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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

ANGELICA B.,

Petitioner,

v.

THE SUPERIOR COURT OF  
SAN DIEGO COUNTY,

Respondent;

SAN DIEGO COUNTY HEALTH AND  
HUMAN SERVICES AGENCY,

Real Party in Interest.

D062484

(San Diego County  
Super. Ct. No. CJ1001 A, D)

PROCEEDINGS for extraordinary relief after reference to a Welfare and Institutions Code section 366.26 hearing. Laura J. Birkmeyer and Cynthia Bashant, Judges. Petition denied; request for stay denied.

Angelica B. seeks writ review of orders terminating her reunification services regarding her children Jonathon L. and Rosemary B., and setting a Welfare and Institutions Code<sup>1</sup> section 366.26 hearing. She contends substantial evidence does not support the court's finding that she was offered or provided reasonable reunification services. We deny the petition.

#### FACTUAL AND PROCEDURAL BACKGROUND

On April 1, 2011, the San Diego County Health and Human Services Agency (the Agency) petitioned on behalf of eight-year-old Jonathon and 10-month-old Rosemary under section 300, subdivision (b) based on domestic violence between Rosemary's father, Jaden B., and Angelica.<sup>2</sup>

The Agency had received referrals regarding domestic violence between Angelica and Jaden since February 2010. Angelica told the social worker there had been on-going domestic violence. She denied she had any problems with abusing alcohol or drugs and said she had no mental health issues. She said Jaden abused alcohol and used marijuana. Angelica's case plan included a domestic violence prevention program, individual counseling and parenting education. The court found the allegations to be true, declared Jonathon and Rosemary to be dependents of the court, removed custody from Angelica, placed them in relative care and ordered reunification services.

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

<sup>2</sup> The Agency also petitioned on behalf of Jonathon and Rosemary's siblings, Evelyn G. and Joseph G. These two children were placed with their father. They are not subjects of this appeal.

For the six-month review hearing, the social worker reported Angelica had lost her job because she had to leave work early to attend services. She had completed a 12-week domestic violence class, attended two parenting classes and participated in therapy. The therapist said Angelica wanted to learn about domestic violence, but she had not completed a safety plan and she stopped going to therapy in August 2011. In November 2011, when asked to complete a random drug test, she was unable to produce a sample. At the six-month hearing in November 2011, the court continued services for another six months.

For the 12-month hearing, the social worker reported Angelica was continuing to look for a job and did not have stable housing. She re-enrolled in therapy in February 2012.

In April 2012, the social worker saw on Angelica's Facebook account indications that she was drinking alcohol and using marijuana. The social worker asked Angelica to drug test, but she was unable to produce a sample and gave an excuse when she was asked to test again. In May, she admitted she had been using marijuana since April 2011 to help her deal with anxiety, stress and depression. The social worker recommended she have a medication evaluation.

In June 2012 Angelica began drug abuse treatment three days each week, submitted to on-demand drug tests and started attending Alcoholics Anonymous and Narcotics Anonymous meetings. She had a positive marijuana test on June 14 and a negative test on July 5. She visited the children twice each week. She said her mental health was getting much better, and she did not want to take medication unless she had to. Her therapist said Angelica was increasing her skills to address her mental health issues and to articulate her implementation of her substance abuse program.

At the 12-month review hearing on August 3, 2012, the social worker testified Angelica had completed a domestic violence program and had prepared an adequate safety plan. She testified that Angelica had disclosed to her for the first time in June 2012 that she had been using marijuana. The social worker gave her a referral for drug treatment and she had been testing clean since that time. The social worker testified she had given Angelica a referral for a no-cost medication evaluation, but Angelica had not called the program. Angelica had not requested help with housing and the social worker had not offered any. The social worker recommended the court terminate services because of Angelica's use of marijuana, her instability and her unresolved mental health problems. She said there was not a substantial probability the children could be returned by the 18-month date.

Angelica's therapist testified that in May 2012, Angelica told her for the first time that she had been using marijuana. The therapist recommended therapy plus medication, and Angelica told her she had followed up with a program for a medication evaluation. She said Angelica did not have health insurance, so she had directed her to a program for the uninsured.

Angelica testified she began drug abuse treatment on June 11, 2012. She said she was temporarily living with her boyfriend's family, and the social worker had not given her any referrals for housing. She said she was not aware of any programs which did not charge for medication evaluations, but she would be willing to have one if it were recommended.

After considering the evidence and argument by counsel, the court found reasonable reunification services had been offered or provided, but Angelica had not made substantive progress with the provisions of her case plan. The court terminated reunification services and set a section 366.26 hearing.

Angelica petitioned for review of the court's orders. (§ 366.28; Cal. Rules of Court, rule 8.456.) This court issued an order to show cause, the Agency responded and the parties waived oral argument.

## DISCUSSION

Angelica contends she was not provided adequate reunification services. She argues the Agency did not assist her in finding housing and did not give her the help she needed to overcome her marijuana problem and her mental health issues.

A reviewing court must uphold a juvenile court's findings and orders if they are supported by substantial evidence. (*In re Amos L.* (1981) 124 Cal.App.3d 1031, 1036-1037.) "[W]e must indulge in all reasonable inferences to support the findings of the juvenile court [citation], and we must also ' . . . view the record in the light most favorable to the orders of the juvenile court.' [Citation.]" (*In re Luwanna S.* (1973) 31 Cal.App.3d 112, 114.) In determining the sufficiency of reunification services, the role of the appellate court is to decide "whether the record discloses substantial evidence which supports the juvenile court's finding that reasonable services were provided or offered." (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 762.) A service plan must take into account the specific needs of the family. (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414.) The standard is not that the best possible services were provided, but that reasonable services were provided under the circumstances. (*In re Misako R.* (1991) 2 Cal.App.4th 538, 547.)

Angelica has not shown she was not offered or provided reasonable reunification services. She did not have stable housing, but she was employed some of the time and appeared to have a place to live during the months of the dependency case. At the time of the 12-month hearing, she was temporarily living with her boyfriend's family. Angelica had never asked the social worker for help with housing. The fact the social worker did not provide her with referrals for housing assistance does not show a lack of reasonable services.

As for help with obtaining a medication evaluation, the social worker did not become aware that Angelica might need a medication evaluation until Angelica revealed

in May 2012 that she had been using marijuana on an ongoing basis to help her sleep and to deal with stress, anxiety and depression. Although Angelica's therapist had been treating Angelica for depression, she did not recommend the medication evaluation until Angelica's disclosure. Angelica told the social worker that she was feeling better and was not a big fan of medication. She said she did not want to take medication unless she had to and she did not have insurance. The social worker and the therapist referred her to a program which provided medication evaluations for people without health insurance. When it became known that Angelica was self-medicating with marijuana she was provided referrals for a program for people without insurance. Angelica was provided with sufficient resources for a medication evaluation as soon as it became apparent that this was something that might help her.

Angelica also contends she did not receive adequate help with her substance abuse problem. However, the social worker did not become aware that Angelica needed this service until the end of May 2012 when she disclosed she had been using marijuana. The social worker provided a referral for drug treatment as soon as Angelica made the disclosure, and Angelica began attending a program. Angelica has not shown she did not receive reasonable reunification services.

DISPOSITION

The petition is denied. The request for a stay of the proceedings is denied.

BENKE, Acting P.J.

WE CONCUR:

NARES, J.

McINTYRE, J.