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

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

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LOS ANGELES COUNTY DEPARTMENT  
OF CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

CARRIE J.,

Defendant and Appellant.

B263636 c/w B266624

(Los Angeles County  
Super. Ct. No. DK01112 )

APPEAL from orders of the Superior Court of Los Angeles County,  
Stephen Marpet, Commissioner. Affirmed.

Darlene Azevedo Kelly, under appointment by the Court of Appeal, for Defendant  
and Appellant.

Mary C. Wickham, County Counsel, Dawyn R. Harrison, Assistant County  
Counsel, and Navid Nakhjavani, Deputy County Counsel for Plaintiff and Respondent.

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Carrie J. (mother) appeals two orders denying petitions filed pursuant to Welfare and Institutions Code section 388.<sup>1</sup> In each petition, mother sought her daughter's return to her custody and the termination of juvenile court jurisdiction. We conclude that the juvenile court did not abuse its discretion by denying mother's petitions, and thus we affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **I.**

#### **Detention, Jurisdiction, and Disposition<sup>2</sup>**

S., born in August 2005, is the child of mother and alleged father Eric G. (father). In March 2014, the Orange County Social Services Agency (SSA) filed a dependency petition on behalf of S., alleging she suffered or was at substantial risk of suffering serious physical harm due to mother's failure to adequately protect her, or mother's inability to properly care for her due to substance abuse, or both.

The petition was based on five factual allegations. First, mother did not timely pick up S. from school, and when mother arrived she was intoxicated. After failing to pass a field sobriety test, mother was arrested for driving under the influence and for driving with a blood-alcohol level of .08 percent or higher. Second, mother and child had been homeless for the past month and were living in mother's car. Third, mother "may have a substance abuse problem." Fourth, mother had hit S. with a belt. Fifth, the father's whereabouts were unknown and he had not provided support or care of S.

At the jurisdiction and disposition hearing, the court admitted the jurisdiction and disposition report, three addenda, and mother's guilty plea to driving under the influence. In addition, the children's social worker (CSW) and mother testified. The evidence showed the following:

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

<sup>2</sup> The text of this section is taken in significant part from the Court of Appeal's opinion in mother's appeal from the jurisdiction and disposition orders. (*In re S.G.* (Dec. 11, 2014, G050454) [nonpub. opn.] )

In March 2014, S. was taken into protective custody after mother arrived to pick her up from school 90 minutes late and under the influence of alcohol. After waiting 45 minutes, when it was unable to contact mother and learned her emergency contact lived out of state, the school called the sheriff's department. When mother arrived, the deputy noticed alcohol on mother's breath and asked her if she had been drinking. She said she had consumed two drinks but was not drunk and could drive S. home. Mother was arrested after she failed a field sobriety test; her blood-alcohol level was found to be .134 percent. Mother told the sheriff she and S. had been living in motels until five days earlier when her money ran out, at which time they began living in her car. She was trying to get into a shelter. S.'s father's whereabouts were unknown.

Mother pleaded guilty to driving under the influence. However, she subsequently denied being intoxicated, stating she had had only had two glasses of wine. Mother said she had no problems walking or with her speech when she arrived at the school. She was a social drinker and drank only when she could afford it, two to three times every couple of months. Mother was late picking up S. because of car problems. She could not call the school until her car was started because she needed to charge her cell phone.

After her arrest, mother remained in jail for three days and S. was placed with M.B., the mother of S.'s best friend. M.B. reported that S. was bowel incontinent and was having accidents one to two times per day. According to M.B., S.'s doctor said the incontinence could be related to trauma.<sup>3</sup> S. was also reported to have food allergies and to "be frightened of 'making my mom mad.' "

In late May 2014, S. was removed from M.B.'s home after M.B. reported that S. had engaged in inappropriate sexual touching of other children, including M.B.'s daughter.

At the June 26, 2014 jurisdiction and disposition hearing, the CSW testified that mother had neither stayed in contact with SSA nor kept it informed of her residence or

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<sup>3</sup> SSA noted that S. had been diagnosed with enuresis and encopresis (bladder and bowel incontinence) as early as 2012.

programs. The CSW had unsuccessfully tried to call mother several times, and mother had missed two appointments with her.

Mother testified she had pleaded guilty to driving under the influence, but had not read the plea agreement and intended to have the plea set aside. She had not yet enrolled in an alcohol treatment program because she had just started a new job. She was trying to obtain services through the Veterans Administration (VA). Mother admitted she had not kept in contact with the CSW because she “ha[d] issues” with her. Mother found it difficult to communicate with her because the social worker was intimidating and “mak[ing me] out to be like this bad person, which I’m not.”

In sustaining the petition, the court deleted the allegation that mother had hit S. with a belt, and amended another allegation to read that mother “may have an alcohol abuse problem.” The court then ordered mother to submit to alcohol testing and to complete an alcohol treatment program, among other things.

Mother appealed the June 26, 2014 jurisdiction order. The Court of Appeal (Fourth Appellate District, Division Three) affirmed, finding sufficient evidence to support jurisdiction. It explained: “At the time of her arrest, mother denied being intoxicated. More importantly, even after pleading guilty to driving under the influence, when discussing the incident with the social worker mother continued to dispute her intoxication. She insisted she had been able to walk and talk and explained she was only driving a short distance. Mother also proclaimed she was attempting to have the conviction overturned. . . . [¶] Additionally, mother had failed to register for the alcohol treatment program required as part of her probation for three months after her conviction, pointing out, ‘I got delayed.’ This resulted in a probation violation, although she later obtained an extension from the criminal court, explaining she had not had the money to enroll in the class. [¶] Mother also did not keep in contact with her social worker, failing to return calls, and missing two appointments, because she ‘ha[d] issues’ with the social worker. Further, mother missed individual counseling appointments, resulting in a suspension from the program. [¶] These facts taken together support a finding mother was neither acknowledging nor addressing the drunk driving incident that caused the

initial detention. While we applaud mother's negative drug tests, her hostile and 'obstructionist' behavior vis-à-vis SSA and failure to participate in other programs demonstrate a lack of commitment to resolving the problem that initiated the SSA process. This certainly supports an inference there is a substantial risk the conduct would occur again, placing [the] child in serious danger of harm." (*In re S.G.*, *supra*, G050454, at [pp. 7-8].) The court also noted that mother was homeless, and while it acknowledged that homelessness alone is not a basis for jurisdiction, "in conjunction with the potential for driving under the influence, living in an automobile increases the substantial risk of harm to [the] child." (*Id.* at [p. 9].)

## II.

### **Six Month Review; Subsequent Transfer of Case to Los Angeles County**

S. was placed in a new foster home in July 2014. In September 2014, SSA filed a six-month progress review report, which stated that mother refused to speak to the CSW on the telephone, communicating with her only by email. Mother reported having enrolled in individual therapy, but while she would allow her therapist to verify her participation in therapy, she would not allow the therapist to speak to the CSW about what was discussed. Further, mother had started a 12-step program and obtained a sponsor, but she had not enrolled in a substance abuse program because she lacked the funds to do so. SSA recommended that reunification services be continued for another six months.

On September 11, 2014, the juvenile court adopted SSA's recommendations and continued the six-month review hearing to December 19, 2014.

On October 30, S.'s foster mother said she could no longer care for S. Among other things, it was noted that S. had encopresis, food allergies, difficulty focusing in school, and difficulty completing class assignments. S. was placed in the Orangewood Children's Home, a group home.

On November 6, 2014, mother met with the CSW. Mother was very agitated and said "she [did] not need to be micromanaged by [SSA] or [the CSW] in order to complete activities on the current case plan." Mother said her previous CSW had told her she

could enroll in any services she selected “and could do whatever she wished to do.” Mother said SSA had never contacted any of her service providers, and she asked why this was so. The CSW explained that she had not contacted any of mother’s service providers because mother had not authorized her to do so. Mother said she had authorized her therapists to verify that she was seeing them. The CSW explained that she had to speak with the therapists about mother’s treatment, and the therapists had to review the petition and the court reports and work actively with mother on the issues addressed in the petition. Mother then provided the CSW with evidence of having attended three 12-step meetings. Mother said she had given her attorney a certificate of completion of a parenting class, and asked whether the certificate had been given to the CSW; the CSW said it had not.

SSA filed an interim report with the court in December 2014. It said the CSW had not met regularly with mother because mother often cancelled appointments or was unwilling to meet. Further, mother had not yet provided the CSW with proof of completion of parenting or alcohol abuse programs. However, mother had regularly drug tested and all tests were negative. Mother also consistently visited S. and was reported to interact appropriately with her. SSA recommended that S. remain under its supervision and that mother be ordered to continue to participate in services.

On December 19, the court continued the hearing to January 12, 2015. On January 12, 2015, the court found continued supervision was necessary, returning S. to mother would create a substantial risk of detriment to her safety, protection, or physical or emotional well-being, and reasonable services had been provided to mother. Also on January 12, 2015, the court ordered the case transferred to Los Angeles County, where mother was then living.

### III.

#### **First Section 388 Petition (February 2015)<sup>4</sup>**

The case was transferred to Los Angeles County on January 27, 2015, and supervision was assumed by the Los Angeles County Department of Children and Family Services (DCFS). In February 2015, DCFS reported that S. had been placed at the Maryvale Emergency Shelter. S. was being considered for a possible medical placement because her records indicated she had asthma, allergies, enuresis, and encopresis. DCFS recommended that S. receive psychological counseling, but it had not yet referred her for counseling because mother refused to sign a consent form.

The CSW met with mother on February 2, 2015. Mother told the CSW she had completed all the requirements of her case plan and was not currently enrolled in any services. She also reported that she was taking four community college classes and was working toward becoming a paralegal and getting a job. The CSW gave mother a packet of referrals, but mother refused to sign the form acknowledging that she had received them. Mother again refused to authorize mental health services for S., explaining that she did not think her daughter needed any services. Mother provided the CSW with evidence that she had completed a 10-week parenting class, regularly attended individual counseling, and regularly attended Alcoholics Anonymous (AA) meetings. Mother had not enrolled in an outpatient alcohol abuse program, but she tested negative for all substances on February 6, 2015.

In its February 19, 2015 report, DCFS acknowledged that mother was in partial compliance with her case plan, but recommended an additional period of supervision. It explained: “[T]his CSW is concerned [about] the safety and well-being of the child [S.] This CSW asked [mother] several times if her daughter has had any medical issues or concerns[,] to which [mother] always indicated that she did not. During the period of supervision, [DCFS] was able to review medical files that identify a medical history

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<sup>4</sup> The order denying the first section 388 petition is not the subject of this appeal; this appeal concerns only the second and third section 388 petitions, which we discuss below.

which include[s] asthma, allergies, enuresis, and encopresis. This lack of disclosure to CSW poses a risk to her daughter as she is unwilling to acknowledge health needs of [S.] In addition, issues such as enuresis and encopresis require mental health treatment to which mother does not want to consent. . . .”

On February 19, 2015, the court continued the hearing to February 23, 2015.

On February 23, 2015, mother filed a request for change of court order pursuant to section 388. Mother asked that S. be returned to her care so mother and daughter could transition to a shelter for families. In support, mother stated: “I did not have my six month review on December 19, 2014. I completed all of the reunification services that the judge ordered before December 19, 2014 but I was told by my attorney that I would have a better chance of getting my daughter back in Los Angeles County, so he said he would transfer my case to LA on December 19th.” Mother stated the requested change would be better for S. because “[t]here has been constant movement to different foster care/group homes that has been a negative impact on [S.’s] academic studies. I respectfully request that the judge read my objections and corrections to the [CSW’s] report to show that there is no evidence of substantial risk if [S.] was returned to her mother today.” Mother asked that the court make a decision on her petition “without a court hearing.”

At the February 23, 2015 hearing, the court told mother that “[i]n reviewing the entire file it seems that you’ve done a lot but one of the huge components that the [Orange County Juvenile Court] had ordered you to do back in June of last year was to do [an alcohol] program. I don’t see that you’ve completed [an alcohol] program.” Mother’s attorney responded that mother had participated in a program through the Department of Veterans Affairs in Orange County; mother said the program had been determined to be appropriate by Orange County Juvenile Court, but her attorney acknowledged that such determination was not reflected in the court’s records. The court responded that mother had “done a lot” and asked DCFS to look into liberalizing visits. The court then denied the section 388 petition, finding that “the request does not state new evidence or a change of circumstances,” and set the case for a continued hearing on

March 19, 2015. The court explained that it was denying the section 388 petition because “there isn’t a sufficient change of circumstance. You’re changing but [I can’t find a change] unless and until I get that substantiation that this drug program that you did at the V.A. is one that’s consistent with an appropriate drug program, and that’s the reason. So it’s changing but I need to have it changed. That’s the way the statute reads. But we can certainly address all these things at the next hearing, that’s why we’re setting this progress [hearing].”

#### **IV.**

##### **Second Section 388 Petition (March 2015)**

S. began individual therapy on March 5, 2015. As of the same date, mother had enrolled in an outpatient substance abuse program through Plaza Community Services in Los Angeles and had taken seven drug tests; all were negative. Further, mother had completed a parenting class, attended therapy, randomly drug tested, and attended AA meetings in Orange County. Mother told her CSW she was continuing to participate in therapy at Bell Shelter, but the CSW was unable to verify this information. Further, according to DCFS, “[i]t is still unclear as to whether mother’s substance abuse program in the VA was enough to qualify as a comprehensive program. CSW attempted to verify with the VA but was unsuccessful. [A legal assistant] also attempted to obtain information regarding the VA but needed consent forms from [mother] to proceed. On 3/3/15 [the CSW] made contact with [mother] but was unable to obtain information or gather consents. Mother indicated that she would provide the court with information pertaining to the VA at the date of the following hearing. [The supervising CSW] also attempted to contact mother but did not receive a response.”

DCFS reported that although mother was regularly visiting S. and the visits were going well, it was not able to liberalize visits because it could not verify mother’s progress in her programs. It explained: “Since January 2015, when the case was transferred from Orange County to Los Angeles County, the Department has attempted to meet with the mother on numerous occasions. The Department has attempted to meet with the mother by emails, telephone calls and or in person. Over the two and [a] half

months, the Department has tried to obtain mother's consent for medical, education rights and mental health related issues regarding [S.]. The Department is respectfully recommending the Court give DCFS the authority and consent to meet all the needs of the minor including medical, dental, educational and mental health. The birth mother will not sign the consent forms and denies that [S.] has any need for any services." DCFS further recommended that S. remain a juvenile court dependent and the case be set for a 12-month review hearing in May.

Mother filed a second request for change of court order on March 16, 2015, three days before the review hearing scheduled for March 19, 2015. Mother stated that since the last court order, "[S.] has had an ongoing fever that led to her being in urgent care overnight on 3/5/15. She has [been] in LA DCFS custody for little [over] 30 days and is at substantial risk of neglect to her medical, physical and emotional well being." Mother requested that S. be returned to her care and that the dependency case be terminated. In support, mother submitted (1) an enrollment letter from Plaza Community Services, which stated mother was being treated for substance abuse related issues and would be required to attend group sessions three times per week, random drug testing once a week, individual substance abuse counseling, and two Narcotics Anonymous/Alcoholics Anonymous (NA/AA) meetings per week, (2) a letter from the Salvation Army shelter, stating that mother had begun attending weekly individual therapy and on-site AA meetings, and (3) progress notes from individual and group therapy sessions at the VA between September 12 and December 17, 2014.

The court held a combined status review/section 388 hearing on March 19, 2015. Mother's counsel requested a several week continuance of the status review hearing; the court granted the request, continuing the hearing to April 14, 2015, and also set a 12-month review hearing for May 27, 2015. The court also summarily denied the section 388 petition, finding that it did not state new evidence or a change of circumstances, and the proposed change was not in S.'s best interests. Mother timely appealed from the order denying the section 388 petition.

#### **IV.**

### **Third Section 388 Petition and 12-Month Review Hearing**

**(May 2015)**

The April 14, 2015 interim review report said S. had begun receiving weekly individual and group therapy and would begin receiving tutoring. Staff reported that since S.'s placement at the group home, she had exhibited positive behaviors and had not acted out sexually. She was no longer bladder or bowel incontinent. Mother was visiting S. every Friday and Saturday. S. reported that she was happy at the group home but wanted to reunify with mother. Mother said she believed she had complied with the court orders and wanted to reunify with S. DCFS recommended that S. remain in her current placement.

The April 14, 2015 hearing was continued to May 27, 2015, the date previously set for the 12-month review hearing, apparently because mother was not present when the case was called on April 14.

DCFS filed a 12-month status review in advance of the May 27, 2015 hearing. It said the Maryvale staff reported S. continued to behave appropriately and had not acted out sexually. DCFS reported that mother had completed many components of her case plan, but recommended that services be continued for another six months to allow mother to better implement what she learned in her counseling programs and to secure permanent housing.

One day prior to the 12-month review hearing, mother filed a third request for change of court order, asking the court to terminate its jurisdiction. Mother stated that she had completed all court-ordered services, and that the requirement to participate in additional services was making it impossible for her to get a job or secure stable housing. She said the requested order would be better for S. because S. was behind in school, missed mother, and was getting sick frequently. Mother attached a letter from Plaza Community Services, which stated that since her intake in early March, mother had completed 20 group sessions, including six addressing substance abuse issues, and had had seven negative drug/alcohol tests. Mother also attached a letter from a counselor

who said that mother had taken advantage of services available at the Salvation Army shelter, including individual therapy and AA meetings. Finally, mother attached an email exchange with S.'s teacher in which mother requested a parent-teacher conference; the teacher responded that S. had expressed "how much she misses [mother] and how much she would like to be back with [mother]."

At the May 27 hearing, mother's attorney asked for a continuance of the 12-month review hearing;<sup>5</sup> the court granted the request and continued the hearing to June 22, 2015. With regard to the section 388 hearing, the court said "at this point, I am going to deny it and you can talk to your attorney about that issue . . . It's not in the minor's best interest at this time and not sufficient change of circumstance."

Mother appealed from the May 27, 2015 order denying the section 388 petition.

## **DISCUSSION**

Before us are two separate appeals that have been consolidated for oral argument and decision. The first appeal is from the March 19, 2015 order denying mother's second section 388 petition (first appeal). The second appeal is from the May 27, 2015 order denying mother's third section 388 petition (second appeal).

### **I.**

#### **Legal Standards**

Section 388 provides, in pertinent part: "(a) 1. Any parent or other person having an interest in a child who is a dependent child of the juvenile court . . . may, upon grounds of change of circumstance or new evidence, petition the court . . . for a hearing to change, modify, or set aside any order of court previously made. . . . The petition . . . shall set forth in concise language any change of circumstance or new evidence that is alleged to require the change of order. . . . [¶] . . . [¶] (d) If it appears that the best interests of the child . . . may be promoted by the proposed change of order, . . . the court

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<sup>5</sup> The minute order of the May 27, 2015 hearing indicates that the court granted mother's attorney's request to be relieved, appointed new counsel to represent mother, and continued the hearing to June 22, 2015 to allow mother's new counsel to become familiar with the case and to speak with mother.

shall order that a hearing be held and shall give prior notice, or cause prior notice to be given [to the parties].”

Section 388 petitions “are to be liberally construed in favor of granting a hearing to consider the [petitioner]’s request. [Citations.] The [petitioner] need only make a prima facie showing to trigger the right to proceed by way of a full hearing.” (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309-310.) “A ‘prima facie’ showing refers to those facts which will sustain a favorable decision if the evidence submitted in support of the allegations by the petitioner is credited.” (*In re Edward H.* (1996) 43 Cal.App.4th 584, 593.) “Whether [the petitioner] made a prima facie showing entitling [the petitioner] to a hearing depends on the facts alleged in [the] petition, as well as the facts established as without dispute by the [dependency] court’s own file. . . .” (*In re Angel B.* (2002) 97 Cal.App.4th 454, 461.)

We review a denial of a section 388 petition for an abuse of discretion. (*In re Angel B., supra*, 97 Cal.App.4th at p. 460.)

## II.

### First Appeal (Second Section 388 Petition)

Mother contends that the juvenile court abused its discretion by summarily denying her second section 388 petition (filed March 16, 2015) on March 19, 2015. For the reasons that follow, we do not agree.

The “changed circumstances” mother identified in her second section 388 petition were that S. had “an ongoing fever that led to her being in urgent care overnight on 3/5/15” and “is at substantial risk of neglect to her medical, physical and emotional well being.” Mother asked that S. be returned to her care, urging that the proposed change of order would be in S.’s best interests because “all [S.’s] medical needs [were] addressed while in my care.”<sup>6</sup>

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<sup>6</sup> Mother’s appellant’s opening brief urges that the juvenile court erred in failing to hold a hearing on mother’s second section 388 petition because mother “made a prima facie showing that she had participated in an acceptable substance abuse treatment

As we have said, the juvenile court has discretion whether to provide a hearing on a petition alleging changed circumstances, and a hearing may be denied if the application fails to reveal any change of circumstance or new evidence that might require a change of order. (*In re Aljamie D.* (2000) 84 Cal.App.4th 424, 431-432.) In the present case, the juvenile court did not abuse its discretion in concluding that S.’s fever and visit to urgent care were not a change of circumstances requiring a hearing. Contrary to mother’s suggestion, the fact that S. suffered an apparently routine illness was not evidence of medical neglect; and, indeed, the fact that S. was brought to urgent care suggests that she was receiving necessary medical care.

Further, the evidence before the court on March 19 did not establish that the proposed change of order was in S.’s best interests. Although there is no doubt that S. missed her mother, she appeared to be thriving in the group home, where her medical and psychological issues were abating. It is clear that she would not have received the services she required if she were returned to mother’s care—indeed, the record shows that mother repeatedly refused to consent to S.’s receipt of services, including medical and mental health services, insisting that S. did not need them. On these facts, the juvenile court reasonably could have concluded that mother did not make a *prima facie* showing that the proposed change of order was in S.’s best interests.

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program.” We do not address this issue because the only changed circumstance mother asserted in her second petition was alleged medical neglect of S.

Mother also contends that the juvenile court abused its discretion by “fail[ing] to even consider” the VA progress notes that she attached to her March section 388 petition. As we have said, the only changed circumstances mother asserted in her second petition was alleged medical neglect of S., an issue to which mother’s VA progress notes were not relevant. In any event, there is no support for mother’s contention that the juvenile court did not consider the notes: Where, as here, the record is otherwise silent with respect to what the trial court considered, “we must presume it considered all the pertinent matters presented.” (*Lydig Construction, Inc. v. Martinez Steel Corp.* (2015) 234 Cal.App.4th 937, 945.)

### III.

#### Second Appeal (Third Section 388 Petition)

Mother contends that the juvenile court abused its discretion by summarily denying her third section 388 petition (filed May 26, 2015) on May 27, 2015. Again, we do not agree.

Mother's third section 388 petition was filed just one day prior to the 12-month review hearing set for May 27, 2015. (§ 366.21, subd. (f).) That hearing was continued from May 27 to June 22, 2015 at mother's counsel's request.

At the 12-month review hearing, the court is required to “order the return of the child to the physical custody of his or her parent or legal guardian” unless the court finds, by a preponderance of the evidence, “that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child.” (§ 366.21, subd. (f)(1).) In making its determination, “the court shall . . . consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided.” (§ 366.21, subd. (f)(1)(C).) The failure of the parent “to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental.” (§ 366.21, subd. (f)(1)(B).)

The significant issues before the court at the 12-month hearing, therefore, were whether mother had completed an alcohol treatment program as ordered by the Orange County Juvenile Court, and whether S. could safely be returned to mother's custody. Mother's third section 388 petition asked the court to consider *precisely the same issues*—i.e., whether mother had completed all of her court-ordered services and whether S. could be returned to her care.

Accordingly, a separate hearing on mother’s third section 388 petition “can only be described as superfluous” because it “sought a hearing on the very issue the court had already indicated would be considered at a hearing that had already been scheduled.” (See *In re B.C.* (2011) 192 Cal.App.4th 129, 141-142 [no abuse of discretion in summarily denying section 388 petition where a hearing on the issue addressed by the petition had already been set].) Further, the court did not decide the issues of mother’s compliance with the case plan and S.’s return to mother’s physical custody on May 27 *because mother’s counsel asked the court to defer doing so*. Under these circumstances, the juvenile court did not abuse its discretion in summarily denying mother’s third section 388 petition.<sup>7</sup>

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<sup>7</sup> Having so concluded, we need not address the parties’ contentions regarding mother’s alleged lack of suitable housing.

**DISPOSITION**

The orders dated March 19, 2015 and May 27, 2015 denying mother's section 388 petitions are affirmed.

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

EDMON, P. J.

We concur:

ALDRICH, J.

HOGUE, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.