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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

CANDACE P.,

Petitioner,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

Respondent;

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES et al.,

Real Parties in Interest.

B240878

(Los Angeles County
Super. Ct. No. CK83864)

PETITION for extraordinary writ from an order of the Superior Court of Los Angeles County, Debra Losnick, Referee. Petition denied.

Law Offices of Timothy Martella, Rebecca Harkness and Trane Hunter for Petitioner.

No appearance for Respondent.

John F. Krattli, Acting County Counsel, James M. Owens, Assistant County Counsel, and Sarah Vesecky, Deputy County Counsel, for Real Party in Interest The Los Angeles County Department of Children and Family Services.

Maria Wimmer for Real Party in Interest A. P.

INTRODUCTION

This is a juvenile dependency case involving Candace P. (mother) and her son A. P. Mother petitions for an extraordinary writ challenging a juvenile court order terminating family reunification services. She contends the juvenile court's finding that Los Angeles County Department of Children and Family Services (DCFS or Department) provided her with reasonable services was not supported by substantial evidence. Mother further contends there was insufficient evidence to support the court's finding that A. was at substantial risk of detriment if he was returned to mother's custody. Finally, mother argues the juvenile court abused its discretion by declining to extend family reunification services pursuant to Welfare and Institutions Code section 352.¹ We reject all of mother's arguments and deny the petition.

FACTUAL AND PROCEDURAL BACKGROUND

1. *Mother's Life with A. in Washington, D.C.*

A. was born in Washington, D.C. in July 2005. Mother gave birth to A. after a six month gestation period. He only weighed about one and one-half pounds at birth. When A. was two years old, he was diagnosed with autism.

Shortly after birth, A. was detained by the Washington, D.C. Child and Family Services Agency (CFSA) CFSA had an open case for A. from 2005 to 2007, during which he was in foster care. After mother completed parenting and anger management classes, and participated in therapy and random drug testing, A. was returned to mother's custody.

Mother apparently had difficulty caring for A. without government assistance due to her mental disorders. She was diagnosed with bi-polar disorder and schizophrenia. While mother lived with A. in Washington, D.C., she and A. received support services, including daily nurse visits and mental health services. During this time period, CFSA received three referrals concerning mother's care for A., and apparently determined that each of them was unfounded.

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

According to Donna P. (maternal grandmother), near the end of mother's stay in Washington, D.C., mother called maternal grandmother and stated she would "die" if she remained in that city. Mother further stated she was isolated, she did not shop for food, she did not wash her clothes, and she did not clean her apartment. In maternal grandmother's view, the providers of social services "gave up" on mother.

2. *Mother's Relocation to Los Angeles*

In February 2010, mother and A. moved to Los Angeles to live with maternal grandmother and mother's sisters G. P. and Ariel P., who were 14 and 8 years old, respectively. According to maternal grandmother, mother was "helpless" without maternal grandmother's "daily assistance." Maternal grandmother cooked, cleaned and shopped for mother and A.

3. *The August 28, 2010, Incident Leading to the DCFS Referral*

On August 28, 2010, mother left home with her boyfriend to look for an apartment and cellular telephone. She did not tell maternal grandmother or A. about her plans. Later that day the police found A. home alone. He had been left unsupervised for at least four hours.

The police called DCFS to investigate. Children's Social Worker (CSW) Eleanor Clements found A. at the police station. A. smelled of sweat and urine, was not wearing underwear under his pants, and had dirt encrusted on his arms and face and dried blood smeared on his face. He had an "insatiable appetite." A nurse practitioner who examined A. found marks on his face, chest and back which made her suspicious of physical abuse. According to A., he was hit by a cable by his aunt G. . He also reported being beaten by maternal grandmother and stated that mother had punched him in the stomach. A. was placed with a licensed foster parent.

4. *Juvenile Dependency Petition and Commencement of the Case*

On September 1, 2010, DCFS filed a juvenile dependency petition requesting the juvenile court to assert jurisdiction over A. The petition alleged, inter alia, that mother

failed to protect A. from physical abuse and was unable to provide regular care for the child due to her mental health problems.²

On the same day the petition was filed, the juvenile court found that there was a prima facie case for detaining A. The court ordered DCFS to provide mother with family reunification services. It also ordered mother to have a minimum of three monitored visits with Angeles per week for three hours per visit or nine hours per week. Maternal grandmother, too, was permitted monitored visits with A.

5. *The September 29, 2010, Order Requiring Mother to Sign a Mental Health Care Release*

The juvenile court held a hearing on A.'s case on September 29, 2010. On that day the court ordered mother to sign a release allowing DCFS to obtain information from her mental health providers. The court also scheduled an adjudication hearing, which would be continued several times.

6. *Family Reunification Services Provided to Mother*

a. *The Department's Case Plan and MAT Report*

Even before DCFS filed its juvenile dependency petition, it began assisting mother. On August 29, 2010, CSW Clements drove to mother's home and dropped off a notice of an upcoming hearing and directions to get there. At that time she encouraged mother to enroll in a free parenting class with the City of Santa Clarita. Shortly thereafter, DCFS employees requested medical, dental and school records from Washington D.C. officials. CSW Clements also obtained a case history from CFSA employees.

In approximately September 2010, DCFS created an initial case plan for mother. About a month later, the Department's Multidisciplinary Assessment Team (MAT) issued a detailed report regarding A.'s case. The MAT included a psychologist, A.'s

² The petition also set forth allegations against David H., A.'s alleged father. David is not a party to this petition.

foster mother, and social workers. Both the initial case plan and MAT report identified issues mother needed to address and a plan for her to do so.

DCFS identified five main challenges mother faced. First, mother needed assistance with housing. DCFS thus gave mother a referral to the County of Los Angeles Housing Authority. The Department also provided mother information regarding transferring her “Section 8 Voucher” from Washington, D.C. to California. Additionally, DCFS attempted to directly facilitate the transfer of services, including housing services, from Washington, D.C. to California. Dependency Investigator Julie Byon contacted CFSA social worker Desiree Williams regarding mother’s social services. Williams stated that she needed clearance from her superiors before she could release information to Byon. Unfortunately, Williams never responded to Byon’s inquiry despite Byon’s repeated attempts to communicate with her about the matter.

Second, mother needed to obtain a mental health evaluation, as well as classes and medication to address her mental health and anger issues. DCFS provided numerous referrals relating to these problems, including a referral to clinical psychologist Christine Rundall, Ph.D. at Santa Clarita Valley Mental Health Center (SCV Center). Soon after receiving this referral, mother visited SCV Center, and began therapy with Dr. Rundall. Dr. Bong of SCV Center also prescribed medication for mother’s mental health issues.

Third, mother needed parenting education. DCFS gave mother referrals to several organizations providing parenting counseling.

Fourth, mother needed assistance with transportation. DCFS gave mother a referral to Access Services, which is the transportation services agency for Los Angeles County. The Department also provided mother \$36 per month to assist her with her transportation costs.

Finally, DCFS determined that mother would benefit from substance abuse treatment and randomized drug testing. Mother was given referrals for such services.

b. *Mother’s Hostile and Uncooperative Conduct*

The Department’s initial goal was for A. to be returned to mother’s home by March 2, 2011. In order to help mother successfully complete the Department’s

reunification plan, DCFS social workers periodically contacted or attempted to contact her. Unfortunately, mother was uncooperative and hostile with the numerous DCFS employees who attempted to assist her. This conduct materially undermined mother's efforts to reunify with A.

One major problem was that DCFS workers could not consistently contact mother for a variety of reasons. For example, on September 10, 2010, after Dependency Investigator Julie Byon was unable to reach mother by telephone, she sent mother a certified letter asking mother to contact her. Mother did not respond until two weeks later when she called Byon and complained about the letter. In a loud voice mother stated: "This is a rack of shit, and ya'll keep shoving this shit in my face. I told you people that I am dyslexic, but you people keep shoving this shit in my face. You people want to accuse me of hurting my child when I have never hurt A."

Throughout mother's conversation with Byon she was angry and yelling, and frequently used profanity. At the center of mother's anger was her apparent belief that people were not helping her with her problems. Mother complained that "you fucking people" [i.e. DCFS social workers] didn't help her transfer her medical insurance to California.³ She was angry that her "dumb" court appointed lawyer did not help her. She was upset that the "stupid lady"—CSW Clements—didn't "know anything."

Mother also refused to sign a release allowing DCFS to obtain information from her mental health care providers despite a court order requiring her to do so. On November 19, 2010, Byon spoke to mother about the issue. Mother stated that since DCFS had not helped her, she would not assist the Department. When Byon explained to mother that her lack of cooperation was not helping her reunify with A., mother stated that her cooperation "has nothing to do with reunification."

³ Mother was inconsistent on this point. She advised MAT assessor Jenine Arenas that she did not want to transfer her services from Washington, D.C. to California. Arenas also reported that mother was "agitated," "angry" and "paranoid," and "difficult to engage with."

On January 13, 2011, CSW Jeanette Lewis arrived at mother's apartment for an appointment. When Lewis knocked on the door, mother looked out the window at Lewis but did not open the door. Lewis kept knocking but mother did not answer. Lewis observed that mother's eyes were very red.⁴ On January 14, 2011, Lewis called Dr. Rundall regarding mother's therapy but could not obtain the information she sought because mother had not signed the required consent form. In a report dated January 27, 2011, DCFS concluded that mother "continues to be uncooperative, aggressive and confrontational towards the Department and the foster mother" On March 23, 2011, mother called Lewis and told her to not "bother" or "call" her again, and to not set up any visits because mother did not want to speak to Lewis anymore.

The next CSW to deal with mother was Rickena Jones, who was assigned to the case on July 6, 2011. Jones also had difficulty maintaining contact with mother because mother's cellular telephone was often not working and mother on several occasions refused to provide DCFS with her new telephone number. At times, mother's whereabouts were unknown. When Jones did reach mother, Jones found that mother was "hostile," "verbally assaultive," "aggressive" and "combative." Jones also noted that mother "denied any wrongdoing on her part and blamed everything on the Department." At one in-person meeting, after Jones provided mother with various referrals and a flyer for a job fair, mother walked out before the meeting concluded.

Mother also refused to provide Jones with a release so that Jones could obtain information from mother's psychiatrist and psychologist. Indeed, mother advised Jones that she told her doctors not to speak with the Department. When Jones asked mother how she was going to reunify with A. if she did not cooperate with the DCFS, mother responded angrily by blaming the Department for not helping her.

⁴ Although mother missed some random drug tests, there is nothing in the record indicating she tested positive for illegal substances. Mother stated, however, that she used "medical marijuana" to help her "cope with her current situation."

c. *Mother's Need for Financial Assistance*

One source of tension between DCFS social workers and mother was mother's ongoing financial problems and bouts with homelessness. In May 2011, the juvenile court ordered DCFS to assist mother in obtaining social security disability and other government benefits. In July 2011, mother complained to CSW Jones that DCFS was not "financially provid[ing]" for her and finding her a place to stay. Jones informed mother that the Department was not a "financial resource" and did not fund long-term housing. Jones also stated that the Department could assist her with locating low-income housing, but it would be mother's responsibility to pay her own rent. At some point, mother obtained social security disability payments, which she used to pay for housing and utilities.

d. *The Department's Assistance with Transportation*

Another source of tension between mother and DCFS social workers was transportation. As stated *ante*, mother was provided a referral to Access Services, as well as \$36 per month for transportation costs. Mother, however, often did not use public transportation. Instead, mother's boyfriend and (ultimately) in-home care worker Dennis S. drove her to various appointments in his car.⁵ Mother nonetheless claimed she needed additional transportation assistance at times. For example, in August 2011, mother told CSW Jones she needed additional transportation funds so that she could visit A. Over the course of the next two weeks Jones attempted to communicate with mother regarding this matter but was unable to do so because mother's telephone was disconnected and mother refused to provide Jones with her new number.

Mother had similar problems with CSW Candice Obilana. On February 29, 2012, mother asked Obilana for additional transportation funds so that she could attend therapy.

⁵ In December 2011, Dennis was retained by the state as an in-home care worker. In that capacity, Dennis provided daily assistance to mother with shopping, cooking, making appointments, laundry and "everything else" she needed to function. Dennis is sometimes referred to as mother's "fiancé" in the record.

Mother claimed that she had “overslept” one day and thus was required to incur a \$17 expense for a taxi cab ride to her parenting class. Obilana declined the request.

On March 20, 2012, mother asked Obilana for additional transportation funding so that she could visit A. at the DCFS Lancaster office. Obilana offered to pay for a \$14 round-trip ticket with Access Para Transit. But mother refused this offer and insisted the Department pay her boyfriend Dennis \$20 for driving her to the appointment. Mother claimed that she could not use public transit because she suffered “seizures.” Obilana offered to change the location of the visit to Palmdale, which was closer to mother, and to pay for a round-trip ticket to that location. Without agreeing about the transportation funding, mother confirmed she would visit A. at the DCFS Palmdale office on March 29, 2012. Mother, however, did not appear for that visit. When Obilana called mother to find out what happened, mother stated that she was sleeping and could not make the visit on that day.

On April 4, 2012, mother and Obilana had another disagreement about transportation funding. Mother again requested DCFS pay Dennis \$20 for transporting her to a visit with A. Obilana refused. She reminded mother that DCFS had provided her with a \$36 check for transportation, which mother had not used yet. Although mother and Obilana could not agree on transportation funding, mother was able to make the visit with Dennis’s assistance.

e. *Mother’s Belated Partial Compliance with the Case Plan*

For more than a year after DCFS created mother’s case plan, mother did little or nothing to comply with significant portions of the plan. In its report to the court dated December 9, 2011, DCFS stated that mother had not provided information regarding individual counseling, parenting classes and anger management classes. DCFS also stated that mother had not provided a release so that it could contact her mental health professionals to determine whether she was taking her medication regularly.

Beginning in January 2012, mother enrolled in individual counseling sessions and parenting and anger management classes. Mother completed a six-session parenting course. She did not, however, attend all of her scheduled individual counseling sessions and, according to her individual counselor, mother only discussed “surface issues.”

7. *Mother’s Sporadic Visits*

A. was placed in foster care shortly after DCFS intervened in August 2010. Although mother was ordered to visit A. three times a week, she only visited sporadically. When she did visit A., mother often left before the time period scheduled expired. According to an administrator at A.’s school, A. became “very aggressive” and had increased behavioral problems on the days after mother’s visits.

8. *Domestic Violence*

When DCFS first contacted mother, she admitted that she was involved in a domestic violence incident with her boyfriend “years ago.” Both she and her boyfriend were arrested.

On July 23, 2011, mother and Dennis were involved in an altercation. Mother hit Dennis several times in the face and abdomen. During the assault Dennis’s four-year old son was knocked over.

On August 18, 2011, Dennis called CSW Jones and described another altercation with mother. While they were arguing in a moving car, mother attempted to jump out. Dennis grabbed her shirt to keep her from falling out of the car. When the car came to a stop, mother falsely accused Dennis of trying to throw her out. She also punched him. Dennis advised Jones that he was seeking a restraining order against her.

On February 18, 2011, mother was arrested for committing battery on maternal grandmother. Mother had punched maternal grandmother in the arm.

On March 18, 2011, during maternal grandmother’s monitored visit with A. at a DCFS office, mother called maternal grandmother and threatened to kill her.⁶

⁶ Mother was scheduled to visit A. that day but had overslept and missed the appointment. When Supervising Children’s Social Worker Lisa M. Fleisher-Whitecrow spoke to mother over the telephone about her missed appointment, mother screamed at

9. *The Jurisdictional and Dispositional Order*

On June 23, 2011, after a hearing, the juvenile court sustained the Department's petition in part and declared A. a dependent child of the court. The court ordered that A. stay in the care of his foster parent. It also ordered DCFS to provide mother with family reunification services and mother to participate in monitored visits with A. The court scheduled on December 9, 2011, a six-month review hearing pursuant to section 366.21, subdivision (e).

10 *Six-Month Review Hearing and Order*

After several continuances, the juvenile court held a six-month review hearing on April 17, 2012. At the hearing, the court received into evidence numerous DCFS reports and other documents, and heard testimony from witnesses, including mother. Mother testified that after taking assigned classes and receiving in-home support services, she had the tools and the knowledge to properly take care of A. if he was returned to her care.⁷

At the end of the hearing, mother's counsel argued the court should return A. to mother. Alternatively, mother's counsel requested the court to make a finding that mother was not provided with reasonable services. Mother's counsel also asked the court to order family reunification services be provided to her beyond the maximum 18-month

Whitecrow and stated it was CSW Lewis's "responsibility" to call her and remind her about the visit. Mother then started screaming and shouting profanities at a third party in her physical presence. The screaming was so loud Whitecrow had to hold the telephone away from her ear. Eventually Whitecrow told mother that she was terminating the call because a productive conversation could not take place.

⁷ CSW Jones also testified. At one point, Jones expressed concern about mother purchasing too many sugary snacks from vending machines. During closing argument mother's attorney pointed out that mother purchased these snacks from the Department's own vending machines. She further stated: "Is it a set up? They [DCFS] put unhealthy food in the [Department] office, and when the parent buys the snacks for the child, it is a problem." The Court responded: "Good point." Mother makes much of this exchange in her brief. We do not find this a material issue because the juvenile court did not base any of its rulings on mother's decision to buy snacks from the Department's vending machines.

period for such services. Counsel for the DCFS and minor's counsel both argued that family reunification services should be terminated.

The juvenile court found that although mother was in "partial compliance" with the case plan, she had not benefited from the case plan to the point where it would be safe to return A. to her home. The court also found that mother had been provided "reasonable services." Finally, the court terminated family reunification services and scheduled a permanent placement hearing pursuant to section 366.26.

On May 17, 2012, mother filed a petition for extraordinary writ challenging the juvenile court's April 17, 2012, order. On May 23, 2012, we issued an order to show cause as to why the petition should or should not be granted.

DISCUSSION

1. *There Was Substantial Evidence Supporting the Juvenile Court's Finding That It Would Be Detrimental to A. to Return the Child to Mother's Custody*

Under section 366.21, subdivision (e), the juvenile court must return the child to his or her parent(s) at the six-month review hearing unless the court finds, by a preponderance of the evidence, that doing so "would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child." The parent's failure "to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental." (*Ibid.*)

We review a juvenile court's finding that returning a child to his or her parent would be detrimental under the substantial evidence test. (*Jennifer A. v. Superior Court* (2004) 117 Cal.App.4th 1322, 1345; *Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 763.) Under this test, "[w]e do not reweigh the evidence, evaluate the credibility of witnesses, or resolve evidentiary conflicts." (*In re Maria R.* (2010) 185 Cal.App.4th 48, 57.) Rather, we review the evidence in a light most favorable to the juvenile court's finding and draw all reasonable inferences in favor of the prevailing party. (*In re Maria S.* (2000) 82 Cal.App.4th 1032, 1039.)

Here, mother did not regularly participate in the case plan adopted by the court. According to the foster parents who cared for A., mother did not consistently visit A. as the court ordered. The DCFS reports also indicate that mother did not begin her required parenting and anger management classes and individual counseling sessions until about six months after the dispositional order and was only partially in compliance with these requirements by the time the postponed six-month review hearing took place. According to mother's individual counselor, mother did not make much progress in her sessions and only touched upon surface issues. Throughout the proceedings in the juvenile court, moreover, the DCFS could not confirm that mother was obtaining the psychological counseling and medication she needed to address her serious mental health problems.

There was also substantial evidence mother did not make substantial progress in resolving her anger management problems. During the proceedings mother was involved in several angry and violent altercations with her boyfriend and A.'s maternal grandmother. In her meetings with numerous DCFS employees, mother was consistently angry and verbally abusive.

Additionally, from the beginning of this case through the six-month review hearing, mother refused to take any responsibility whatsoever for her failure to take care of A. before he was detained, her failure to regularly visit him while he was in foster care, and her failure to fully comply with the case plan. She blamed everyone but herself for her problems. She was angry at DCFS social workers, her lawyer, her mother, her boyfriend, A.'s foster mother and others for not helping her but never took any personal responsibility during the reunification process. She instead insisted to DCFS social workers that her lack of cooperation and effort to address her problems was irrelevant to the issue of whether A. should be returned to her care.

Mother's belated and incomplete participation in the case plan, the lack of evidence that she received sufficient and consistent treatment for her severe mental health problems, her continuing inability to control her anger, and her astonishing lack of insight regarding her own responsibility to comply with the reunification plan were all factors the juvenile court could have considered in determining whether mother had made

enough progress for A. to be safely returned to her custody. There was clearly substantial evidence that mother did not make sufficient progress, and that returning A. to her custody would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child.

2. *There Was Substantial Evidence Supporting the Juvenile Court’s Finding That Mother Was Provided With Reasonable Family Reunification Services*

The DCFS must provide family reunification services to parents of children detained by the juvenile court unless the court finds one of the conditions specified in section 361.5, subdivision (b) exist. (§361.5, subs. (a) & (b).) The services must be “reasonable.” (*Armando L. v. Superior Court* (1995) 36 Cal.App.4th 549, 554.) “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.)

Reunification services “are voluntary, and cannot be forced on an unwilling or indifferent parent.” (*In re Jonathan R.* (1989) 211 Cal.App.3d 1214, 1220.) “ ‘The requirement that reunification services be made available to help a parent overcome those problems which led to the dependency of his or her minor children 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.’ ” (*In re Christina L.* (1992) 3 Cal.App.4th 404, 414.)

We review the juvenile court’s finding that DCFS provided mother with reasonable services under the substantial evidence test. (*In re Christina L., supra*, 3 Cal.App.4th at p. 414.) There was substantial evidence to support the juvenile court’s finding in this case.

DCFS became involved in this case because mother did not provide regular care for A. and failed to protect him from violence and danger due to her mental health problems, her lack of parenting skills, her inability to control her anger, and a host of related social problems. DCFS assembled a multi-disciplinary team to assess and analyze mother’s problems and then referred mother to programs—anger management and parenting classes, individual counseling, psychological and psychiatric care,

transportation assistance—to help her overcome them. DCFS social workers also attempted to regularly hold in-person and telephonic meetings with mother so that they could monitor her progress and guide her through the reunification process. Although mother did not consistently cooperate with the Department and failed to fully take advantage of the services offered, there was substantial evidence from which the juvenile court could have concluded reasonable services were made available to her.

Mother argues these services were not enough. She contends the Department should have given her additional services, “including assisting with transferring her programs from D.C., implementing in-home services, consulting with her psychiatrist, and providing her with transportation funds” This argument is without merit.

The Department in fact did make a concerted effort to transfer social services from Washington D.C. to California, though the authorities in Washington D.C. and mother herself did not fully cooperate in this effort. Ultimately, mother received financial assistance which she used for housing, as well as mental health counseling, medication and funds for transportation. We conclude DCFS acted reasonably in assisting mother transfer social services from Washington D.C. to California.

We are not sure precisely what mother means when she complains that DCFS failed to help her implement in-home services. The state provided mother with an in-home caretaker. In mother’s view, this was not enough. Mother contends she should have been enrolled in “a full-service partnership program.” She does not explain, however, the nature of this program or why it was necessary for her to reunify with A. She thus forfeited this argument. (*Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784-785 [“When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived”].)

Mother’s argument that DCFS failed to consult with her psychiatrist is frivolous. She denied DCFS permission to obtain information from her psychiatrist despite being ordered by the court to do so.

Finally, mother’s argument relating to transportation funds is unpersuasive. The Department in fact provided mother with \$36 per month for transportation and, when she

sought more help, offered additional funds for Access Services. Mother claims she could not use Access Services because she had “seizures,” but did not provide any evidence to support this claim. Moreover, mother was apparently able to overcome her transportation difficulties with the assistance of her boyfriend and caretaker who drove her where she needed to go.

Mother cites *In re Victoria M.* (1989) 207 Cal.App.3d 1317 (*Victoria*) and *In re Elizabeth R.* (1995) 35 Cal.App.4th 1774 (*Elizabeth*) to support her position. Her reliance on these cases is misplaced.

In *Victoria*, the reunification plan required a mildly mentally retarded mother to obtain a three-bedroom residence. (*Victoria, supra*, 207 Cal.App.3d at pp. 1320-1321, 1328.) The Department did not assist the mother with complying with this requirement and she was unable to do so. (*Id.* at p. 1328.) The plan also required the mother to take certain classes. Although the mother “tried hard and took some of the classes three times, she was unable to understand the skills or to apply them.” (*Id.* at p. 1329.) The court held that the Department did not provide sufficient reunification services because it did not take into account the mother’s intellectual limitations and tailor its services to the mother’s needs. (*Id.* at pp. 1327-1329.)

In *Elizabeth*, the mother had serious mental health problems that required her to voluntarily admit herself in a hospital at times. (*Elizabeth, supra*, 35 Cal.App.4th at pp. 1778-1780.) Although the mother had an “impeccable record of visitation and efforts to comply with the reunification plan,” she was unable to fully participate in reunification services due to her hospitalizations. (*Id.* at pp. 1777-1778)

Here, by contrast, DCFS in fact tailored its services to fit mother’s needs by, inter alia, helping her obtain mental health counseling and medications⁸ and referring her to parenting and anger management classes. Moreover, mother did not have an “impeccable” record of doing her best and cooperating with DCFS, and there is nothing

⁸ CSW Jones testified that in her seven and one-half year tenure as a social worker, about one out of every two cases involved a parent with mental health issues.

in the record indicating she was prevented from fully complying with the case plan due to her mental health problems. *Victoria* and *Elizabeth* are thus distinguishable from this case.

3. *Mother Forfeited Her Argument That the Juvenile Court Did Not Grant Her a Continuance of the Six Month Hearing Pursuant to Section 352*

Mother argues that the court abused its discretion by not “extending her family reunification services” pursuant to section 352. Section 352, however, does not permit a court to “extend” family reunification services. Rather, it grants the court discretion to continue a hearing upon a motion by a parent. (§ 352, subd. (a).) In order to file such a motion, the party must file written notice of the motion at least two days before the hearing, “together with affidavits or declarations detailing specific facts showing that a continuance is necessary, unless the court for good cause entertains an oral motion for continuance.” (*Ibid.*)

Here, mother did not request a continuance of the six-month review hearing before or during the hearing, pursuant to section 352 or otherwise. Instead, at the six-month review hearing, she asked the juvenile court to “order services beyond the 18-month date where appropriate.”⁹ Mother thus forfeited her argument that the trial court abused its discretion by not granting a section 352 motion.

⁹ Family reunification services for parents of children over three years old are generally limited to a one-year period but the juvenile court may extend services “up to a maximum time period not to exceed 18 months after the date the child was originally removed from physical custody of his or her parent.” (§ 361.5, subd. (a)(1)(A) & (a)(3).)

DISPOSITION

The petition is denied.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

KITCHING, J.

We concur:

KLEIN, P. J.

ALDRICH, J.