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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

In re JOSE V., a Person Coming Under the
Juvenile Court Law.

2d Juv. No. B236726
(Super. Ct. No. J067368)
(Ventura County)

VENTURA COUNTY HUMAN
SERVICES AGENCY,

Plaintiff and Respondent,

v.

L.G. et al.,

Defendants and Appellants.

L.G. (Mother) and R.V. (Father) appeal a judgment of the juvenile court declaring that their son Jose V. is adoptable and terminating their parental rights. (Welf. & Inst. Code, § 366.26.)¹ We affirm.

FACTS AND PROCEDURAL HISTORY

Mother and Father are the parents of four children, A.V., U.V., J.V., and Jose V. Prior to residing in the United States, the family lived in Mexico where A.V. was sexually assaulted by a neighbor who mutilated his genitals.

¹ All statutory references are to the Welfare and Institutions Code.

On February 23, 2009, the Ventura County Human Services Agency (HSA) filed a dependency petition alleging that the children, including three-month-old Jose V., were at substantial risk of abuse because 10-year-old A.V. was sexually abusing his seven-year-old brother U.V. (§ 300, subd. (j).) In the report prepared for the detention hearing in juvenile court, HSA stated that U.V. reported that his brother sexually abused both him and his sister J.V. when his parents were absent. Mother stated to the HSA social worker that she did not believe U.V. because he "tend[ed] to lie about many things." The detention report concluded that Mother and Father have limited financial resources and little education and lack appropriate parent skills. The social worker recommended that A.V. be detained from the home and that the family receive reunification and maintenance services.

On February 24, 2009, the juvenile court detained A.V. in shelter care and ordered HSA to provide maintenance services to the family. The court then set the matter for a jurisdiction and disposition hearing.

On March 25, 2009, HSA filed a jurisdiction and disposition report with the juvenile court. A HSA social worker interviewed Mother and Father in the Spanish language. They agreed to participate in family reunification and maintenance services, although they stated that they believed their son U.V. was lying regarding the sexual abuse. HSA assigned an in-home parent aide to the family to assist Mother and Father with parent education and arranged for Mother and Father to commence individual and group sexual abuse therapy with PETSA (Program to Evaluate and Treat Sexual Abuse) later in the year. HSA noted that the services to Mother and Father would be provided in the Spanish language.

On March 25, 2009, the juvenile court held a jurisdiction and disposition hearing. Mother and Father were advised of and waived their right to a trial, and submitted the matter on the basis of the HSA report. The court sustained the allegations of the dependency petition, continued A.V. as a dependent child, and ordered that the family receive maintenance and reunification services.

Approximately one month later, HSA filed a supplemental petition pursuant to section 387 alleging that a boarder in the family home sexually abused (attempted rape) six-year-old J.V. Mother and U.V. saw J.V. sitting on the boarder's penis and J.V. and the boarder were undressed. Police officers arrested the boarder, who confessed to committing three sexual acts against J.V.

The juvenile court detained the three children, placed them in the care and custody of HSA, and set the matter for a jurisdiction and disposition hearing. The jurisdiction and disposition report filed with the court on June 16, 2009, stated that Mother reported that she was raped by an uncle when she was six years old. Mother also stated to an HSA social worker that the boarder's daughter had warned her before the incident that he sexually abused children. The reunification services plan prepared by HSA stated that "[t]he family shall participate in a PETSAs and/or a counseling program approved by the Human Services Agency to treat sexual abuse within the family. The parents shall focus on accepting the children's disclosure of the sexual abuse that has been occurring within the home and shall focus on how to help their children through this trauma."

On June 16, 2009, the juvenile court sustained the allegations of the supplemental petition, continued the four children as dependent children, and ordered HSA to provide reunification services to the family.

HSA continued to provide parent education services to the family through a parent aide. Mother and Father also participated in psychological counseling through California Lutheran University. Mother and Father began receiving individual counseling in the Spanish language through PETSAs on September 17, 2009.² The treatment goals in the individual counseling included "reviewing the PETSAs curriculum . . . in preparation for the group" and "learning . . . the signs of sexual abuse, the effects and dynamics of sexual abuse, denial, boundaries, triggers, perpetrator behavior, and

² Father's counsel later stated to the juvenile court that "the social worker did a lot of work and got--incredible bureaucracy to get started with Spanish-language PETSAs programming for the parents, who've already gone."

safety planning." Mother and Father diligently attended counseling sessions and consistently received parent education visits.

During the reunification services period, HSA discovered that U.V. suffered from serious psychological and behavioral problems, including suicidal ideation, and that J.V. and Jose V. suffered from developmental and speech delays. The children began receiving specific services for their medical and psychological problems. U.V., J.V. and Jose V. lived in English language foster homes following their detention.

In February 2010, Mother and Father commenced participation in the PETSA group program and attended 16 group sessions. The group facilitator reported to HSA that Mother appeared to have difficulty relating the concepts to her children and that Father did not participate in group discussions and seemed to have difficulty comprehending the material. The facilitator also reported that Father denied or minimized the sexual abuse of his children. The therapist translated all the materials verbally and provided written handouts in the Spanish language.

On June 11, 2010, the children's therapist reported to HSA that Mother and Father "do not understand the gravity of the sexual abuse that the children have suffered and they continue to rationalize it or minimize it."

At the November 4, 2010 contested 12-month review hearing, the juvenile court determined that Mother and Father had not received reasonable reunification services. The court ordered that they receive an additional six months of specific services.³ In response, HSA revised the services plan to include additional therapy regarding sexual abuse, additional parent education services, and housing referrals. On January 24, 2011, Mother and Father began therapy with "The Coalition" regarding child abuse, including sexual abuse.

On May 19, 2011, HSA filed a status review report with the juvenile court and recommended that the court terminate reunification services to Mother and Father.

³ The juvenile court judge stated: "I also think that they should have been given the opportunity to get more intensive services focused on their particular--or tailored to their particular backgrounds, which is a very low level of education."

HSA concluded that following 24 months of services, Mother and Father had not benefitted and were unable to provide a safe home for their children. In particular, HSA relied upon the conclusions of the parent aide that Mother and Father had difficulties implementing the parent education and lacked good judgment regarding care of their children. For example, Father stated to the aide that if the children are returned to his care, he will "lock A.V. in at night" to prevent his sexual access to his siblings. Parent aide Lupe Garcia concluded: "This worker has worked with [Mother and Father] for a total of nine months and there has been no eviden[ce] of change in their parenting style nor their understanding of their children's needs. Both parents have failed to demonstrate the ability to effectively parent their children"

On May 19, 2011, following a contested 24-month review hearing, the juvenile court terminated reunification services to Mother and Father and set the matter for a permanent plan hearing. In ruling, the juvenile court expressly found that reasonable services had been provided and that returning the children to Mother and Father's care would present a substantial risk to the children's safety and physical and emotional well-being. The juvenile court judge stated that although reunification services were not perfect, "[t]here are only so many things that we can do short of having somebody move into the parent's home and co-parent with them."

On October 4, 2011, the juvenile court held a contested permanent plan hearing. It received evidence of HSA reports, the dependency file, and testimony from the HSA social worker and Mother, and heard brief argument from the parties. The court then determined by clear and convincing evidence that Jose V. is adoptable and it terminated parental rights. In ruling, the juvenile court judge stated that her decision was "the right decision," but that she was not as "comfortable" with the decision as she would like, "for lots of different reasons," including the placement of the siblings in separate foster homes or shelters.

Mother and Father appeal the juvenile court's orders terminating their parental rights regarding their son Jose V. and contend that they did not receive sexual abuse therapy and other services in the Spanish language.

DISCUSSION

Mother and Father argue that the family reunification services were inadequate resulting in structural error requiring reversal of the juvenile court's order terminating their parental rights. They point out that they are illiterate, have little education, speak only the Spanish language and required the assistance of court interpreters during juvenile court hearings. Mother and Father add that they participated fully in the services offered and attended all visitations with their children.

There is sufficient evidence that HSA offered sufficient and adequate services to Mother and Father to remedy the problems leading to the loss of custody of their children. (*Amanda H. v. Superior Court* (2008) 166 Cal.App.4th 1340, 1345 ["The adequacy of reunification plans and the reasonableness of [the social services agency's] efforts are judged according to the circumstances of each case"].) Within one month of A.V.'s detention, an in-home parent aide began working with Mother and Father. Mother and Father began individual and couples counseling several months later at California Lutheran University with Ms. Guzman, a counseling intern. On September 17, 2009, they began individual counseling in the Spanish language with PETSAs therapist Diana Velasco. At an October 2009 review hearing, Father's counsel acknowledged the social worker's efforts in obtaining Spanish-language PETSAs services for the parents. Counsel for HSA also remarked that PETSAs agreed to "tailor" their program for Mother and Father who are the only Spanish-language participants in the program ("[it's] set up just for them"). Individual PETSAs counseling continued until the PETSAs group program commenced on February 11, 2010.

Mother and Father completed 16 out of 16 group PETSAs sessions with Ms. Velasco, who translated and provided many written materials in the Spanish language. Following completion of the group program, PETSAs recommended additional therapy for the parents. (They were not eligible to continue with PETSAs because they had already received 9 months of individual and group PETSAs services.) Mother and Father then began counseling regarding child abuse at The Coalition. Parent aide Garcia worked with Mother and Father for nine months to teach them to become effective parents.

Despite these services, Mother and Father did not benefit sufficiently to provide a safe home for their children. For example, Father's plan for the return of his children involved locking A.V. in a room at night to prevent his sexual access to his siblings. During a visit with the children in March 2011, Mother and Father fed U.V. seven "hot dogs" and 14 tortillas, then laughed as he was too satiated to participate in the visit. On another visit, Mother and Father instructed one child to use a public park restroom alone and ignored another child riding a bike too close to a pond.

"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 judgment is affirmed.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Tari L. Cody, Judge
Superior Court County of Ventura

Joseph D. Mackenzie, under appointment by the Court of Appeal, for Objector and Appellant L.G.

Deborah Dentler, under appointment by the Court of Appeal, for Defendant and Appellant R.V.

Leroy Smith, County Counsel, Linda Stevenson, Assistant County Counsel, for Plaintiff and Respondent.