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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

GARY R.,

Petitioner,

v.

THE SUPERIOR COURT OF VENTURA
COUNTY,

Respondent;

VENTURA COUNTY HUMAN
SERVICES AGENCY,

Real Party in Interest.

2d Civil No. B239800
(Super. Ct. Nos. J067944, J067945,
J067946, J067947)
(Ventura County)

Gary R. (Father), in propria persona, seeks an extraordinary writ and challenges an order of the juvenile court terminating family reunification services and setting a permanent plan hearing regarding his four minor children. (Welf. & Inst. Code, § 366.26, subd. (c).)¹ We summarily deny his petition for extraordinary writ.

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

FACTUAL AND PROCEDURAL HISTORY

Elizabeth V. (Mother) and Father are the parents of four minor children. Mother and Father have a long history of domestic violence and verbal abuse prompting police responses.

On September 14, 2010, the Ventura County Human Services Agency (HSA) filed a dependency petition on behalf of the minor children. HSA alleged that the children were at significant risk of physical or emotional harm due to the domestic violence that sometimes occurred in their presence. (§ 300, subd. (b).)

On September 15, 2010, the juvenile court held a detention hearing. It found a prima facie case regarding the dependency petition, placed the children in the temporary care and custody of HSA, and set the matter for a jurisdiction and disposition hearing.

Father, represented by counsel, requested a continuance of the contested jurisdiction and disposition hearing until December 9, 2010. He did not attend the continued hearing, however, and his attorney could not explain his absence, stating: "I urged him to be present, and so I have no real[] grounds for asking for a continuance. He's not here." The juvenile court then held an uncontested jurisdiction and disposition hearing and received evidence of HSA written reports.

Following brief argument by the parties, the juvenile court sustained the allegation of the dependency petition, continued the children as dependent children, and ordered HSA to provide family reunification services to Mother and Father. (§ 300, subd. (b).) The children were placed in the care of their maternal grandmother.

The family reunification services plan required Mother and Father to attend parent education and anger management classes, participate in counseling, and refrain from domestic violence, among other things. Father did not substantially comply with his services plan and on March 18, 2011, was arrested in Los Angeles for making terrorist threats and resisting arrest. Father provided HSA with a letter from his treating psychiatrist stating that she was evaluating him for schizoaffective or bipolar disorder and

had prescribed psychiatric medications for him. He refused to allow HSA access to his mental health records, however.

Shortly after the inception of the dependency, Father began to harass HSA social workers. Subsequently, the juvenile court issued restraining orders on behalf of three social workers assigned to his case. The harassment consisted of repeated threatening and profane telephone calls.

On May 24, 2011, Father appeared with counsel at a six-month review hearing. HSA recommended that the juvenile court terminate reunification services to Father. Father did not introduce evidence or testimony opposing HSA's recommendation. The court terminated Father's services but continued services to Mother.

By the year's end, Mother allowed her restraining order against Father to lapse and she began to contact him again. In turn, Father escalated his harassment campaign against HSA employees, leading HSA to obtain a workplace violence restraining order against him.

On January 3, 2012, HSA filed a modification petition to terminate reunification services to Mother and to set a permanent plan hearing regarding legal guardianship of the children. The hearing on the modification petition was continued at Father and Mother's request. On February 23, 2012, the juvenile court held a hearing on the modification petition. Father did not appear and telephoned the court clerk to request another continuance. The court denied the continuance request and the parties submitted the matter on the HSA report. The court granted the modification petition, terminated Mother's services, and set the matter for a permanent plan hearing.

Father challenges the juvenile court's orders terminating family reunification services and setting a permanent plan hearing. HSA responds in part that Father's writ petition contains many shortcomings--failing to comply with California Rules of Court, rule 8.452 concerning a statement of legal issues, citations to the appellate record, and discussion of legal authorities.² Father has also appended to his writ

² All further references to rules are to the California Rules of Court.

petition a collection of irrelevant documents and photographs, some of which bear his notations.

DISCUSSION

Pursuant to rule 8.452(a)(1)(D), a writ petition must include "[a] summary of the grounds of the petition." Rule 8.452(b)(1) provides that the petition must be accompanied by a memorandum providing "a summary of the significant facts" with supporting references to the record. "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 [court received "utterly deficient" writ petition].)

"The petition must be liberally construed" (Rule 8.452(a)(1).) But a liberal construction of the petition cannot cure a complete failure to comply with rule 8.452. The petition here does not contain a memorandum with a summary of the significant facts with supporting references to the record. Nor does it "offer 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).) Father's utter 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 or to furnish an adequate record 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 570, 584 [court announced that in the future it intends to summarily deny petitions that do not comply with rule 8.452];

Anthony D. v. Superior Court (1998) 63 Cal.App.4th 149, 157 [where petition fails to meet the "threshold requirements," it should be summarily denied].)

We summarily deny the petition for extraordinary writ.

NOT TO BE PUBLISHED.

GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Tari L. Cody, Judge
Superior Court County of Ventura

Gary R., in pro. per., for Petitioner.

No appearance for Respondent.

Leroy Smith, County Counsel, Oliver G. Hess, Assistant County Counsel,
for Real Party in Interest.