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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re CAMILLE P., a Person Coming
Under the Juvenile Court Law.

SAN DIEGO COUNTY HEALTH AND
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

PAULA C.,

Defendant and Appellant;

CAMILLE P.,

Appellant.

D062084

(Super. Ct. No. EJ001931)

APPEALS from an order of the Superior Court of San Diego County, Gary M.

Bubis, Judge. Affirmed.

Minor Camille P. and her mother, Paula C., appeal an order denying services to Paula to aid her in trying to reunify with Camille. They contend the court erred because

providing reunification services to Paula is in Camille's best interests. We affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

Camille was first removed from parental care in 2000 when she was one year old. Her father, Anthony W., reunified with Camille and was granted sole legal custody in 2001. In January 2012, when Camille was 13 years old, she was taken into protective custody after Anthony left her with her stepgrandmother when he went to jail, but then did not return to pick her up after he was released. At that time, Camille disclosed she did not want to live with Anthony any longer because he had been sexually abusing her since she was eight years old. She also said Anthony physically abused her and used marijuana. Camille said she had not seen Paula since she was one year old. Paula's whereabouts were unknown.

The San Diego County Health and Human Services Agency (the Agency) petitioned on Camille's behalf under Welfare and Institutions Code section 300, subdivisions (a), (b) and (d).¹ Thereafter, Paula was located in Sacramento. At the jurisdictional hearing on February 28, 2012, she appeared by telephone with her attorney. She did not appear at any future hearings.

Paula told the Sacramento social worker she drank alcohol daily, used methamphetamine as much as 10 times each day, used marijuana, experimented with

¹ Statutory references are to the Welfare and Institutions Code unless otherwise specified.

other drugs and was diagnosed with bipolar disorder. She said she was interested in receiving services. She had lost custody of her oldest child, A.P., in 2000. In 2005, the juvenile court removed another child, Nelson W., and he was placed with his father. Paula's parental rights to another child, T.C., were also terminated at that time. In 2010, Nelson was removed from his father, and the court denied reunification services to Paula under section 361.5, subdivision (b)(10) and (11). In February 2012, the Sacramento County Juvenile Court declared her other children, C.C. and K.C., to be dependents of the court and denied services under section 361.5, subdivision (b)(10) and (11).

The jurisdictional hearing was held on April 9, 2012. The court found the allegations of the petition to be true. At the disposition hearing on April 16, Camille testified she wanted Paula to receive reunification services. She said Paula had missed a big part of her life, she did not want her to miss more and she would like to get to know her better. She had last seen Paula was when she was one year old, and the first time she had spoken to her was when she was turning 14. The social worker testified that considering Paula's history, to offer her reunification services would be setting up Camille for disappointment and would delay her permanency. The court declared Camille a dependent child of the court. It continued the hearing to allow for providing notice under the Indian Child Welfare Act (ICWA) (29 U.S.C. § 1901 et seq.).

For the continued hearing, the social worker reported Camille no longer wished to remain in her current placement, and the Agency was seeking placement with maternal relatives. The Agency determined Camille was not adoptable and there was no one committed to guardianship.

At the continued hearing on May 17, 2012, the court found the ICWA did not apply. It denied services to Paula under section 361.5, subdivision (b)(10) and (11), finding it would not benefit Camille to provide services. It set another planned permanent living arrangement as the permanent plan.

DISCUSSION

Camille and Paula contend the court abused its discretion by denying Paula reunification services. They argue granting services to her is in Camille's best interests because Camille is not suitable for adoption or guardianship and she wants Paula to have services.

Camille and Paula do not contend the court erred in finding section 361.5, subdivisions (b)(10) and (11) applicable. Under section 361.5, subdivision (c), the trial court was therefore required to deny reunification services unless it found by clear and convincing evidence that reunification was in Camille's best interests.

A court has broad discretion in deciding whether to offer reunification services under section 361.5, subdivision (c). (*In re William B.* (2008) 163 Cal.App.4th 1220, 1227-1229.) A determination "committed to the sound discretion of the juvenile court . . . should not be disturbed on appeal unless an abuse of discretion is clearly established." (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318.) "The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason." (*Id.* at pp. 318-319.)

Camille and Paula have not shown an abuse of the court's discretion. Camille had not seen Paula since she was one year old, and she had spoken to her only one time about

one month before the hearing. Paula had five other children who did not live with her, she had lost parental rights to two of these children, and the juvenile court had denied reunification services to her concerning the cases of three of her children. Paula said she intended to start rehabilitation services, but she continued to struggle with mental health and substance abuse issues, and only four months before the hearing she reported that she drank alcohol daily and used methamphetamine as much as 10 times every day. She had not visited Camille for 13 years, she had been unsuccessful in reunification services in the past and there was no evidence she had started treatment this time.

Paula had appeared by telephone for a hearing in February, but she did not appear in person or by telephone for any other hearing. At the disposition hearing, the Agency submitted due diligence reports documenting the efforts to locate her, but by the time of the disposition hearing, her whereabouts were unknown. Paula and Camille had no relationship. The social worker acknowledged that Camille would like to have a relationship with Paula, but she believed providing Paula services would set up Camille for disappointment.

"In an era of dwindling resources, the state may reasonably focus its reunification efforts on those families most likely to be reconciled." (*In re Gabriel K.* (2012) 203 Cal.App.4th 188, 196.) The court did not abuse its discretion by denying reunification services to Paula.

DISPOSITION

The order is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

AARON, J.

IRION, J.