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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re C.V., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

C.V.,

Defendant and Appellant.

E055130

(Super.Ct.No. J231221)

OPINION

APPEAL from the Superior Court of San Bernardino County. Larry W. Allen,
Judge. Affirmed.

Sarah A. Stockwell, under appointment by the Court of Appeal, for Defendant and
Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney
General, Julie L. Garland, Assistant Attorney General, Barry Carlton and Scott C. Taylor,
Deputy Attorneys General, for Plaintiff and Respondent.

Defendant and appellant C.V. (minor) admitted that she violated the conditions of her wardship by leaving her placement without permission, as alleged in a Welfare and Institutions Code section 777 petition. Following a contested dispositional hearing, the juvenile court reordered placement. On appeal, minor contends that the court abused its discretion in ordering her to placement again. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On the night of February 4, 2010, minor took her parents' car after they went to sleep. She picked up her boyfriend and another friend, and the three of them took turns driving the car, and then abandoned it. Minor denied knowing anything about the car, but after it was located, she admitted taking it. On February 8, 2010, the district attorney filed a Welfare and Institutions Code section 602 petition alleging the unlawful taking of a vehicle. (Veh. Code, § 10851, subd. (a).) Minor admitted the allegation, and the court found the allegation true. The court detained minor in juvenile hall, pending a further order. The court subsequently released her to live in her parents' home on house arrest for three weeks. The court then held a disposition hearing, at which it declared minor a ward of the court. The court placed minor in her parents' custody on probation.

On September 27, 2010, minor's mother contacted the probation department to report that minor left home without permission the day before and did not return. On October 4, 2010, the district attorney filed a second petition alleging that minor violated her probation by: (1) being issued a citation for petty theft (Pen. Code, § 490.1)), thereby violating the term that she obey all laws; (2) leaving home without parental permission, thereby violating the term that she obey her parents and cooperate in a plan of

rehabilitation; (3) leaving home without parental permission and being reported as a runaway, thereby violating the term that she notify the probation officer of any intended change of address; and (4) leaving home without parental permission and not returning, thereby violating the term that she be home every night by curfew and not leave home unless accompanied by a parent/guardian, or with the probation officer's permission.

Minor admitted the second allegation, and the court dismissed the other allegations and released her to her parents' custody.

On December 28, 2010, the district attorney filed a third petition, alleging that minor had violated probation by: (1) leaving home without permission, thereby violating the term that she be home every night by curfew and not leave unless accompanied by a parent/guardian, or with the probation officer's permission; and (2) leaving home without permission, thereby violating the term that she not be outside her home between 8:00 p.m. and 5:00 a.m., unless accompanied by a parent/guardian, or with the probation officer's prior approval. Before minor appeared on this petition, the district attorney filed another petition on February 10, 2011, alleging that minor committed the crimes of unlawful taking of a vehicle (Veh. Code, § 10851, subd. (a), count 1) and receiving stolen property (a motor vehicle) (Pen. Code, § 496d, subd. (a), count 2). Minor admitted the first allegation of the December 28, 2010 probation violation petition, and the court dismissed the second allegation. Minor also admitted count 1 of the February 10, 2011 petition, and the court dismissed count 2. The probation officer recommended that minor be placed in a facility, reporting that she had "rejected all rehabilitation efforts, with 'in home' [p]robation." Minor had not completed any of the classes she had been referred

to, she had not attended any of the counseling she had been directed to complete, she failed to attend school regularly, she had been physically aggressive with her mother, she constantly ran away, and she was regularly using marijuana and drinking alcohol. She also stole her father's work truck. The court continued minor as a ward and placed her in juvenile hall, while awaiting placement in a suitable facility. Minor was subsequently placed at the California Family Life Center (CFLC).

On May 19, 2011, the district attorney filed a fifth petition, alleging that minor violated her probation by leaving CFLC without permission and not returning. A bench warrant was issued for her arrest. Minor appeared in court, in custody, on May 24, 2011. The court ordered her to be placed again and then dismissed the petition.

On July 7, 2011, the district attorney filed a sixth petition, alleging that minor violated her probation by leaving her placement without permission. The court issued another warrant for her arrest. Minor appeared in court on October 12, 2011, and admitted the probation violation, but contested continued placement. A disposition hearing was held on November 3, 2011, and the court ordered her back to placement.

ANALYSIS

The Court Properly Ordered Minor into Placement

Minor contends the juvenile court abused its discretion in ordering her back to placement on November 3, 2011, since the record does not support that decision. She argues that there was a less restrictive means available—house arrest. She asserts that she was previously successful on house arrest, while placement has been “detrimental” to her. We find no abuse of discretion.

A. Background

At the disposition hearing on November 3, 2011, the probation officer testified. She opined that there was no other option beside placement. The probation officer noted that minor was almost 18 years old, and “this [was] basically her last chance.” She described minor’s home life growing up as unstable and dysfunctional, and said there were “a lot of drugs.” There was also a history of violence between minor and her mother. The probation officer further testified that eight months prior, minor’s father (father) said that he did not really care about minor, that he was hurting, and that he did not know what to do. She opined that father had not stabilized enough in the past eight months to help minor “gain a good productive lifestyle.”

Minor’s mother (mother) also testified at the hearing. She said that the last time minor was living at home (approximately one and one-half years prior), mother and her husband were talking about divorce, were losing their home, and were losing their business. Mother testified that since then, she and her husband had stopped fighting and were now going back to church. Mother also said she had called LDS Family Services to get minor into counseling. Mother said minor was now more mature.

Minor testified as well. She said that she was growing up and wanted to live a happy, normal life. She now respected her mother, wanted to graduate from school, get a job, get her license, and help out her family. She was also willing to go to counseling.

In rendering its decision, the court noted that the original decision to place minor in February was not difficult, since the family “did not want her [and] [s]he did not want the family.” The court noted that the family had been struggling for years, but now the

court was being told that there had been an epiphany over the last six or so months. The court had seen minor several times before, and each time, she said she was ready to make changes. The court opined that the problem was that minor never had the tools to influence the changes she sought. The court believed that everyone was sincere and desired to change, and it acknowledged that there had been some changes. However, the court did not believe that all the issues that had been in the family for years had been completely erased in six to eight months' time. The court noted that minor was going to be 18 years old, and that if it did not give her the tools soon, there would not be time to do anything else. The court stated that it did not think there was a greater likelihood that sending minor home and hoping she would learn the skills there, while dealing with the family, was likely to be as successful as learning the skills and then going home. Therefore, the court reordered placement.

B. Standard of Review

“The appellate court reviews a commitment decision for abuse of discretion, indulging all reasonable inferences to support the juvenile court’s decision.” (*In re Angela M.* (2003) 111 Cal.App.4th 1392, 1396.) An appellate court will not lightly substitute its decision for that of the juvenile court, and the decision of the court will not be disturbed unless unsupported by substantial evidence. (*In re Michael D.* (1987) 188 Cal.App.3d 1392, 1395.) “Nonetheless, there must be evidence in the record demonstrating both a probable benefit to the minor by a [placement] and the inappropriateness or ineffectiveness of less restrictive alternatives. [Citations.]” (*Angela M.*, at p. 1396.)

C. There Was No Abuse of Discretion

Upon review of the record, we conclude that the court's decision to order minor back to placement was not an abuse of discretion. The juvenile court engaged in a thoughtful analysis of minor's needs. It properly considered her age, as well as the circumstances in her home. The record demonstrates minor's long and continuous history of running away and violating probation while in her home environment. She was initially declared a ward of the court after she admitted to the unlawful taking of her parents' car. She was released to her parents' custody on house arrest. Minor appeared to follow the terms of house arrest and was terminated successfully from the program. However, within a few months after being placed in her parents' custody on probation, she admittedly violated her probation by leaving home without her parents' permission and failing to return by curfew. Father described minor as "increasingly defiant, confrontive [*sic*], and abusive," and she "lie[d] without hesitation." Mother reported that minor was verbally abusive and disrespectful, and she refused to be confronted about her actions without becoming destructive and disobedient.

The record further shows that minor violated her probation again by leaving home without permission and returning after curfew and, on another occasion, taking father's work truck and leaving home without permission. It also shows that minor failed to attend school regularly, ran away constantly, and used marijuana and alcohol regularly. She met men on the internet and repeatedly "snuck [them] into her room" at home. The probation officer opined that minor was in need of immediate intervention, and she

needed a stable, structured environment with constant supervision. When the court eventually placed her at CFLC, minor ran away from that placement twice.

Minor has been given many opportunities, in and out of placement, and has not been successful. Considering that she had apparently made the same well-intentioned pleas for second chances in the past, only to be followed by more probation violations, the court was reasonable in its decision to not release minor back to her home environment. In light of her age, the court understandably saw this as its last chance to give minor the tools she needed to rehabilitate. Moreover, the court was reasonable in finding it unlikely that years of dysfunction in the home and family problems could be erased in just eight months.

Minor argues that the less restrictive means of placing her at home on house arrest would have been more effective than placement, and claims that she was “successful while on house arrest and discharged from that program successfully.” However, her repeated probation violations *after* such “success” provide ample evidence of the rehabilitative failure of her previous period on house arrest.

In view of the record before us, we cannot say that the court abused its discretion in ordering minor to placement again.

DISPOSITION

The order is affirmed.

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HOLLENHORST
Acting P. J.

We concur:

KING
J.

CODRINGTON
J.