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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re E. T., a Person Coming Under the  
Juvenile Court Law.

2d Juv. No. B238562  
(Super. Ct. No. J-1395354)  
(Santa Barbara County)

CHILD PROTECTIVE SERVICES,  
  
Plaintiff and Respondent,

v.

ADRIANA T.,  
  
Defendant and Appellant.

Adriana T., appearing in propria persona, seeks an extraordinary writ to vacate the order of the juvenile court terminating family reunification services and setting a hearing pursuant to Welfare and Institutions Code section 366.26.<sup>1</sup> (CT 185-186) We summarily deny the petition because petitioner has failed to comply with the requirements of rule 8.452 of the California Rules of Court.<sup>2</sup>

<sup>1</sup> All statutory references are to the Welfare and Institutions Code.

<sup>2</sup> All further references to rules are to the California Rules of Court.

### *Factual and Procedural Background*

Petitioner is the mother of E. T., born in March 2011. In April 2011 E. T. was placed in temporary protective custody. "[A] referral was received alleging that [petitioner] had reported to residents in her sober living home that she had 'grabbed the baby's . . . head and shook her so hard that she felt the baby's brain move'. " Petitioner had previously been diagnosed as suffering from "Schizophrenia with psychotic features." Petitioner reported that "she has a diagnosis of Bipolar Disorder." "Other concerns are psychosis secondary to long term methamphetamine abuse."

On May 23, 2011, the juvenile court declared E. T. to be a dependent child of the court. It removed her from the physical custody of petitioner and ordered that she be placed in the care and custody of Santa Barbara County Child Welfare Services (CWS) for placement in the home of a relative. Family reunification services were ordered to be provided to petitioner.

In a report filed on January 12, 2012, CWS recommended that family reunification services be terminated and that the matter be set for a section 366.26 hearing. One of the grounds for the recommendation was that petitioner had not "consistently random tested or attended group therapy through Project PREMIE," a drug treatment and recovery program. A letter from Project PREMIE stated: "[Petitioner] has excessive absences and multiple missed urine analysis tests. She appears to no longer benefit from treatment. . . . [¶] [Petitioner] appears to continue to struggle with mental health issues . . . which she refuses to address." CWS opined: "Because of [petitioner's] failure to participate fully in the treatment program and her resistance to addressing her mental health issues and seeking the necessary assistance and treatment for them, her ability to safely parent E. is of serious concern."

### *Discussion*

The petition must be accompanied by a memorandum providing "a summary of the significant facts, limited to matters in the record," with supporting citations to the record. (Rule 8.452(a)(2), (b)(1) & (3).) "The memorandum must state each point

under a separate heading or subheading summarizing the point and support each point by argument and citation of authority." (Rule 8.452(b)(2).) The memorandum "must, at a minimum, adequately inform the court of the issues presented, point out the factual support for them in the record, and offer argument and authorities that will assist the court in resolving the contested issues." (*Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 583.)

"The petition must be liberally construed . . ." (Rule 8.452(a)(1).) But a liberal construction cannot cure a complete failure to comply with rule 8.452. Here, petitioner states that the juvenile court's order was erroneous because petitioner "disagree[s] with the letter" from Project PREMIE. Petitioner alleges that she has tested "clean" on every test, has "done five groups a week" at "project preemie [*sic*] since December 3, 2010," and has "participate[d] in parenting classes through another agency called care net." (Attachment to Petition) Petitioner has failed to attach a memorandum containing a summary of the significant facts with supporting citations to the record. Nor has she offered "argument and authorities that will assist the court in resolving the contested issues." (*Glen C. v. Superior Court, supra*, 78 Cal.App.4th at p. 583.)

"Absent exceptional circumstances, the reviewing court must decide the petition on the merits by written opinion." (Rule 8.452(h)(1).) Petitioner's failure to comply with rule 8.452 constitutes exceptional circumstances justifying the summary denial of her petition: "Because of the intolerable burden that would otherwise be foisted on the Courts of Appeal, we deem the failure to tender and substantively to address a specific material issue or issues . . . to be 'exceptional circumstances' . . . which excuse the court from reviewing and determining a petition on the merits." (*Joyce G. v. Superior Court* (1995) 38 Cal.App.4th 1501, 1512; see also *Glen C. v. Superior Court, supra*, 78 Cal.App.4th at p. 584 [court announced that, in the future, it intended to summarily deny petitions that fail to comply with the requirements of rule 8.452]; *Anthony D. v. Superior Court* (1998) 63 Cal.App.4th 149, 157-158 [where

petition fails to meet the "threshold requirements" of rule 8.452, it should be summarily denied].)

*Disposition*

The petition for extraordinary writ is summarily denied.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Arthur G. Garcia, Judge  
Superior Court County of Santa Barbara

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Adriana T, appellant in pro per.

Dennis A. Marshall, County Counsel, County of Santa Barbara, Sarah A. McElhinney and Tonio Lorien, Deputy County Counsels, for Respondent.