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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re U.R., A Person Coming  
Under the Juvenile Court Law.

D068634

IMPERIAL DEPARTMENT OF SOCIAL  
SERVICES,

(Super. Ct. No. JJP03097)

Plaintiff and Respondent

v.

U.R.,

Defendant and Appellant;

A.F. et al.,

Respondents.

APPEAL from an order of the Superior Court of Imperial County, Christopher W. Yeager, Judge. Order affirmed.

Jamie A. Moran, under appointment by the Court of Appeal, for Defendant and Appellant.

Katherine K. Turner, County Counsel and Rosario T. Gonzalez, Deputy County Counsel, for Respondent County of Imperial.

Patti L. Dikes, under appointment by the Court of Appeal, for Respondent R. R.  
Andrea Renee St. Julian, under appointment by the Court of Appeal, for  
Respondent A.F.

Minor U.R. appeals a juvenile court order denying his request to continue the six-month review hearing, asserting the juvenile court abused its discretion and denied him the constitutionally protected right to notice and an opportunity to be heard. We reject his contentions and affirm the order.

#### FACTUAL AND PROCEDURAL BACKGROUND

In July 2014, the Imperial Department of Social Services (the Department) filed a petition under Welfare & Institutions Code section 300 alleging, among other things, that U.R., then four years old, had been sexually abused by his father (Father). (Undesignated statutory references are to the Welfare & Institutions Code.) At that time, U.R. lived with Father at the home of the paternal grandmother. The paternal grandmother represented that U.R.'s mother (Mother) resided in Florida and had previously been granted full custody of U.R.

The Department took U.R. into protective custody and placed him in a receiving home. The following month, the Department placed U.R. with his paternal grandmother. The Department contacted Mother, who resided in Florida. Mother immediately flew to California to meet with the social worker. Mother denied having been granted custody of U.R., claimed Father was a violent man and that she left U.R. with the paternal grandmother when he was two years old. Throughout the dependency, Mother returned

to California periodically to visit U.R. and attend juvenile court hearings. Mother, her husband and other children also had Skype (internet video call) visits with U.R.

At the March 2015 disposition hearing, the court heard from U.R.'s therapist who believed it would be detrimental for U.R. to live with Mother in Florida because it would take him from the paternal grandmother, the person he saw as his parent. The court placed U.R. with the paternal grandmother and ordered reunification services and liberal visitation for Mother. Based on U.R.'s close relationship with his grandmother and his relatively new relationship with Mother, the juvenile court concluded it would be detrimental to U.R. to place him with Mother at that time, but noted it had to ease U.R. back to Mother. In July 2015, U.R. went to live with Mother.

About a month later at the six-month review hearing, U.R.'s counsel requested the matter be continued to present testimony from U.R.'s therapist and requested that U.R. be returned to the paternal grandmother's home. The juvenile court denied the request to continue the hearing, found that the threat of detriment to the physical, emotional, and psychological well-being of U.R. no longer existed and ordered that custody would be given to Mother and jurisdiction terminated. U.R. timely appealed.

## DISCUSSION

U.R. claims the juvenile court abused its discretion in refusing to continue the six-month hearing to allow him to present testimony from his therapist. He also claims the error violated his right to due process as it denied him a meaningful hearing. We conclude the juvenile court did not abuse its discretion or violate due process.

The juvenile dependency system mandates accelerated proceedings "to keep to a minimum the amount of potential detriment to a minor resulting from court delay." (*Renee S. v. Superior Court* (1999) 76 Cal.App.4th 187, 193.) Continuances in dependency cases are discouraged and "should be difficult to obtain." (*Jeff M. v. Superior Court* (1997) 56 Cal.App.4th 1238, 1242.) The juvenile court may continue a dependency hearing upon a showing of good cause, provided the continuance is not contrary to the interest of the child. (§ 352, subd. (a).) In considering the child's interests, the court must give substantial weight to the need for a prompt resolution of the child's custody status, the need to provide children with stable environments and damage to a child with prolonged temporary placements. (*Ibid.*) To continue a hearing, written notice must be filed at least two court days prior to the date set for hearing, with affidavits or declarations detailing specific facts showing the need for a continuance, unless the court for good cause entertains an oral motion for continuance. (*Ibid.*) We review a denial of a continuance for an abuse of discretion. (*In re Karla C.* (2003) 113 Cal.App.4th 166, 180.) The denial of a continuance requires reversal only if it is reasonably probable a different result would have occurred if the continuance had been granted. (*In re J.I.* (2003) 108 Cal.App.4th 903, 913.)

U.R. did not file a written motion to continue the hearing two days before the hearing date as required by section 352, subdivision (a). Our review of the record shows U.R.'s counsel did not state facts at the hearing establishing good cause for this omission. The Department advised U.R.'s counsel by letter, four days before the hearing, that Mother would be attending the hearing and requested that he "be prepared to proceed

with the review on that date" because Mother needed to return to Florida "shortly" after the hearing to prepare U.R. and his siblings for the school year. Although U.R.'s counsel claimed he did not receive the letter, the Department lodged a copy of the letter with the court. U.R.'s counsel provided no information as to why he could not have filed a timely written motion to continue the hearing. Under the circumstances, the juvenile court did not abuse its discretion in denying a continuance.

Even assuming the juvenile court erred in denying the requested continuance, any error would have been harmless as ample evidence supported the juvenile court's decision. The social worker transported U.R. to Florida on July 13, 2015. The social worker noted that U.R. quickly entered the home and started playing with his siblings. While U.R. displayed brief moments of sadness, he never cried or asked to be returned to his placement. During U.R.'s extended visit with Mother, the social worker had Skype visits with U.R. about three times. During these visits U.R. "appear[ed] to be comfortable and happy."

The Department also provided Skype visits for the paternal grandmother who admitted that U.R. was happy and doing well. The Mother indicated to the social worker that she respected the paternal grandmother's relationship with U.R. and was willing to allow the relationship to continue. The court appointed special advocate (CASA) volunteer who had been working with U.R. reported that she spoke with U.R. telephonically and that U.R. stated he was happy living with Mother. Mother also told the CASA that U.R. had adapted to her home, had weekly contact with the paternal

grandmother and would start seeing a family therapist. The CASA concluded that U.R. should remain with Mother.

In contrast, U.R.'s therapist had not seen U.R. since his move to Florida and while the therapist was scheduled to see U.R. before the hearing, that visit did not occur. U.R.'s counsel provided no information about when the therapist could meet with U.R. and whether the meeting could occur before Mother needed to depart for Florida to prepare U.R. and his siblings for the school year. Thus, the juvenile court would have been required to continue the hearing for some unknown length of time to allow the therapist to confirm what all parties and the court already knew—that U.R. was very attached to the paternal grandmother. Moreover, the therapist would not have been able to opine on the primary issue before the court, whether placing U.R. with Mother would create a substantial risk of detriment to U.R.'s safety, protection, or physical or emotional well-being. (§ 366.21, subd. (e)(1).)

Accordingly, any assumed error in denying the continuance was harmless and did not rise to the level of a due process violation as it was not reasonably probable the result would have been more favorable had the hearing been continued.

DISPOSITION

The order is affirmed.

McINTYRE, J.

WE CONCUR:

HUFFMAN, Acting P. J.

NARES, J.