is that that's based upon what they endured while they were in the home. [¶] Now when I look at the best interest of the children, I can appreciate that you've done some of the things that were required of you in the case plan. But I have significant concerns about the emotional and mental wellbeing of the children if they are adamant about not wanting to come home to their parents. [¶] . . . [¶] So my concern is really that these children, for whatever reason, have suffered emotionally and mentally, to the extent that they want absolutely nothing to do with their parents. And based upon what I can read all the way from the petition to today, there's a basis and fact for that. That there's something that happened in the – there's something that happened with the children in the household that's caused them so much pain that

³ On the same day the children's attorney submitted an application for a new temporary restraining order against Father based on alleged threats to A.T.

they are unwilling at this time to have any communication with their parents. And that's the piece that I have to deal with."

Mother's attorney argued the court had improperly allowed the children to dictate whether visitation would occur. The court disagreed: "As it relates to visitation and whether or not the Court allowed for its discretion to be allocated to some other party, whether it be the children or therapist, et cetera, I did not find the evidence such that it supported that position. [¶] Even as I read the reports dating back to September the 12th, 2013, reports from February 26, 2014, as well as December the 9th, 2014, and March the 15th, 2015, it seemed very clear to me that the reports themselves were specific in that they went into detail about some of the anxiety that had been caused by bringing up visitation to the minors, specifically to [A.T.]. And the report from February 26, 2014, that report talked about the nightmares that [A.T.] was having, and that he had some concerns and some fears regarding his parents. And that those fears were such that they caused him a lot of anxiety about concerning himself with the possibility of visiting with his parents.

"In addition to that, the child welfare worker in that February 2014 report specifically talks about the fact that she was consulting with the therapist for the children regarding whether or not it was appropriate for them to visit with their parents at that time based upon their mental health needs, or the anxiety that they were experiencing as a result of them considering whether or not they wanted to visit with their parents.

"It is clear that the children do not have the final say and the only say as it relates to whether or not they visit with their parents. But it is also clear, as was stated in the *Danielle W.*[.] case . . . , that it was recognized that when a child's aversion to visiting an abusive parent may be a dominant factor in administering visitation, but not the sole factor.

"And it's the way I read the reports as well as the minute orders, it seems clear to me that Judge Krashna made that call regarding visitation based upon the totality of the circumstances, not just that the children did not want to visit with their parents. But that there were some issues with the children as far as their visits with their mental health

professionals; nightmares, the therapists' concerns, et cetera." The court further observed that the case worker regularly engaged the children about visitation and "[t]hat the children are involved in therapy that is helping them around those issues. And the hope is that both of the children can get to a point where they feel comfortable with visitation, or that it's not causing the children some level of detriment emotionally or otherwise."

The court's tentative inclination was to put the matter over for an interim hearing within 90 days for more information from the children's therapists about their feelings about supervised visitation. The court explained: "I would want that information from the therapist, and I would want a report from Social Services to that effect. [¶] And I think that I was actually encouraged by the fact that the case worker has continued to engage the children . . . about whether or not they feel like they want to visit, or maybe they will want to, or that's going to change. But I need the therapist to work with the children so that the Court is sure that I'm not causing any emotional damage to the children by granting visitation. I also want the children to know that it would be visitation that is supervised and safe."

At that point, Mother interrupted the hearing with what the court described as an "outburst," "to the extent that she's yelling and screaming at the aunt who happens to be the caretaker. Her daughter is crying. Her son looks extremely fearful." Mother directed her outburst at the children, particularly at A.T., as well as their aunt. The children were traumatized. After that the court reconsidered a possible interim hearing on supervised visitation, "[as i]t's clear to me that I was more optimistic than I should have been."

Based on its observations as well as all of the reports and case law, the court found that visitation would be detrimental to the children, ordered no visitation for either parent, extended Father's restraining order and issued a temporary restraining order against Mother. The court found the Agency provided reasonable reunification services, that both parents had made minimal progress toward alleviating or mitigating the reasons for the placement, and that returning the children would create a substantial risk of detriment to their safety and wellbeing. The court terminated reunification services, found by clear and convincing evidence that the children were not proper subjects for adoption, ordered

a planned permanent living arrangement with the children's paternal aunt and grandparents and set a hearing in 90 days to address whether visitation continued to be detrimental to the children.

Mother filed a timely notice of appeal.

DISCUSSION

Mother contends she was denied any meaningful chance of reunification because the court and Agency effectively gave the children complete discretion as to whether or not visitation would occur. She asserts the visitation orders were illusory because, although they required and affirmatively encouraged visitation as frequently as possible consistent with the children's well being, the court failed to order some specific number of visits per month and the Agency, in turn, "merely left it entirely up to the children as to whether visitation occurred." This, she contends, was a violation of the court's limited power to delegate its discretion over visitation to third parties. We disagree.

Legal Principles

"It is the juvenile court's responsibility to ensure regular parent-child visitation occurs while at the same time providing for flexibility in response to the changing needs of the child and to dynamic family circumstances. [Citations.] To sustain this balance the child's case worker may be given responsibility to manage the actual details of the visits, including the power to determine the time, place and manner in which visits should occur. [Citation.] In addition, the parents' interest in the care, custody and companionship of their children is not to be maintained at the child's expense; the child's input and refusal and the possible adverse consequences if a visit is forced against the child's will are factors to be considered in administering visitation. [Citation.]" (*In re S.H.* (2003) 111 Cal.App.4th 310, 317; see also *In re Danielle W.* (1989) 207 Cal.App.3d 1227, 1237 [juvenile court may properly view the child's desire not to visit a parent as a "dominant factor"]; *In re Julie M.* (1999) 69 Cal.App.4th 41, 51 (*Julie M.*))

Accordingly, the juvenile court may not delegate to the child welfare agency, the child's therapist, the child or any other third person the " 'unlimited discretion to determine whether visitation is to occur.' " (*Julie M., supra*, 69 Cal.App.4th 41 at p. 49)

In *Julie M.*, for example, a visitation order gave the dependent minors “the option to consent to, or refuse, any future visits with their mother.” (*Id.* at p. 46.) The appellate court held the juvenile court abused its discretion “in giving the children absolute discretion to decide whether [the mother] could visit with them. The order essentially delegated judicial power to the children—an abdication of governmental responsibility. . . .” (*Id.* at pp. 48–49.)

But while the court cannot grant the child welfare agency complete and total discretion to determine whether or not visitation occurs, “[t]he nature of the task of the juvenile court system in responding to the rapidly changing and complex family situations which arise in dependency proceedings and the interests of judicial economy require the delegation of some quasi-adjudicatory powers to a member of the executive branch dedicated to the dependent child’s welfare.” (*In re Danielle W.*, *supra*, at p. 1237.) “That is because dependency courts ‘simply do not have the time and resources to constantly fine tune an order in response to the progress or lack thereof in the visitation arrangement, or in reaction to physical or psychological conduct which may threaten the child's well-being.’ [Citation.] But the ultimate supervision and control over this discretion must remain with the court, not social workers and therapists, and certainly not with the children.” (*Julie M.*, *supra*, 69 Cal.App.4th at p. 51.)

Analysis

Mother relies heavily on *Julie M.* to argue the court invalidly delegated its discretion over visitation to the children, but this is a very different case. Here, in contrast to *Julie M.*, the court did not give the children the power to refuse visitation. Rather, it ordered the Agency to consult with the children’s therapists to arrange supervised visitation as frequently as possible consistent with their well-being. Nor did the Agency simply accede to the children’s decisions. To be sure, the children’s views were given significant weight, an assessment we do not fault in light of their ages, the consistency and strength of their attitudes towards their parents, the long history of abuse they had endured, and the case worker’s repeated efforts to engage them about visitation. (See *Julie M.*, *supra*, 69 Cal.App.4th at p. 50 [child’s aversion to visiting an abusive

parent is proper factor for consideration in administering visitation so long as it is not the “the *sole* factor”].) But the Agency’s recommendations and the court’s orders were also based on factors including the therapists’ advice that the children were not ready, the children’s fear and anxiety surrounding the topic of visitation, the parents’ failure to comprehend their wrongdoing, and their ongoing threats and outbursts. This was not a case where the court or Agency simply let the children decide whether to see their parents. Rather, the court reasonably determined that under these specific circumstances even supervised visitation in a therapeutic setting was inconsistent with the children’s best interests.

This case also differs significantly from *In re S.H.*, *supra*, 111 Cal.App.4th 310. The order there provided that “ ‘if the children refuse a visit, then they shall not be forced to have a visit.’ ” (*Id.* at p. 318.) The court of appeal held this granted only an “illusory” right to visitation because the order “transform[ed] the children’s ability to refuse ‘a visit’ into the practical ability to forestall any visits at all.” (*Id.* at p. 319.) Again, that is not what happened here. Nothing in this record indicates that either the court or the Agency gave the children “complete discretion” as to whether visitation would occur, as Mother claims. To the contrary, the court made clear that it alone was responsible for deciding whether visitation would serve the children’s best interests, and that its determinations not to authorize visitation were based on the totality of the circumstances.

Having carefully reviewed the record, we are satisfied there was no improper delegation of the court’s discretion over visitation and that the Agency did not cede the decision to the children.

DISPOSITION

The juvenile court’s orders are affirmed.

Siggins, J.

We concur:

McGuinness, P.J.

Pollak, J.

In re R.T., A146018