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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re M.V. et al., Persons Coming Under  
the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

E.G.,

Defendant and Appellant.

E065297

(Super.Ct.No. SWJ1300769)

OPINION

APPEAL from the Superior Court of Riverside County. Timothy F. Freer, Judge.

Affirmed.

Nicole Williams, under appointment by the Court of Appeal, for Defendant and Respondent.

Gregory P. Priamos, County Counsel, James E. Brown, Guy B. Pittman and Julie Koons Jarvi, Deputy County Counsel for Plaintiff and Respondent.

Defendant and appellant E.G. (mother) has five children: A.G. (a girl, born April 2002), An.M. (a girl, born Dec. 2007), Ad.M. (a girl, born March 2009), Me.V. (a girl, born Oct. 2012), and Mi.V. (a girl, born Aug. 2013). The children have three different fathers: A.G.'s father is C.C.; An.M. and Ad.M. shared a father, J.M; Me.V. And Mi.V. shared a father, V.V. (father). On October 31, 2013, Riverside County Department of Public Social Services (the Department) filed a Welfare and Institutions Code<sup>1</sup> section 300 petition alleging that A.G., An.M. and Ad.M.<sup>2</sup> came within section 300, subdivisions (b) and (g). When the children came to the attention of the Department, they were living with mother, father, and father's children, V.Jr., J.V., and D.V.

Mother failed to complete her services during the reunification period and continued to have contact with father. Therefore, mother's services were terminated and minors were placed in a plan of legal guardianship with their maternal great aunt (MGA). Mother filed section 388 petitions requesting additional reunification services, which the court denied. On appeal, mother contends that the juvenile court erred in denying her section 388 petitions. For the reasons set forth below, we shall affirm the juvenile court's order.

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

<sup>2</sup> This appeal only concerns A.G., An.M., and Ad.M. (collectively, minors).

## **FACTUAL AND PROCEDURAL HISTORY**

### **A. DETENTION**

On September 12, 2013, the Department received a referral alleging that father's 11-year-old son, V.Jr., had a bruise on his cheekbone; he stated that he got it as a result of father throwing him up against a wall. At the beginning of the school year, V.Jr. also had a black eye and bruise to his face. V.Jr. had scabs and scratch marks on his neck and claimed that mother had caused his injuries because she was angry with him for fighting with father. Moreover, V.Jr. continued to dig for food and ask other students for food because he was hungry. V.Jr. stated that father told him to lie to the Department because all of the children would be removed from the home.

The social worker interviewed all of the children; they denied abuse and appeared healthy with no signs of neglect. Mother and father (parents) reported that V.Jr. had defecated on the front porch and at school. V.Jr. acknowledged defecating on the porch and said he saw "black circles" at the time. The social worker counseled parents to have V.Jr. assessed at San Jacinto Mental Health; they agreed.

On September 17, 2013, father reported that V.Jr. had threatened to kill himself and that police had been called. V.Jr. was hospitalized under section 5150 for further evaluation.

On September 27, 2013, the social worker conducted another home assessment and interviewed V.Jr. He denied any abuse or neglect. The social worker also interviewed all of the children separately and they denied abuse; they appeared to be healthy with no signs or marks of injuries.

On October 2, 2013, the Department received another referral alleging that V.Jr. showed up at the police station with large bumps on his head. V.Jr. stated that father kicked V.Jr. in the head. V.Jr. gave conflicting stories and it was reported that he did not take his medication regularly. The family also reported that V.Jr. would bang his head against the wall or burn himself when he would become upset. V.Jr. then blamed the injuries on other people. The police found that V.Jr.'s allegations were unfounded because none of the children reported being abused or witnessed V.Jr. being abused at any point. V.Jr. was transported to Hemet Valley Medical Center. He was placed on a 72-hour section 5150 hold. The doctor evaluated V.Jr. and opined that he had "clearly" been abused by being beaten.

The next day, October 3, the social worker interviewed V.Jr. He denied telling anyone that he wanted to hurt himself and again said he was at the hospital because father kicked him in the head. V.Jr. stated that he wanted to live with his mother.

Father denied kicking V.Jr. and claimed V.Jr. had hit his head against the wall and hit himself. Moreover, father reported that V.Jr. had not taken his medication and was acting strange. The social worker spoke to father about filing a juvenile dependency petition in order to assist father with V.Jr.'s care. Father said that he would talk it over with mother.

On October 9, 2013, the Department received a referral alleging that the hospital was about to discharge V.Jr. but he refused to return home. V.Jr. reported being afraid father would hit him because he disclosed being abused. V.Jr. also reported an incident from three months earlier whereby father slapped V.Jr. on both sides of his face and

kicked his head. V.Jr. said that mother did “nothing.” V.Jr. denied that father hit his siblings or half-siblings. The Department assessed V.Jr.’s mental health history and planned for him to receive services through Riverside County Mental Health Services. The social worker noted that V.Jr.’s explanations for his head injuries seemed implausible and he recanted some of his other allegations. The social worker counseled parents to develop an understanding regarding why V.Jr. continued with his behavior.

On October 16, 2013, the Department received a 10-day referral alleging that father’s nine-year-old son, J.V., presented with bruises to his right ear and eye. Additionally, J.V. had scratches on his face. J.V. claimed that Mi.V. hit him. J.V. also stated father kicked a soccer ball that hit J.V. on the side of the head.

On the same day, the social worker interviewed A.G.; she denied any abuse and had no marks or injuries. The social worker also interviewed J.V. at school. He repeated the information in the referral and denied being abused.

The social worker interviewed D.V., who denied father physically abused anyone. D.V. reported that mother was strict and D.V. would have to face the wall when she would get into trouble.

On October 24, 2013, the Department received another 10-day referral. The referral alleged that the children were being physically abused by parents. According to the referral, J.V. had been “hit really hard” and had bruises to various parts of his body. The referral also alleged that V.Jr., J.V. and D.V. had been hit with a broomstick by parents in the past. Additionally, the report alleged that mother had previously burned V.Jr. and J.V. on their feet with a hot spoon, which resulted in burn marks to their feet.

With respect to D.V., the report alleged that there was an incident where mother slapped D.V. so hard, D.V. fell and father threw a shoe at D.V. It was further reported that mother slapped A.G. several times, and one incident resulted in A.G. falling on the grass. Finally, the report alleged that mother threw a griddle pan at A.G., leaving a red mark on A.G.'s right shoulder.

On October 28, 2013, the social worker interviewed J.V.; he had multiple faded injuries and marks on his legs, including two burn marks on his upper thigh. J.V. reported that father hit him with a stick, which resulted in the injuries. J.V. also stated that father burned him with a spoon that had been heated on the stove. J.V. said that he did not previously report this information because he did not think anyone would believe him. J.V. acknowledged that while he had only been hit one time, he was burned previously by father.

During an interview, D.V. denied any abuse and did not have any marks or injuries.

The social worker also interviewed V.Jr. on October 28, 2013. The social worker observed a faded scar on V.Jr.'s thigh. V.Jr. reported that he sustained the injury as a result of father burning him. V.Jr. also pointed out another scar on his leg and claimed it was the result of being "chained." V.Jr. stated that he did not report the information previously because nobody believed him; he was afraid of father.

Father admitted that he used a stick to hit J.V. for talking to the school aides. Father claimed that he did not know how the children sustained the burn marks. He, however, acknowledged hitting V.Jr. on his head when he did not help them move. After

the interview, the social worker contacted the police department in order to have an officer respond. Due to the severity of the injuries and parents' inability to protect them, V.Jr., J.V., and D.V. were taken into protective custody and father was subsequently arrested.

A.G. denied that either mother or father abused her. She also denied that anyone in the home was disciplined with a spoon. A.G., however, stated that mother would threaten to hit them with a spoon if she was holding one and the children were "acting out." A.G. denied observing domestic violence in the home. She told the social worker that she believed V.Jr. and J.V. claimed to be abused because they did not want to be in school and wanted to be with their mother.

Ad.M. (then age 4), An.M. (then age 5), Me.V. (then age 1), and Mi.V. (then age two months), did not have any marks or injuries. Ad.M. told the social worker that she had seen mother put V.Jr.'s "hands and feet in the deep fryer." An.M. stated that it was father who made V.Jr. put his hands and feet in the fryer. Ad.M. and An.M. acknowledged seeing injuries on V.Jr. and J.V., and said it was because J.V. talked to the principal at school. Ad.M. and An.M. also stated they were told not to talk to the "man from CPS." Ad.M. stated that father hit her "everywhere." Ad.M. and An.M. denied witnessing anyone being burned.

When the social worker interviewed mother, she stated that she was never present when father would abuse the children. She stated she would leave the home when she saw father getting angry. Mother stated on several occasions that she intervened when father was getting out of control and would get in his face to stop him in an attempt to

protect the children. Mother admitted to hitting father once, but stated they usually would scream and yell at each other.

V.Jr. and J.V. were seen for a CAN examination. Both children were found to be victims of medical neglect, emotional abuse, and physical abuse. V.Jr. and J.V. implicated father and mother as perpetrators of the abuse. The doctor found V.Jr. suffered from inflicted burns of the second degree, multiple scars on the neck and elbow, and painful leg bruises from chains. As to J.V., the doctor found severe and ongoing physical abuse, multiple episodes of burning and beating, being grabbed by the neck and whipped.

According to mother, father disciplined his children and she disciplined her children. Mother stated that father would get angry and she would intervene to stop him. Father would get mad because she would take his children and leave the home. Mother denied that there were any chains in the home or a closet in the home wherein they could confine the children. Parents' form of discipline was to have the children face the wall for up to 30 minutes. She denied ever seeing father burn the children. She also denied helping father hurt his children. Mother admitted slapping A.G., and that she and father engaged in domestic violence.

The social worker spoke with A.G.; A.G. denied observing any physical abuse in the home. She denied witnessing anyone being hit or burned with a spoon. A.G. also denied witnessing any domestic violence.

Mother was informed minors were being placed into protective custody because V.Jr. and J.V. were severely physically abused and the children claimed mother was one of the abusers. Minors were placed with MGA.

On November 1, 2013, the juvenile court found that a prima facie showing was made that minors came within section 300, subdivisions (b), (g), and (j), detained minors, and set a jurisdictional hearing.

On December 17, 2013, Me.V. and Mi.V. were placed with their paternal grandmother. Minors remained with MGA. Mother visited minors and the visits were appropriate. The Department learned that the biological mother of J.V. and V.Jr. may have coached the children to implicate mother.

On December 26, 2013, an amended petition was filed. The juvenile court sustained the petition and found that mother's children came within section 300, subdivisions (b), (g), and (j). The Department was ordered to provide reunification services to mother.

At the six-month review hearing, the Department recommended that mother receive six more months of services. Mother was making positive progress to ensure the protection and safety of minors. However, it was later confirmed that she was not protecting minors from father because she allowed him unauthorized contact during her visitation. She completed a parenting program. She submitted to a psychological assessment with Dr. Suiter, who opined that mother would likely benefit from reunification services and she would likely be able to care for minors.

Beginning March 2014 mother was allowed unsupervised visits with minors. The visits progressed to overnight visits in April 2014. Mother was aware that father was to have no contact with minors during visitations. Minors, however, reported that father was present during visitation and had spent the night. Visitation went back to being supervised. On July 11, 2014, mother's counselor reported that mother made satisfactory progress. She was authorized to have a three-hour unsupervised visit with minors.

On July 29, 2014, the juvenile court continued reunification services to mother.

On November 13, 2014, a section 300 petition was filed as to parents' newborn, A.V. (a boy, born Nov. 2014). There were reported concerns of domestic violence. A.V. was detained.

Mother relocated to San Diego County and resided with the maternal grandmother and adolescent maternal aunt. Mother denied being in a relationship with father despite eyewitness accounts to the contrary. A social worker saw parents, along with Mi.V. and Me.V., at a local store in Hemet—the respite caregiver, a paternal aunt, claimed the social worker saw her (the paternal aunt) and paternal aunt's boyfriend at the store with the children, not parents. However, mother's EBT card had been used at the store at the time the social worker saw parents. The social worker confirmed she saw parents. Additionally, An.M. confirmed that on November 24, 2014, father had been present during her recent visits with mother.

Mother participated in individual counseling and was diagnosed with an adjustment disorder. The therapist voiced concern regarding mother's ambivalence

toward father since he was accused and pled guilty to child abuse. An updated referral was submitted for mother to participate in individual counseling near her current home.

The Department received an addendum report from Dr. Suiter on September 8, 2014. After reviewing further documents that Dr. Suiter had not reviewed previously, he reported that mother demonstrated an ““extreme minimization of the basis for which the children were removed and extensively minimized her culpability in appropriate discipline of the children.”” Dr. Suiter concluded that mother would not likely benefit from reunification services and she would not be able to adequately care for minors if they were returned to her. Dr. Suiter reported that mother was unlikely to have a mental or clinical disorder.

Mi.V. and Me.V. were placed in a foster home on September 24, 2014. In January 2015, mother informed her social worker that she was unable to secure housing. She maintained employment, but had not received a paycheck yet. Mother secured housing in Riverside County on March 13, 2015.

Mother underwent another psychological assessment with Dr. Suiter in March 2015. According to the doctor, mother had poor judgment and an inability to set appropriate limits and boundaries for father. Dr. Suiter reported that there was ““no reasonable basis to consider she would [be able to set reasonable limits and boundaries for father] in the future, despite her strong assertions in that regard.”” Dr. Suiter reported that mother could not adequately benefit from reunification services and minors ““would be at overt risk to be placed in her care.””

Mother also participated in a psychological evaluation with Dr. Ryan in February 2015. Dr. Ryan reported that it had already taken “significant intervention and consequences before [mother] “opened her eyes,”” and Dr. Ryan questioned mother’s sincerity about a “felt need for change.” Dr. Ryan also reported that mother’s insight and judgment were poor and that her own dependency needs superseded the needs of her children. The doctor agreed with the social worker’s recommendation of denying reunification services.

According to mother’s therapist, mother only attended the initial assessment and three subsequent therapy sessions. The therapist recommended that mother participate in treatment once per week for six months.

On May 14, 2015, the juvenile court adjudged A.V. a dependent of the court and denied services to mother. The court terminated services to mother with regard to all her children and set a section 366.26 hearing.

The Department recommended that MGA be granted legal guardianship. The Department recommended the dependency be terminated as to minors once the legal guardianship was granted. The Department recommended a permanent plan of adoption for Me.V., Mi.V., and A.V. Mother continued to visit the children on a monthly basis.

On September 14, 2015, the juvenile court appointed MGA as the legal guardian to minors. Mother was awarded reasonable visitation. The court terminated the dependency.

On September 21, 2015, mother filed section 388 petitions as to Me.V., Mi.V., and A.V.<sup>3</sup> Mother requested changing the order denying services to A.V. as well as the order terminating services to the other children. Mother contended that she continued to participate in counseling and made significant changes “as to recognition of domestic violence relationships and parental responsibility.” Mother asserted that she completed “ADV domestic violence program and obtained independent housing.” Mother also asserted that she had ameliorated the circumstances that gave rise to the initial dependency and was able to continue to maintain a protective and safe home environment for her children. Mother requested reunification services.

The social worker interviewed mother both on the telephone and in person in December 2015. Mother reported that she was single and denied having any contact with any of the fathers of her children. She resided in a two-bedroom apartment in Hemet. She rented a room to a woman and her three children. The roommate was scheduled to move out on December 31, 2015. Mother stated that she worked full time driving a cab. She denied any arrests or police contact. She completed a domestic violence program on September 15, 2015, and believed she was on a “better track” than a year earlier. Mother stated that she visited minors at least two times per month.

According to the Hemet Police Department, the police responded to a call from mother at approximately 11:00 p.m. on September 17, 2015. Mother reported that she

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<sup>3</sup> There are no section 388 petitions in the record as to minors, even though mother argues on appeal that the court erred in denying her petitions as to those children. However, mother apparently filed section 388 petitions as to minors because they are referenced in the reporter’s transcript.

heard a loud bang at her residence and her front door was shattered. It was reported that there were two other roommates living in the home. There was a verbal altercation and a possible broken window.

On September 25, 2015, the police again responded to mother's residence at approximately 9:45 p.m. The officers responded to a call from Tony Sanchez; he reported that his roommate was drunk and there was a verbal altercation.

The social worker met with minors on January 19, 2016. They stated that they had been having supervised visits with mother at least once per month. They had one overnight weekend visit with mother before Thanksgiving. They reported that mother lived in a two-bedroom apartment with two roommates. They enjoyed visiting with mother and wanted to return to her care.

According to the legal guardian, she allowed the weekend visit a few months earlier because the maternal grandmother was also present for the visit. The guardian was not aware that mother had roommates or that there had been recent police contact at mother's residence, before she allowed the children to visit overnight.

On January 17, 2016, mother posted a video of A.V., Mi.V. and Me.V. to the "Dr. Phil Expose CPS Bring Back Our Kids!" Facebook page. The webpage was public with 5,977 members. In her post, mother continued to blame the Department for her children being out of her care. Her actions placed the children and caregiver at risk by revealing where visits took place, the caregiver's vehicle information, and the children by face and name. Mother's behavior demonstrated that mother continued to have poor judgment and

boundaries. The social worker reported that this further demonstrated mother was unable to accept responsibility for her actions that brought her to the attention of the Department.

On January 25, 2016, mother testified at the hearing on her section 388 petitions. She testified that she was not in a relationship; her last relationship was with father, which ended the prior year. She admitted that she failed to protect her children and father's children, which resulted in the dependency.

Mother testified that she did not have any roommates at the time. She stated that she previously had one roommate, and she had problems with her roommate. Mother testified that the roommate's ex-boyfriend was in her home, "shuffling," "pushing," and "arguing" with her roommate. Mother's first reaction was to call the police. The police responded to her home on two occasions. The second time the police came to the home was when the roommate was drunk. The roommate moved out because mother asked her to leave.

Mother was working and earned between \$2,000 and \$2,500 per month. She had no intention of having a relationship with father. She maintained contact with his family but testified that the family did not have any contact with father.

Mother testified that contacting the Dr. Phil show was not a healthy decision for her family. She removed the post when she realized it was "something against the law" and confidential. She removed the post the day of the hearing. Mother also testified that she visited the children. She would go to the caretaker's house every weekend or every other weekend and spend the night at the caretaker's home.

Minors' counsel argued that, although minors wanted to return to mother's custody, counsel did not believe that there was sufficient evidence to show that there had been a change of circumstances. Counsel also argued that it was not in the minors' best interests to grant the petitions because minors were stable and doing well in guardianship. It would not be in minors' best interest to disrupt their stability.

The juvenile court reactivated the dependency petition as to minors. The court denied the section 388 petitions. The court found that mother's circumstances had not changed. The dependency was subsequently terminated. Mother's parental rights were terminated as to A.V., Mi.V. and Me.V.

On January 27, 2016, mother filed a notice of appeal from the order terminating parental rights as to A.V., Mi.V. and Me.V., as well as the denial of her section 388 petitions.

## **DISCUSSION**

### **A. THE JUVENILE COURT DID NOT ERR IN DENYING MOTHER'S SECTION 388 PETITION**

Mother contends that the court "erred when it denied mother's section 388 petition because she established sufficient changed circumstances to warrant granting reunification services, and further established that the proposed change would promote the children's best interests." The Department contends that mother's appeal should be dismissed because she never filed a notice of appeal as to minors because mother's notice of appeal "is only for [Me.V.], [Mi.V.] and A[.V]."

“It is elementary that an appeal from a portion of a judgment brings up for review only that portion designated in the notice of appeal.” (*Glassco v. El Sereno Country Club* (1932) 217 Cal. 90, 92.) However, a notice of appeal must be liberally construed. (Cal. Rules of Court, rule 8.405(a)(3).) We will not dismiss an appeal “because of a misdescription of the judgment or order to which it relates, unless it appears that the respondent has been misled by such misdescription.” (*Girard v. Monrovia City School Dist.* (1953) 121 Cal.App.2d 737, 739-740.)

Mother contends that because her section 388 petition “clearly specified that the order she was seeking to modify was an order terminating services for the five older minors and an order denying services for [A.V.],” the Department was not misled by her “misdescription” in the appeal. The Department, however, contends that “[a]lthough the Trial Court considered the section 388 petitions as to the older girls on the same day as the younger children,” the appeal must be dismissed because the notice of appeal clearly did not include minors.

We need not decide this issue because mother’s appeal fails on the merits. Therefore, we shall address mother’s appeal.

Mother contends that the court erred in denying her section 388 petitions as to minors because she established sufficient change of circumstances to warrant granting her reunification services. She also argues that the change would promote the best interests of the children.

“A juvenile court order may be changed, modified or set aside under section 388 if the petitioner establishes by a preponderance of the evidence that (1) new evidence or

changed circumstances exist, and (2) the proposed change would promote the best interests of the child. [Citation.] The parent bears the burden to show both a legitimate change of circumstances and that undoing the prior order would be in the best interest of the child. [Citation.] Generally, the petitioner must show by a preponderance of the evidence that the child's welfare requires the modification sought." (*In re A.A.* (2012) 203 Cal.App.4th 597, 611-612.)

“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 B.C.* (2011) 192 Cal.App.4th 129, 141.) “In considering whether the petitioner has made the requisite showing, the juvenile court may consider the entire factual and procedural history of the case.” (*In re Mickel O.* (2011) 197 Cal.App.4th 586, 616.)

“The petition is addressed to the sound discretion of the juvenile court, and its decision will not be overturned on appeal in the absence of a clear abuse of discretion.” (*In re J.T.* (2014) 228 Cal.App.4th 953, 965.) “The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court.” (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.) “The denial of a section 388 motion rarely merits reversal as an abuse of discretion.” (*In re Daniel C.* (2006) 141 Cal.App.4th 1438, 1445.)

Here, the juvenile court found that mother's circumstances had not changed. In making its finding, the court referred to mother's living situation until “just recently.”

“The fact that the parent ‘makes relatively last-minute (albeit genuine) changes’ does not automatically tip the scale in the parent’s favor.” (*In re D.R.* (2011) 193 Cal.App.4th 1494, 1512.) “It is only common sense that in considering whether a juvenile court abuses its discretion in denying a section 388 motion, the gravity of the problem leading to the dependency, and the reason that problem was not overcome by the final review, must be taken into account.” (*In re Kimberly F.* (1997) 56 Cal.App.4th 519, 531, fn. omitted.)

In this case, the juvenile court determined that mother’s circumstances had not changed because she continued to exhibit poor judgment. According to Dr. Suiter, mother had poor judgment and an inability to set appropriate limits and boundaries for father. This determination was made in March 2015. Dr. Suiter reported at that time that mother would not adequately benefit from reunification services and the children ““would be at overt risk to be placed in her care.”” Dr. Ryan, another psychologist, reported that mother’s insight and judgment were poor.

After services were terminated, mother continued to exhibit poor judgment. The police were called to mother’s home on two occasions in September 2015 due to problems with mother’s roommate. Mother suggests on appeal that she subsequently asked her roommate to move out because this was not the lifestyle she wanted for her and her children. Mother, however, informed the social worker in December 2015 that she was still living with her roommate, and the roommate was not scheduled to move out until December 31. This means mother’s roommate lived with mother for almost three

months after the incidents involving the police, and only soon before the hearing on review.

Moreover, mother had the girls on an overnight visit when her roommate was still residing with her. The girls informed the social worker that they had an overnight visit with mother in her home sometime before Thanksgiving. As noted above, mother's roommate lived with mother until the end of December. Also, despite mother's testimony that she only had one roommate, the girls reported that mother had two roommates.

Mother failed to benefit from services as evidenced by her continued involvement with people who were verbally and physically aggressive in her home, on two occasions in September 2015. Both these incidents occurred after mother completed a domestic violence program in September 15, 2015, and individual therapy on August 22, 2015.

Furthermore, mother continued to exhibit poor judgment by posting a video of her children on to the Dr. Phil Facebook page. She posted the video approximately one week prior to the hearing on her section 388 petition. This showed that mother continued to exhibit poor judgment. In the Facebook post, she blamed the Department for the children being out of her care. This showed that mother failed to take responsibility for her involvement in the dependency proceedings. Moreover, the post violated the confidentiality of the caregiver and exposed the children to thousands of followers of Dr. Phil's Facebook page. She did not remove her post until the day of the hearing. The court also stated that mother's posting of the video to the Dr. Phil Show's Facebook page "just defies logic, basic human reasoning and basic judgment to do such a thing." The

court stated that there was no logical reason for mother to post the video. The court also stated that “it’s so disturbing she would do that and so lacking in judgment that it’s consistent with what the doctors are reporting.” The court further stated that it was not in the children’s best interests to grant the petitions, and the issues had not really been addressed.

Not only had mother’s circumstances not changed, it was not in minors’ best interests to grant the section 388 petitions. At the hearing on the petitions, the court stated that the best interests prong “hasn’t really even been addressed.” In the section 388 petitions, mother stated that she had ameliorated the circumstances that gave rise to the initial dependency and was able to maintain a protective and safe environment. Nothing in the petition, however, addressed why it would be in the children’s best interests to grant the section 388 petitions.

Permanency and stability were the foremost concern when determining the children’s best interests. (*In re Stephanie M.*, *supra*, 7 Cal.4th at p. 317.) In this case, minors were already in a permanent plan of legal guardianship. As argued by minors’ counsel in the juvenile court, even though minors expressed an interest in returning to mother’s care, it was not in their best interests because they were stable and doing well in their guardianship. It was not in minors’ best interests to disrupt their stability.

Mother asserts minors are entitled to a relationship with her and have a right to their natural family relationships. Mother’s parental rights were not terminated, and she continues to have visitations and a relationship with the children. Moreover, after services are terminated, “the overwhelming consideration of both the juvenile court and

of this court must be the minors' need for stability, continuity, and permanency." (*In re Brittany K.* (2005) 127 Cal.App.4th 1497, 1507.) In this case, services were terminated and the children found stability in their guardianship.

Based on the above, we conclude the juvenile court did not abuse its discretion by denying mother's section 388 petitions.

**DISPOSITION**

The juvenile court's order denying mother's section 388 petitions as to A.G., An.M., and Ad.M. is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

MILLER  
J.

We concur:

McKINSTER  
Acting P. J.

SLOUGH  
J.