

NOT TO BE PUBLISHED IN OFFICIAL REPORTS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 This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.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 TWO

B.G. and T.H.,

Petitioners,

v.

THE SUPERIOR COURT OF CONTRA
COSTA COUNTY,

Respondent;

CONTRA COSTA COUNTY CHILDREN
& FAMILY SERVICES BUREAU,

Real Party in Interest.

A148612, A148634

(Contra Costa County
Super. Ct. Nos. J14-00922,
J14-00923)

Petitioner T. H. is the mother of the two minors, a preteen boy and a very young girl, both of whom were declared dependents of the Contra Costa County Juvenile Court, and who are the subjects of these original proceedings. Petitioner B.G. is the father of the girl. At the conclusion of an 18-month review hearing, that court ordered the termination of reunification services provided by real party in interest Contra Costa County Children and Family Services Bureau (Bureau). The court also set a hearing pursuant to Welfare and Institutions Code¹ section 366.26 at which parental rights might be terminated when the court selects a permanent plan for the minors. T.H. and B.G. filed three petitions, which have been consolidated, each seeking an extraordinary writ, as authorized by rule 8.452 of the California Rules of Court, to overturn the juvenile court's order. They

¹ Statutory references are to this Code.

contend substantial evidence does not support the court’s findings that the minors could not be safely returned to their custody, and that the Bureau provided reasonable reunification services. They also contend relief is required because the juvenile court applied an incorrect burden of proof in making the reunification services finding. We reject these contentions, and deny the petitions on their merits.

BACKGROUND

In December 2014 the minors were made dependents, with their placements entrusted to the Bureau.² At the six-month review hearing in late June 2015, the court adopted the Bureau’s recommendation and ordered the minors returned to petitioner mother’s custody, but the dependencies were not ended.

Less than two weeks later, the Bureau filed a supplemental petition in which it was alleged that on July 5 the minors “were left without any provision for support, safety, or care when their mother told them” “to leave their home and go stay somewhere else.” The minors were promptly taken back into the Bureau’s custody. In September 2015, having sustained the allegation, the juvenile court continued the minors as dependents in the Bureau’s custody; accepted the Bureau’s recommendation and ordered the resumption of reunification services, and set a hearing for the 18-month review.

After several continuances, that review commenced on April 27, 2016. In total, there were four days of testimony. The court announced at the commencement of the hearing that it had read the status review prepared by the Bureau. That document advised the court that petitioner mother “has completed a twenty-six week Parenting Psycho-educational Training Program . . . , an eleven week Proud Parenting Program . . . , she has also completed a total of forty-seven anger management sessions, and continues to engage in weekly individual counseling.” This assistance enabled petitioner to make “significant progress at increasing her frustration tolerance and reducing explosive over-

² There are three other children—two boys and a girl—who are not involved in these proceedings. The dependent girl, who was the youngest, was placed with her paternal aunt. The other two were placed with their maternal grandmother.

reactivity to minor irritants.” Petitioner had passed all her drug tests since testing began in September 2015.

The Bureau’s case worker told the court that petitioner “attended a family therapy session with [the daughter] on December 14, 2015 with therapist Patsy Phillips,” who “reported that she observed a healthy attachment between the mother and daughter and observed the mother appropriately redirecting her daughter’s behavior patiently and with age appropriate expectations.” All of the “one hour supervised visits, weekly unsupervised visits, and overnight visits” between petitioner and her son “demonstrated positive interactions,” and the son “enjoyed these visits with his mother.”

Petitioner mother’s visits with the daughter “were observed to be positive and appropriate,” but there was an unfavorable aftermath: the daughter cried uncontrollably when petitioner left and behaved inappropriately, which she “disclosed in therapy that her mother had told her to ‘act up’ with her caregiver.” This situation had improved in the three weekly visits preceding the case worker’s report.

The case worker initially recommended that the minors be returned to petitioner mother “as she has demonstrated coping skills and made behavioral changes to create safety for her children while in her care.” However, the case worker subsequently advised the court of “updated information”: the day after the dependent daughter completed a two-day visit with petitioner mother in March 2016, “[t]he caregiver [who was the child’s aunt] reported . . . that . . . [the dependent daughter] displayed a prolonged tantrum episode at school in which she threw toys, chairs, and other objects around the classroom, yelled defiantly at her teachers, and spit in her teacher’s face. This type of behavior at school is very uncharacteristic for [the dependent daughter] as she has demonstrated consistent positive and compliant behavior at school. Her caregiver reported that upon [the dependent daughter’s] return from her . . . visit, [the dependent daughter] began displaying the middle finger and stated to the caregiver ‘I’m so tired of your fucking family’. [The dependent daughter’s] therapist reported to the undersigned that . . . during her session with [the daughter two days later, the dependent daughter] was very reluctant to speak about her visit with her mother and stated that she was not to talk

to the therapist. . . . [¶] The Bureau is respectfully requesting a thirty day continuance to allow time to investigate this new information.”

After conducting that investigation, the caseworker confirmed the dependent daughter’s classroom outburst, with additional details: her “defiant” behavior included yelling additional obscenities (e.g., “I’m tired of this shit,” “You can fuck your fuck family”), “doing the opposite of what she was being asked to do,” and urinating on herself rather than ask permission to use the restroom. During her session the next day with her therapist, the dependent daughter “was hesitant to talk about her behavior at school . . . , putting her head down and becoming sad when asked about it.” She told the therapist, “I’m not supposed to talk to you.” As reported by the case worker: “During the session, [the dependent daughter] became angry and tearful. The therapist noted that her demeanor and behavior during this session resembled the behavior she displayed when she disclosed that her mother had told her to ‘act up’ when she is with her caregiver.”

“In light of these events,” the Bureau reversed its bottom-line recommendation:

“[T]he Bureau has serious concerns regarding [petitioner mother’s] ability to provide a safe nurturing environment free of physical and emotional abuse for [the minors]. While [petitioner mother] has completed all of the services indicated on her Case Plan, it is doubtful that she has been able to make the necessary behavioral changes to ensure the children’s physical and emotional safety as [the dependent daughter’s] statements and behaviors indicate that [petitioner mother] is purposely inflicting feelings of conflict within [the dependent daughter] by asking her to reject her caregiver who has provided stability and love to her for over a year.^[3] . . . [The dependent daughter’s] recent significant behavioral changes occurring after having overnight visits with [her parents] clearly indicate that she is extremely distressed. . . .

“As the Bureau now doubts the previously reported behavioral changes made by [petitioner mother] as reported by her various service providers, there is also doubt about

³ Who was the dependent daughter’s aunt.

her ability to refrain from using physical discipline when parenting her two older children who will be returned to [petitioner mother's] care upon their release from juvenile hall.^[4] The Bureau cannot be certain that [petitioner mother] will be able to manage the behaviors of four children, two of whom have exhibited assaultive and extremely defiant behaviors leading to their arrest, without becoming frustrated and physically assaultive towards them again.

“The Bureau also has reservations about [petitioner's father's] ability to be protective of [the dependent daughter] as he was present during these visits leading to [the dependent daughter's] disclosure made in therapy and her tantrum behavior at school. As the non-offending parent it was hoped that [petitioner father] would be able to responsibly discern and identify risks to [the dependent daughter's] well-being; however, as he was not able to protect her from . . . [petitioner mother], the Bureau doubts his ability to keep [the daughter] safe from future threats to her physical and emotional well-being. . . .

“The Bureau, therefore, respectfully recommends that [the minors] continue as dependents of the Court and that Family Reunification Services be terminated for [both parents]” and the court schedule a “Section 366.26 Hearing.”

The case worker testified that the dependent daughter's misbehavior at school continued, and escalated: in April—the month after the sleepover and two months before the hearing—the school recorded that the daughter scratched, slapped, spit at, and threw milk at her teacher, and twice hit other students. The case worker did not believe petitioner mother had “taken responsibility for the [Bureau's] involvement in her life.”

The case worker further testified that petitioner mother denied the dependent daughter learned “foul language” from her, but the case worker had reports from the

⁴ The juvenile court asserted jurisdiction under subdivision (b) of section 300 because the minors were found to be “at risk of serious physical harm in the care of [their] mother due to the mother's frequent and ongoing use of a belt as a form of discipline of the child's sibling.”

dependent daughter's caregiver that petitioner mother had uttered such language. This was confirmed by the dependent daughter's caregiver.

After listening to argument from all parties' counsel, the juvenile court posed a question to counsel regarding the burden of proof: "I'd like to hear if anyone disagrees . . . I believe at the 18-month mark it's different [from] the 12-month mark, even though the recommended findings use the standard of clear and convincing—does the Court find by preponderance of evidence that reasonable services were offered?" Each petitioner's counsel responded "Correct."

The court then made an extended statement of its decision, which included a detailed history of the dependencies:

"In terms of this case, and it has been a very long case, I'm very familiar with the facts of the case. [The older brother and sister] reported at school that they did not feel safe going home and that's how this case started. According to the [older] children, the boys argued, mother made them go into the bedroom where she struck them . . . multiple times with a belt. According to [the older brother] she made them strip down, used the belt. [Petitioner mother] punched them with a closed fist and used profanity. [The older sister] said to the officer that the way the mother treated them was . . . wrong. That mother had used a closed fist on her in the past and that she was present during the beating of the two [older] boys and secretly recorded the events of that beating.

"So when the police went, and after interviewing the children, went to the home to interview mother, mother denied making the boys strip down and claimed that the boys weren't crying. So then the officer summarized—and it's in the detention jurisdiction report what he heard on that recording, he heard [petitioner mother], quote, screaming at her children. He states he could hear at least two juveniles screaming and crying in what sounded like pain. He could hear snapping noises which he immediately identified as a leather belt on bare skin, corroborating the fact that mother did indeed make the boys strip down. And then . . . he can hear [petitioner mother] yelling, 'I'm going to beat your ass. I'm going to beat your ass.' . . . She can also be heard saying, quote, 'Shut up. Shut up. Turn that motherfucking TV off and go to bed,' end of quote.

“Now the significance of that, of course, there’s no basis for a juvenile dependency case for using profanity. But the context in which profanity is used is insightful and also, quite frankly, [petitioner mother] got up on the stand and said profanity is not used in her household. So she is impeached by her own words, which were recorded by her children on that evening that led to the filing of this case.

“The officer—mother directed him to it, the officer found the belt with a knot tied in the end of it which is what was used to inflict the discipline on that night.

“So the case started out as family reunification back in 2014. By June of 2015 the Court ordered family maintenance for [the dependent daughter] and the boys with mother. [The older sister] did not want to live with her mother. So the Court did not order family maintenance [for the older sister] and allowed her to remain with her grandmother. So that happened on June 25th. And on July 5th, the boys arrived at [petitioner father’s] home and said that mother had kicked them out.

“On July 7th when the social worker went to mother’s home to detain the children after a team decision meeting, mother threatened both social workers. But Ms. Ivory [one of the case workers] described in her report, mother getting in her face and raising her hand while angrily confronting the social worker. And all of that in front of the children.

“On July 9th the children were detained and mother’s visits were ordered supervised and . . . I expressly stated: But not by father. . . .

“On July 17th mother has an angry outburst when the caregiver arrives with [the dependent daughter]. [Two older children are] present when mother is having this outburst, and, again, using profanity which she claims is not used in her household. So therefore she could not possibly have coached [the dependent daughter] because profanity is not allowed in her house, and she couldn’t have picked up that language in her house because it’s not used in her house.

“On July 24th the children had a visit with mother that was supervised. And the social worker noted that after that visit, because of mother’s interrogation essentially of the two boys and what went on, the children were in her words emotionally exhausted.

And the social worker was concerned about the effects of that visit on [the dependent daughter] who was present.

“On August 5th, mother called the social worker a bitch as the social worker was preparing to transport the children from the courthouse. That is right after leaving the court proceedings.

“Thereafter, the caregiver found a receipt for, it’s a parking receipt from Motel 6 in father’s clothing. And this is after she had testified father was transporting [the dependent daughter] for supposedly supervised visits with mother and he would be gone for at least one night, sometimes two nights, sometimes longer, but said it was none of her business what he was up to. She [the caregiver] found that receipt and she gave it to the social worker. And the social worker actually checked with Motel 6 and found that mother had rented a room at Motel 6 on July 15, 16, 17, 28 and 29.

“Mother had another outburst on the phone with the caregiver when the caregiver called so that [the dependent daughter] can speak with her mom and the caregiver asked mother about some burns that were on [the dependent daughter’s] hands when mother said, quote, ‘I’m tired of this bitch.’

“So then we proceed forward. On January 22nd, both mother and father had an overnight visit, after which [the dependent daughter] said to the caregiver, quote, ‘I’m ‘a fuck you up,’ end of quote. And she exhibited extreme tantrum behavior.

“[The dependent daughter] disclosed to her therapist . . . that mother told her to act up. The child reported that she would be, quote, rewarded with prizes if she engaged in negative behaviors. And then she described what those negative behaviors were to be, such as kicking the dog, being mean to the aunt and throwing items. And [the dependent daughter] reported to her therapist that she was angry and sad for being told to do these things.

“Then mom has a visit with [the dependent daughter] from March 11 to March 13. We heard a great deal of testimony, and we have in evidence facts relating to a domestic violence incident that occurred between [petitioner father] and mom at mother’s home.

This was not at 9 o'clock in the evening or 10 o'clock, which [petitioner father] testified to. That's completely incredible. . . .

"The very next day, on March 14th, something significant happens with [the dependent daughter]. She has an unbelievable outburst of behavior at school. It's very disturbing She tried to destroy the classroom. She spit in the teacher's face. And all this from this little girl. It is absolutely no coincidence that that behavior occurred the very next day after this violent, angry, loud confrontation occurred between mother and father.

"Now, as it relates to the testimony, I have to say, I almost, almost all but not all, agree with much of what Ms. Frey [counsel for the Bureau] had to say. . . . [The oldest daughter] clearly gave false testimony on some rather material issues before this Court. And she denied ever being present for the beating, which is not true. She denied ever being punched by her mother, which she had originally reported. She was clearly uncomfortable being here and it was visible in her testimony.

"That's one thing. When you read a transcript, it's so different than actually sitting here watching and listening, not only the words chosen but the manner in which a witness testifies. And . . . [the oldest daughter's] testimony before this Court was not credible.

"[The male dependent] . . . seemed very coached . . . and I did not find his testimony to be believable. . . .

"[Mother] testified. And I have to say, her testimony was pretty much undone by the . . . historical facts of this case, and then the impeachment of . . . the social worker That was complete false testimony before this Court. Mother's testimony was so unbelievable. She claims she had never struck her children with a fist. I find that to be false. She claimed that she didn't make the boys strip down. . . . I found that to be untrue. She said [the oldest daughter] never saw the quote, unquote whippings. That was untrue. She did not call the social worker the next day. In fact, the social worker didn't even find out about this incident until sometime later when she requested a historical

police contact at mother's residence. And that's when she learned for the first time of this incident.

“And I also thought it was rather significant that when lobbed a softball, why is your family before this Court, that mother's response was, as Ms. Frey noted, ‘Because my daughter took a recording to school.’

“When asked about the domestic violence incident and whether it could have impacted [the female dependent], mother said, no, she was asleep. She had no concerns about that. And she really has not expressed any concern about the behaviors her daughter has been exhibiting since that time except to believe that somehow it's . . . a lie . . . concocted by the caregiver and the therapist because they have some alleged preexisting friendship, which is not so, as the therapist testified that she didn't know this caregiver before. It's just really a lack of care that her daughter at her age is exhibiting this behavior and the things that come out of her mouth.

“Then [Father] testified, who is, I think been described by Ms. Bizzle-Jones [the case worker] as respectful, somewhat mellow, cooperative person, but very passive. He's passive in many respects. So he sat by, as he testified to and has been commented on, while mother was . . . quote/unquote, disciplining the boys in the next room with this leather belt with a knotted end, took no steps to move or remove [the dependent daughter] from the environment. And then not so passive, in direct violation of the Court's order, he took [the dependent daughter] and had visits with the mother in the motel room. And he engaged in—and this is significant and I don't think people have really commented on the significance of this—engaged in a domestic violence incident with the mother on March 13th and never reported that to the social worker.

“So he has stood by passively. And while he was testifying, [Father], I found him to be very evasive, did not answer questions directly. And he also seemed to take time to, for lack of a better term, to back fill, in other words, he would be provided with a question with some facts and he searched at times to find a way to respond to that, to almost invent and create facts that would meet the question posed to him. I did not find him credible at all. He was not at all forthwith [*sic*: forthcoming] with the Court.

“In terms of whether he is in substantial compliance with his case plan, first of all, he never participated in individual therapy and he said he didn’t, and he noted he was given—he let the first referral expire and he was given another one, but he works two jobs. He’s very busy. He’s got a lot going on and he didn’t do it. He completed a domestic violence program some years ago when he was convicted of a felony domestic violence offense—by the way, for which he served one year in county jail. That’s a significant sentence for a conviction of domestic violence. And yet he engaged in another incident during the course of this case.

“And all of these behaviors by the parents come after mom completed a 16-week anger management group provided by Patsy Phillips, who we heard a lot about. Mom’s participation in services through the Amador Institute, she was awarded that certificate way back on May 1st of 2015. She completed Proud Parenting program, it was an 11-week program, June 8th of 2015. So she certainly did—mom participated in many services. And what did she learn from those services? That was my point of going through the chronology of events here.

“Even though mom did those things, even though [the father of female dependent] completed a parenting class, completed 52 weeks of domestic violence, how did they put those services into practice and use in their daily lives and how it relates to their parenting of [the female dependent] at the moments that they were given opportunities, including family maintenance at one point for mom. Well, they have demonstrated not only a complete lack of understanding of the impact of their behavior on the . . . children, but they’ve done more than that. To subject your child to this constant barrage of conflict and profanity and arguments, screaming in the middle of the night, that is terrifying to children. And here we have a little girl who is telling us all how terrified she really is by what’s happened to her.

“When you actually lay out chronologically . . . what has happened to [the female dependent], I don’t think it’s as near a[s] big a mystery as mom or dad . . . would like me to believe it to be.

“I do not believe that either parent is able to safely parent this child. [Petitioner father] . . . has a very loving relationship with his daughter, but he has shown time and time again a complete lack of capacity to keep her safe. And the fact—I didn’t comment on his sister’s testimony, so I will take a moment and comment about her.

“You could have heard a pin drop in this courtroom when she testified. Her testimony was very moving. She was very credible. She loves her brother dearly. It was evident in her testimony. And that if you had to stack up the people she loved, it seemed to me that her loyalties first were with [petitioner father] before they were even with [the dependent daughter]. She loves her brother so much she was willing to help out here and try to provide a safe haven for [the dependent daughter] while the parents worked on things to get the daughter back. And I completely believe her and her testimony that that was her desire. She was very credible. And I believe her when she testified that father took all the clothes but one outfit, that father took one shoe to each pair of shoes. And what does that say? Those clothes aren’t for the caregiver, they’re for his own daughter.

“So I do find that each parent in fact does create a substantial risk of detriment to the child’s safety if this Court were to return either child This behavior that has gone on and on and on will undoubtedly perpetuate itself. And unfortunately this family has a gifted way of circling the wagons. And the deceit that has been perpetrated is such that I do not believe that there would be services we can put in place to put these children in the home of mother or [petitioner father] and keep them safe because of the level of deceit and also quite frankly the conduct that has gone on.

“So I am going to adopt and incorporate the recommended findings of the [Bureau] [¶] . . . that are set forth for both [the dependents], as I believe these to be the most appropriate in light of where we are today and the parents’ continued behavior that places their children at significant risk of both physical and emotional harm.”

When the court then inquired, “Do counsel waive reading and any irregularities as I adopt and incorporate these recommended findings in the Court’s order here today?” counsel for both petitioners answered, “Yes.”

DISCUSSION

The Safe Return Finding

“At the review hearing held six months after the initial dispositional hearing . . . the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child In making its determination, the court shall review and consider the social worker’s report and recommendations . . . , and shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself to services” (§ 366.21, subd. (e).) In order to find a substantial probability of return, the court must find the parent regularly visited the child, made significant progress in resolving the problem prompting removal of the child, and demonstrated the capacity and ability to complete the objectives of the case plan and provide for the child's safety, protection, and well-being. (§ 366.21, subd. (g)(1); see Cal. Rules of Court, rule 5.710(b).) This finding is reviewed for substantial evidence. (*In re E.D.* (2013) 217 Cal.App.4th 960, 966; *James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1020.)

Petitioners’ first contention is that the record does not contain substantial evidence to support the juvenile court’s finding that the dependents could not safely be returned to mother. The juvenile court’s ruling was quoted for the purpose of demonstrating that it was obviously the product of careful thought and reflected the court’s close attention to the evidence. Petitioners make no genuine effort to undermine either.

Petitioner mother points out “the record is uncontradicted that the mother . . . fully complied with all of her case plan objectives; She successfully completed not one—but two—parent education courses; she engaged in both individual therapy and an anger management class; she drug tested clean/negative on a consistent and random basis; and she visited on a regular and consistent basis, with all visits going exceptionally well. [¶] Additionally, the social worker . . . testified that the mother had safe and suitable housing

for the minor[s] to be placed . . . [and further] testified that not only had the mother fully complied with her case plan objectives, but she had demonstrated significant progress, particularly in regard to anger management.” Petitioner mother also notes that the Bureau “recommended returning custody of the minor[s] to [their] mother based on the mother’s demonstrated progress and performances. The [Bureau] asserted that there was no substantial risk of detriment to the minor[s] if returned to the custody of [their] mother.”

Yet the court clearly concluded all that ostensible progress counted for naught when the dependents came home for the unsupervised two-day visit in March 2015. It was what occurred on that visit that caused the Bureau to reverse its original recommendation, a reversal that petitioners do not mention. Neither petitioner makes any attempt to disprove the court’s conclusion that the actions and conduct of petitioners demonstrated “a complete lack of understanding of the impact of their behavior on the . . . children,” thus providing no assurance whatsoever that restoring custody to petitioners entailed no risk of a reoccurrence.

The Reunification Services Finding

“The court shall not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent” (§ 366.21, subd. (g)(1)(C)(ii); see Cal. Rules of Court, rule 5.708(m).)

“[W]henver a child is removed from a parent’s . . . custody, the juvenile court shall order the social worker to provide child welfare services to the child and the child’s mother” (§ 361.5, subd. (a).) “It is difficult, if not impossible, to exaggerate the importance of reunification in the dependency system. With but few exceptions, whenever a minor is removed from parental custody, the juvenile court is required to provide services to the parent for the purpose of facilitating reunification of the family. [Citation.] Each reunification plan must be appropriate to the parent’s circumstances. [Citation.] The plan should be specific and internally consistent, with the overall goal of resumption of a family relationship. [Citations.] The agency must make reasonable

efforts to provide suitable services, ‘in spite of the difficulties of doing so or the prospects of success.’ [Citation.]” (*In re Luke L.* (1996) 44 Cal.App.4th 670, 678.)

“The adequacy of the reunification plan and of the department’s efforts to provide suitable services is judged according to the circumstances of the particular case. [Citations.] . . . ‘[T]he record should show that the supervising agency identified the 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’ [Citations.]” (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1011.)

But the reunification services offered have only to be reasonable; perfection is not expected or required. (*In re Jasmon O.* (1994) 8 Cal.4th 398, 425; *Elijah R. v. Superior Court* (1998) 66 Cal.App.4th 965, 969.) “In almost all cases it will be true that more services could have been provided more frequently and that the services provided were imperfect. 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.” (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.) The reasonableness of reunification services is to be determined in light of all relevant circumstances, which include “the mental condition of the parent, her insight into the family’s problems, and her willingness to accept and participate in appropriate services.” (*In re Christina L.* (1992) 3 Cal.App.4th 404, 416.) “ ‘[T]he focus of reunification services is to remedy those problems which led to the removal of the children.’ ” (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 588.)

Finally, with an exception not applicable here, the maximum amount of reunification services is the 18-months petitioners have already received. (§ 361.5, subd. (a)(3) & (4).)

Petitioner mother contends the Bureau’s services were inadequate because they did not include “family therapy,” by which she apparently means joint therapy with herself and the dependent daughter. The case worker testified that “family therapy” was a part of petitioner’s case plan; that a session for petitioner and her daughter was

scheduled; but it was cancelled. The case worker testified that the session was initially set with the daughter's therapist but was cancelled because the daughter's caregiver, who would have to bring the daughter to the session, told the caseworker "over and over again about feeling very unsafe" in the presence of petitioner mother, and also because the therapist "suggested that an outside family therapist be contacted." This was when the 18-month review was initially scheduled, and when the Bureau was recommending that custody of the dependents be restored to petitioner mother. However, "there were two sessions of family therapy" with petitioner mother and her daughter "with Dr. Phillips at Amador Institute."⁵ The case worker further testified that once the review began, "the Court ordered me personally to supervise all visits. So I felt it appropriate to wait for the Court's order . . . before proceeding with any additional settings."

Petitioner father also assails only a single aspect of his case plan—he "was given referrals to a counseling agency that had a conflict because the mother was a client, one that had a wait[ing] list and one that did not call back. Those referrals then expired and a second set of referrals were given . . . [T]he Bureau should have helped the father find a counselor that could accommodate his schedule. It is not likely there are many that could. Instead, the Bureau just gave him names and let him fend for himself."

The juvenile court found the Bureau had provided reasonable reunification services. We have no difficulty in concluding that finding is supported by substantial evidence. Given that some family therapy was provided, petitioner mother is in effect arguing only that more should have been offered. In light of the very modest scope of her attack on the totality of the services provided, she is implicitly conceding that all other aspects of the Bureau's services were adequate. Petitioner mother cannot surmount the well-established principle that "in reviewing the reasonableness of the reunification services provided . . . , we must also recognize that in most cases more services might have been provided, and the services which are provided are often imperfect. The standard is not whether the services provided were the best that might have been

⁵ According to the caseworker, petitioner father "refused to go to therapy," and "I would not force him."

provided, but whether they were reasonable under the circumstances.” (*Elijah R. v. Superior Court*, *supra*, 66 Cal.App.4th 965, 969.) Her contention that more family therapy should have been provided is arguing for perfection, which is not the standard. (*In re Jasmon O.*, *supra*, 8 Cal.4th 398, 425; *In re Misako R.*, *supra*, 2 Cal.App.4th 538, 547.)

As for petitioner father, accepting the juvenile court’s characterization of him as “passive,” he must realize that the “requirement that reunification services be made available to help a parent overcome those problems which led to the dependency . . . 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. A parent whose children have been adjudged dependents of the juvenile court is on notice of the conduct requiring such state intervention.” (*In re Michael S.* (1987) 188 Cal.App.3d 1448, 1463, fn. 5; accord, *In re Nolan W.* (2009) 45 Cal.4th 1217, 1233.)

Finally, petitioners attack the court for using an incorrect burden of proof in finding that the Bureau had offered them reasonable reunification services. If there was error (see Cal. Rules of Court, rule 5.708(m)), it was agreed to, and thus invited, precluding petitioners from claiming it as a basis for overturning the challenged order. (See *In re G.P.* (2014) 227 Cal.App.4th 1180, 1193; *In re Jamie R.* (2001) 90 Cal.App.4th 766, 772.) If the issue had been preserved for review, it would fail. In light of the juvenile court’s comments, it would have reached the same result using a different standard of proof. The claimed error would thus qualify as harmless. (*In re Jesusa V.* (2004) 32 Cal.4th 588, 624 [“We . . . apply a harmless-error analysis when a statutory mandate is disobeyed”].)

DISPOSITION

The petitions are denied on their merits, and this opinion is final forthwith. (§ 366.26, subd. (l)(1)(C); Cal. Rules of Court, rules 8.452(h), 8.490(b)(2)(A).)

Richman, J.

We concur:

Kline, P.J.

Miller, J.