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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re PARIS S., a Person Coming Under
the Juvenile Court Law.

B235727

(Los Angeles County
Super. Ct. No. CK85044)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

SABRINA S.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Veronica
McBeth, Judge. Affirmed.

Thomas S. Szakall, under appointment by the Court of Appeal, for Defendant and
Appellant.

Andrea Sheridan Ordin, County Counsel, James M. Owens, Assistant County
Counsel, and Deborah L. Hale, Principal Deputy County Counsel, for Plaintiff and
Respondent.

Sabrina S. appeals from the juvenile court's order at the six-month review hearing denying her request for unmonitored visitation with her daughter, Paris S., who had been declared a dependent child of the court based in part on Sabrina's unresolved history of substance abuse and her mental and emotional problems that left her unable to provide regular care for Paris. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Four-year-old Paris was detained by the Los Angeles County Department of Children and Family Services (Department) in November 2010 following allegations Sabrina, then pregnant with another child, had physically abused Paris (choking, slapping and pushing her into a wall), had a history of methamphetamine and marijuana abuse and had severe emotional and mental problems for which she failed to take her prescribed medications. In January 2011 the juvenile court sustained portions of an amended dependency petition filed pursuant to Welfare and Institutions Code section 300, subdivisions (b) (failure to protect), as to Sabrina and Paris's presumed father, and (g) (no provision for support), as to the father only.¹

In sustaining the amended petition the court found Sabrina "has an unresolved history of substance abuse including methamphetamine and is a recent user of marijuana which renders the mother incapable of providing regular care for the child." The court also found Sabrina "has mental and emotional problems including bipolar disorder which renders the mother unable to provide regular care for the child. The mother has failed to take the mother's psychotropic medication as prescribed. In November 2008, the mother was voluntar[il]y hospitalized for the evaluation and treatment of her psychiatric condition." The court additionally found Sabrina's use of illicit drugs and her mental and

¹ It was originally alleged Paris's presumed father, Robert M., whose whereabouts were unknown, had failed to provide for Paris. The amended petition additionally alleged Robert had a criminal history including drug-related charges that made him incapable of providing regular care and supervision for Paris. All allegations relating to Robert were sustained.

condition endangered Paris's physical and emotional health and safety and placed her at risk of physical and emotional harm.

The court declared Paris a dependent child and ordered her suitably placed with Sandra W., a close family friend who had previously been appointed the child's temporary guardian by the probate court and had been caring for Paris since November 2009. (Sandra had initially befriended Sabrina when she was 14 years old and herself a dependent child of the juvenile court; Sabrina referred to Sandra as "mom.") The court ordered monitored visitation for Sabrina, two-to-three times a week for two-to-three hours each visit with Department discretion to liberalize those visits. Sabrina was ordered to participate in a drug rehabilitation program, parent education and individual counseling, to undergo a mental health evaluation and to take all prescribed medications.

At the time of the jurisdiction and disposition hearing Sabrina was residing in a rehabilitation center for pregnant women (Cedar House Rehabilitation Center), where she was receiving mental health and substance abuse treatment. The court observed Sabrina had made substantial progress toward alleviating the causes that had necessitated the dependency filing. In February 2011 Sabrina gave birth to another daughter, Lilly S. (Sabrina had earlier told the court this child's father was Jason S. According to Sabrina, he was an alcoholic and had been violent with her.)

In its report for the six-month review hearing initially scheduled for July 21, 2011 (Welf. & Inst. Code, § 366.21, subd. (e)), the Department stated Sabrina remained enrolled in an inpatient rehabilitation program where she was receiving mental health and drug treatment services and medication support. Sabrina visited with Paris according to the biweekly monitored visitation schedule ordered by the court with "no major problems to report. Mother and child are well bonded to each other." It appeared Paris enjoyed her visits with Sabrina and her infant sister, but Sandra indicated Sabrina needed to be reminded during each visit to be patient with Paris when she was having a tantrum or refusing to listen.

Although Sabrina was in compliance with her case plan, the Department recommended against returning Paris to Sabrina, explaining she had not yet completed her court-ordered programs and needed to continue to maintain her mental health. The Department recommended visitation remain monitored with discretion to liberalize. Sabrina disagreed with the Department's position, and the court continued the matter to August 23, 2011 for a contested hearing at Sabrina's request.

The Department filed an interim review report on August 17, 2011 for the continued six-month review hearing. In its report the Department informed the court Sabrina had been asked to leave the Cedar House Rehabilitation Center in mid-March 2011 because of her defiance and inappropriate behavior, which apparently included using profanity in front of children who resided there and fighting with other residents. Shortly thereafter, Sabrina was involved in a domestic violence incident with Jason S., Lilly's father; Sabrina was the perpetrator. Both Sabrina and Jason were under the influence of alcohol at the time. She was arrested and ordered by the criminal court to participate in a 52-week domestic violence program.

Sabrina enrolled in a new residential program, where she was again receiving substance abuse treatment, individual counseling and psychiatric care. However, the Department expressed concern Sabrina had only recently started the court-ordered domestic violence classes and her behavior during the preceding few months indicated she was not using the tools she had learned in her programs, particularly how to control her anger.

On-going monitored visitation with Paris was reported to be appropriate although the child was often upset during the visits (described as temper tantrums). According to the Department's social workers, Paris was safe during the visits because they were monitored. The Department recommended the visits remain monitored until Sabrina had further time to address her own issues.

At the contested six-month review hearing on August 23, 2011, Sabrina's counsel requested unmonitored visitation with Paris, explaining Sabrina was in full compliance

with the original case plan and was attending domestic violence counseling. Counsel insisted unmonitored visitation would pose no risk to the child but suggested, if the court had any concerns, the visits start on site at Sabrina's program "where there are service providers and other people who are going to be present, not monitoring mother by her side, but who will be present to note if there is anything inappropriate going on." Counsel for Paris also requested unmonitored visitation "with specific conditions"—that they begin in a very small increment, "perhaps one hour of time at least to start with," and that they occur at Sabrina's placement where there would be "plenty of staff available and around should something go wrong."

Counsel for Sandra, who had been granted de facto parent status by the court, opposed unmonitored visitation and referred to information from the Department reporting Sabrina had called Jason S. the week before while visiting with Paris and in violation of a restraining order, suggesting an ongoing relationship with a demonstrated potential for violence. As stated in its report, the Department also opposed unmonitored visitation based on Sabrina's recent alcohol relapse and domestic violence incident, but again asked that it be given discretion to liberalize visitation when appropriate.

Although the court recognized Sabrina had continued to make progress, it denied the request for unmonitored visitation based on her relapse with alcohol and assault on Jason S., as well as her relatively recent enrollment in a domestic violence program. The court also commented Sabrina's phone call to Jason S. demonstrated a "terrible lapse in judgment." Finally, the court said it had visited the residential program in which Sabrina was enrolled and believed more structure was needed for the court to be confident Paris would be safe there during otherwise unmonitored visits. The court ordered the Department to set up conjoint therapy between Sabrina and Paris, ordered visits at least two-to-three times per week for two-to-three hours each visit, as well as daily monitored telephone contact, and granted the Department discretion to allow unmonitored visits after consultation with the child's therapist.

Sabrina filed a timely notice of appeal, challenging only the court’s denial of her request for unmonitored visitation.²

DISCUSSION

To maintain ties between the parent and a dependent child and promote reunification, visitation between should be “as frequent as possible, consistent with the well-being of the child.” (Welf. & Inst. Code, § 362.1, subd. (a)(1)(A).) “Without visitation of some sort, it is virtually impossible for a parent to achieve reunification.” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1491; see *In re S.H.* (2003) 111 Cal.App.4th 310, 317 “[v]isitation is a necessary and integral component of any reunification plan”].)

An order setting the terms of visitation, however, is generally reviewed for abuse of discretion. (*In re Brittany C.* (2011) 191 Cal.App.4th 1343, 1356; *Los Angeles County Dept. of Children & Family Services v. Superior Court* (2006) 145 Cal.App.4th 692, 699, fn. 6.) “We will not disturb the order unless the trial court made an arbitrary, capricious, or patently absurd determination.” (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318; see *In re Brittany C.*, at p. 1356.)

At the disposition hearing in this case, after declaring Paris a dependent child of the juvenile court based on its findings regarding Sabrina’s history of substance abuse and ongoing emotional and mental problems, the court ordered frequent but monitored visitation between Sabrina and Paris. Sabrina did not challenge the disposition orders.

Between the disposition hearing and the six-month review hearing, although Sabrina participated in various court-ordered programs, she was required to leave her residential treatment facility because of disruptive behavior, she relapsed by using alcohol and, while under the influence of alcohol, engaged in a physical altercation with

² A 12-month review hearing (Welf. & Inst. Code, § 366.21, subd. (f)), was held on January 23, 2012. The minute order from the hearing does not reflect any change in the status of Sabrina’s visitation with Paris although the court on that date ordered unmonitored visits with Lily at Sabrina’s residential program. The 18-month permanency review hearing (Welf. & Inst. Code, § 366.22) was held on May 1, 2012, but continued for a contested hearing to June 27, 2012. Again, it appears Sabrina’s visitation with Paris remained monitored.

Jason S. Although Sabrina's counsel protested these incidents had occurred several months prior to the review hearing, by the time of the hearing Sabrina had not yet completed her treatment or domestic violence programs and her more recent phone call with Jason S. in violation of a restraining order indicated the danger of their volatile relationship remained current. Under all the circumstances the court's decision to order continued frequent visitation between Sabrina and Paris but to require that visitation remain monitored was well within its broad discretion.

DISPOSITION

The order of the juvenile court is affirmed.

PERLUSS, P. J.

We concur:

ZELON, J.

JACKSON, J.