Filed 4/5/19 In re D.G. CA4/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re D.G. et al., Persons Coming Under the Juvenile Court Law.	
SAN BERNARDINO COUNTY CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. K.K., Defendant and Appellant.	E071004 (Super.Ct.Nos. J266439 & J266440) OPINION

APPEAL from the Superior Court of San Bernardino County. Christopher B. Marshall, Judge. Affirmed.

Jill Smith, under appointment by the Court of Appeal, for Defendant and Appellant.

Michelle D. Blakemore, County Counsel, Jamila Bayati, Deputy County Counsel, for Plaintiff and Respondent.

I

INTRODUCTION

K.K. (Mother) is the mother of two boys: eight-year-old G.G.-K. (G.) and seven-year-old D.G.-K. (D.).[1] Due to the parents' substance abuse issues, the boys were removed from parental custody by the San Bernardino County Children and Family Services (CFS). Mother was provided with reunification services but failed to reunify with her sons. After the boys were placed in a permanent plan living arrangement (PPLA) with the goal of adoption, Mother filed a Welfare and Institutions Code[2] section 388 petition, which was summarily denied. Mother appeals from the juvenile court's order denying her section 388 petition without a hearing.

On appeal, Mother argues the juvenile court erred in summarily denying her section 388 petition without a hearing because she had established prima facie evidence of changed circumstances and granting the petition was in the children's best interest. Finding no error, we affirm the order denying Mother's section 388 petition.

II

FACTUAL AND PROCEDURAL BACKGROUND

The family came to the attention of CFS on July 18, 2016, when a referral was received alleging Mother and the children were involved in a car accident and Mother

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[1] J.G. (Father) is not a party to this appeal.

[2] All future statutory references are to the Welfare and Institutions Code unless otherwise stated.

fled the scene with her six-year-old and four-year-old sons. In addition, one of the boys was not in a safety car seat. The social worker responded to the referral and interviewed the family. Mother denied she was driving the vehicle. However, D. reported that Mother was driving. Mother gave D. a harsh look and called him a liar. D. insisted that Mother was driving. Mother would only allow the children to be interviewed in her presence. When G. stated that Mother spanked him with a belt, Mother accused G. of lying. Mother reported that she and the children lived with the maternal grandfather. When the children reported that was not true, Mother called them liars. The children smelled like they had not bathed in a while and when asked what they had eaten that day, Mother answered for them and told them not to lie about it. Mother stated that she used marijuana but denied use of any other substances. Mother was arrested for outstanding warrants and cited for child endangerment but was released before the detention hearing.

Mother wanted the children to be released to the maternal grandfather, who had a long history of arrests. When Mother was informed that CFS would not allow the children to be placed with the maternal grandfather, she remembered Father's phone number. Father was at the hospital in the parking lot. Father reported that he knew Mother was homeless and that the children were not properly cared for but did not apply for custody of the children because he feared Mother would disappear with the children. The paternal grandmother reported that Father lived with her and the paternal grandfather and that they were willing to allow the children to live with them. The children were detained with Father.

On July 20, 2016, petitions were filed on behalf of the children pursuant to section 300, subdivision (b) (failure to protect). The following day, the children were formally removed from Mother's custody and detained with Father on the condition they live with the paternal grandparents. The parents were ordered to submit to drug testing that day. Mother was provided with supervised visitation two times per week for two hours.

Mother and Father both tested positive for methamphetamine and marijuana on July 21, 2016. Father admitted to using methamphetamine the night before the detention hearing on July 20, 2016. As a result, on August 4, 2016, the children were removed from Father's care and placed in a confidential foster home. The family had a prior history with CFS involving allegations of physical abuse and severe neglect in February 2011, and general neglect in March 2013, June 2013, June 2014, and March 2016. CFS found the prior allegations "unfounded." Mother also had a criminal history for driving with a suspended license, receiving stolen property, failure to appear, and trespassing.

Father knew that Mother had abused controlled substances and methamphetamines for the last eight years and resided in a tent with the children. He also stated that Mother abused alcohol. Mother admitted that she and Father had used marijuana and methamphetamines together when they were a couple. The social worker concluded Mother was intoxicated and did not have proper booster seats for the children when the

accident occurred. Mother dropped out of school in the 11th grade and did not have a job.

On August 10, 2016, first amended petitions were filed on behalf of the children adding an allegation regarding Father's substance abuse.

The jurisdictional hearing was held on August 11, 2016. Both parents were present and filed waiver of rights forms, submitting on the first amended petitions. The juvenile court found true the allegations in the first amended petitions. Thereafter, the court continued the hearing for ICWA noticing, and ordered CFS to provide an update on the status of placing the children with the paternal grandparents. The dispositional hearing was set for September 8, 2016.

At the dispositional hearing, the juvenile court noted that ICWA might apply, and that ICWA noticing had been initiated. The children were declared dependents of the court and placed in a foster home. The court provided reunification services to the parents and ordered them to participate in their case plan. Mother's case plan required her to participate in and complete general counseling, a parenting education program, an outpatient substance abuse program, and random drug testing. Her plan objectives included staying sober and demonstrating her ability to live free from alcohol dependency.

By the six-month review hearing, Mother had made moderate progress in her case plan. However, she was terminated from two outpatient treatment programs due to her lack of attendance. On January 5, 2017, Mother began attending an inpatient residential

treatment program at Cedar House. However, she was discharged from the program on April 8, 2017. Mother stated that she had last used methamphetamine on July 23, 2016, and marijuana on December 31, 2016, but laboratory results indicated that she had tested positive for THC on October 24 and 31, November 8, and December 5, 2016. She had also tested positive for marijuana 10 times from August to December 2016 and had failed to show for two drug tests in January 2017. A Cedar House report further indicated that she had tested positive for an unspecified substance on January 16 and February 14, 2017, and negative three times in January and February 2017.

In addition, a February 2017 Cedar House report noted that Mother had attended a 12-Step program and had only made it to Step 5. She had also attended general counseling and a parenting course. However, she had displayed negative behavior and succumbed to peer influence. Furthermore, a March 2017 Cedar House report indicated that Mother had been terminated from the Cedar House residential treatment program due to violating house rules, testing positive for substances, using another client's debit card, giving her EBT card to another client to make purchases, and being in a relationship with another client. When confronted about her violations, Mother became argumentative. She was referred to transitional housing.

Mother consistently and regularly visited the children. The visits were described as positive and the children were happy and excited to see Mother. Mother also attended school meetings addressing D.'s speech deficits, and visited the children, with food and

activities for the children. D. and G. had resided with Ms. and Mr. N. since August 9, 2016, and had developed a bond with their caregivers.

On March 8, 2017, at the six-month review hearing, the juvenile court continued reunification services for both parents and provided the parents with supervised visits twice a week for two hours.

By the 12-month review hearing, CFS recommended terminating the parents' reunification services and setting a section 366.26 hearing. The prognosis for reunification with Mother was poor. Mother had attended multiple substance abuse treatment programs in the past year but had failed to complete a single program. She had tested positive for methamphetamine on May 22, and July 5 and 6, 2017, and failed to test on six occasions between April and July 2017. Mother was given several opportunities to be truthful about her positive methamphetamine results, but instead blamed others and minimized the reasons for her use. Regarding her positive methamphetamine result from May 22, 2017, Mother at first admitted she "'smoked'" because she was stressed, and later told her counselor that she had accidently ingested methamphetamine by drinking her brother's energy drink. She claimed that she felt funny and learned her brother had dropped his "'dope'" in the drink when he was running from the police. Mother's positive drug tests led to her termination from Inland Valley Recovery Services on July 13, 2017.

The social worker opined that Mother failed to demonstrate she could remain sober. She continued to associate with people who abused substances and hindered her

progress. She seemed "unwilling to learn and incorporate alternative coping mechanisms [outside of substance abuse] to help her effectively deal with any past experiences of grief and loss." When her counselor asked her to explain her negative behaviors, Mother became defensive and argumentative. On April 20, 2017, Mother admitted that she had the opportunity to move to a sober living home, but chose to reside with her boyfriend, even though the sober living home had the support system she needed, a structured recovery program, and would have allowed her boys to reside with her in the future. The social worker strongly encouraged Mother to make better choices, to no avail. Mother lived with her boyfriend and his aunt. Her boyfriend had a criminal history and was in the vehicle when Mother had the car accident, which led to the children's removal. Mother indicated that she wanted to provide the boys with a stable home, but she resided in an uninhabitable residence.

Mother continued to regularly visit the children. The boys appeared bonded with Mother, but her visits remained supervised for their safety. Mother lacked the ability to set boundaries for the boys, who acted out, played too rough, and would not listen to Mother. The caregivers noted that the boys played rough, and as a consequence sustained bruises and scratch marks. G. was aggressive with other children and attended counseling sessions.

The 12-month review hearing was held on August 21, 2017. At that time, the juvenile court terminated reunification services, ordered ongoing supervised visits, and set a section 366.26 hearing.

On December 11, 2017, CFS requested a 120-day continuance to allow CFS to assess a concurrent planning home for the children.

Mother was appropriate with the children at her supervised visits. The boys enjoyed spending time with Mother and were hopeful they would return to her care. Mother genuinely tried to engage in different activities with the boys. The boys adjusted well to their caregivers. However, the caregivers did not want to be considered a concurrent planning home. The boys continued to play rough with each other, and G. also was aggressive with other children.

At the December 19, 2017 section 366.26 hearing, the juvenile court gave CFS authority to place the children in a concurrent planning home, and to publish the children's information in the Heart Gallery, or other such platforms, to locate an adoptive home for the children. A further section 366.26 hearing was set for April 18, 2018.

On March 28, 2018, CFS requested a 90-day continuance to allow CFS more time to locate a concurrent planning home. D. was in kindergarten and G. was in the second grade. Both children appeared to be healthy and developmentally on track. However, G. displayed emotional problems at school. He threw temper tantrums, physically attacked another student, threw furniture, and threatened to cut himself. G.'s caregiver noted that he was moody and unhappy after visits with Mother, and that he was disrespectful to his caregiver. When questioned about his moods, G. indicated he was angry that Mother did so poorly with reunification services. G. received a new therapy referral. D. was polite with his caregivers, but he often fought with G. The caregivers met the children's

developmental, physical, academic, and emotional needs. The boys appeared eager to spend time with Mother, but understood that they might not be able to visit her in the future. The social worker opined the likelihood of the children being adopted was good, as a man residing in San Diego, Mr. R., was interested in adopting the children. The children were excited about this prospect. CFS arranged a visit with Mr. R. and the children.

On April 18, 2018, the court set a further section 366.26 hearing for June 18, 2018, to allow the children to transition to Mr. R.'s home.

On June 13, 2018, CFS reported that the boys had transitioned to Mr. R.'s home, but Mr. R. requested their removal because of the boys' behavior. The boys were defiant, destructive, and aggressive with Mr. R.'s dogs, and each other. During one such incident, G. asked Mr. R. if he could go swimming, and Mr. R. told him that they needed to eat and Mr. R. needed to run errands. While Mr. R. showered, G. opened the door and let Mr. R.'s dogs run away. After searching for several hours, Mr. R. located his dogs.

In addition, D. had threatened to tell the social worker that Mr. R. hit him, which was untrue. The boys' babysitter had also quit, explaining she was not equipped to deal with the children's behaviors. Further, Mr. R. was exhausted from driving from his home in San Diego to the San Bernardino area for visits and therapeutic services for the boys. Mr. R. believed that he was not the best fit to provide the boys with permanency and stability.

At the further section 366.26 hearing on June 18, 2018, the court ordered PPLA with a goal of adoption and set a review hearing for December 18, 2018.

On July 13, 2018, Mother filed a section 388 petition, requesting that the children be returned to her care or, in the alternative, that reunification services be reinstated with liberalized visits. Mother claimed in an unsworn declaration that she was "now in a position to safely and adequately parent" her children. She also declared, "I know that it is important to be sober for my children, but I have learned that I have to be sober for myself as well. I am a better person today and I know I will and can be a better parent." She further stated that she had attended weekly visits, and reported that the boys enjoyed them and felt sad when they had to leave. She had also begun working 30 to 40 hours a week at a fast food restaurant two weeks earlier, earning $11 an hour.

Mother claimed that she had completed her case plan, a 12-Step program, and an inpatient treatment program on April 25, 2018. She further declared that she had attended an inpatient substance abuse program and narcotics anonymous (NA) meetings, as well as remained sober. Mother's petition was supported by certificates from Cedar House indicating she had completed a parenting course, an anger management course, and substance abuse treatment on April 25, 2018. Mother stated that while in the inpatient program, "I tested negative for all illegal substances." She indicated that in group therapy, she learned to cope with addiction, and "I am attending NA meetings on a regular basis. (Please see attached sign in sheets.)" The 12-Step sign-off sheets ended June 5, 2018, but the petition was filed on July 13, 2018, and it did not indicate she

obtained a 12-Step sponsor, or what steps she had completed. The petition also did not include drug test results for Mother, such as laboratory results or a summary of testing from Cedar House up until July 13, 2018, when the petition was filed. When addressing the children's best interest, Mother stated that she had regularly visited the children, and that the boys "have behavioral issues and have been moved from several placements in the past few months." Mother believed that the boys' behaviors were due to being separated from her.

On July 16, 2018, the juvenile court summarily denied Mother's section 388 petition, noting the petition failed to state a prima facie case of changed circumstances, and the proposed change in order was not in the children's best interest.

On July 27, 2018, Mother filed a timely notice of appeal from the juvenile court's denial of her section 388 petition without a hearing.

III

DISCUSSION

Mother argues the juvenile court abused its discretion when it summarily denied her section 388 petition, because she had made a prima facie showing her circumstances had changed and the modification she sought promoted the children's best interest.

Under section 388, a juvenile court order may be changed or set aside "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." (*In re Zachary G.* (1999) 77 Cal.App.4th 799, 806.) "[I]f the

liberally construed allegations of the petition do not make a prima facie showing of changed circumstances and that the proposed change would promote the best interests of the child, the court need not order a hearing on the petition." (*Ibid.*; § 388, subd. (d) ["If it appears that the best interests of the child . . . may be promoted by the proposed change of order, . . . the court shall order that a hearing be held . . . ."].) The prima facie requirement is not met "unless the facts alleged, if supported by evidence given credit at the hearing, would sustain a favorable decision on the petition." (*Zachary G.*, at p. 806.) We review the juvenile court's order denying a hearing for abuse of discretion. (*Id*. at p. 808.) "It is rare that the denial of a section 388 motion merits reversal as an abuse of discretion . . . ." (*In re Kimberly F.* (1997) 56 Cal.App.4th 519, 522.)

Mother contends the juvenile court should have held a hearing on her section 388 petition because she established a prima facie showing of changed circumstances and that the proposed change would promote the best interest of the children. Mother alleged her changed circumstances consisted of successfully completing an inpatient drug treatment program, regularly attending NA meetings, completing a 12-Step program, and remaining sober. County counsel argues that Mother failed to meet the threshold requirement for consideration of her petition because the petition was not verified, the 12-Step entries appeared falsified, and Mother failed to submit drug test results.

We agree that Mother's petition fell short of establishing the kind of prima facie showing that might have merited a hearing. The petition was not verified, in violation of section 388, subdivision (a), and rule 5.570(a) of the California Rules of Court. (See *In*

re Ramone R. (2005) 132 Cal.App.4th 1339, 1348 (*Ramone*).) Mother provided no sworn declaration to support her counsel's allegations. She also failed to provide reliable evidence to show she attained sobriety and could remain sober.

In any event, we need not decide whether the juvenile court erred in finding there was no prima facie showing of changed circumstances, because Mother failed to make a prima facie showing that granting the section 388 petition and returning the children to her care or providing additional reunification services was in the children's best interest.

Parent and child share a fundamental interest in reuniting up until reunification efforts cease. (*In re R.H.* (2009) 170 Cal.App.4th 678, 697, disapproved on another ground in *John v. Superior Court* (2016) 63 Cal.4th 91, 98-100.) By the time of the section 366.26 hearing to select and implement a child's permanent plan, however, the interests of the parent and the child have diverged. (*Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 254.) After reunification efforts have terminated, the court's focus shifts from family reunification toward promoting the child's needs for permanency and stability. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) This is a difficult burden to meet when reunification services have been terminated. This is because, "[a]fter the termination of reunification services, a parent's interest in the care, custody and companionship of the child is no longer paramount. [Citation.]" (*In re Angel B.* (2002) 97 Cal.App.4th 454, 464 (*Angel B.*).) In fact, there is a rebuttable presumption continued foster care is in the child's best interest. (*Ibid.*) Such presumption applies with even greater strength when adoption is the permanent plan. (*Ibid.*) "A court hearing a motion

for change of placement at this stage of the proceedings must recognize this shift of focus in determining the ultimate question before it, that is, the best interests of the child." (*In re Stephanie M.* (1994) 7 Cal.4th 295, 317.)

At the time Mother filed her section 388 petition, approximately one year after services were terminated, the children's interest in stability was the juvenile court's foremost concern, outweighing any interest in reunification. The prospect of returning the children to Mother's care or granting Mother additional reunification services to see if Mother would and could do what she was required to do to regain custody would not have promoted stability for the children, and thus would not have promoted the children's best interest. (*Angel B.*, *supra*, 97 Cal.App.4th at p. 464.) G. and D. were six and four years old, respectively, when they were removed from Mother's care in July 2016.

While Mother attempted to combat her chronic substance abuse problem, the boys were first placed with the N. family from August 2016 to April 2018. The boys adjusted well to the N. family and appeared to be bonded to their caregivers. However, the N. family did not desire to adopt the boys. The boys were thereafter placed with Mr. R. Although Mr. R. requested the boys be moved from his custody due to the distance to facilitate visits and services for the boys and his inability to deal with the boys' behavioral issues, the social worker opined the boys were adoptable.

The children required permanency and stability. Returning the children to Mother's care or allowing Mother additional services to combat her nearly decade long substance abuse problem would not have promoted the children's best interest. Mother's

substance abuse issues evidently led to her vehicle accident, and her substance abuse problems resulted in her joblessness, homelessness, criminal history, and neglect of the children. Mother abused methamphetamine and marijuana for at least eight years before the children's detention. While receiving reunification services, Mother continued to abuse drugs, and when confronted about her substance abuse, she lied about it, and minimized its significance. She attended at least three substance abuse treatment programs and failed to complete them. She also missed treatments and violated the rules of the treatment programs. Mother at times did well with her substance abuse while in a structured setting and with assistance. Yet she attended multiple inpatient and outpatient services in an effort to gain stability and combat her ongoing issues, only to regress and relapse again. Moreover, Mother's visits remained supervised, as she could not properly supervise and control her boys during visits. There was also no evidence indicating Mother had consistent housing, employment, or a positive support system. Rather, the record indicates that Mother repeatedly succumbed to adverse influences and engaged in negative behaviors.

Returning the boys to Mother's care or granting her additional reunification services would only delay the children's adoption in a stable and loving home. The social worker noted that the children were adoptable. The record shows that the boys' moodiness and behavioral issues occurred after visits with Mother. In addition, the boys' unhappiness was due to Mother's poor performance of her services. The boys were hopeful that Mother would complete her case plan, and that they would be reunited.

However, when that did not occur, understandably the boys acted out. Returning the boys to Mother's care or providing Mother with additional services and liberalized visits would be detrimental to the boys. The juvenile court reasonably concluded that, under such circumstances and in light of Mother's history of abusing drugs, Mother had not made a prima facie showing that returning the boys to her care or reinstating reunification services would have promoted stability for the children and be in their best interest. (*Angel B.*, *supra*, 97 Cal.App.4th at p. 464.)

In *Angel B.*, *supra*, 97 Cal.App.4th 454, the court rejected the mother's contention the juvenile court erred in denying her section 388 petition without holding a hearing. The mother in *Angel B.* had a long history of drug abuse, unsuccessful rehabilitation attempts, and failure to reunify with another child. After the mother was denied reunification services, she began to improve, enrolling in a treatment program, testing clean for four months, completing various classes, and obtaining employment. Regular visits with her child also went well. (*Id.* at p. 459.) Nevertheless, when she filed her section 388 petition for reunification services, the court summarily denied her petition without a hearing. The Court of Appeal affirmed, finding no abuse of discretion by the juvenile court refusing to hold a hearing. (*Id*. at p. 462.)

The appellate court in *Angel B.* acknowledged the petition showed the mother was doing well, "in the sense that she has remained sober, completed various classes, obtained employment, and visited regularly with [the child]." (*Angel B.*, *supra*, 97 Cal.App.4th at pp. 464-465.) The court also assumed for purposes of the appeal "that this time her

resolve is different, and that she will, in fact, be able to remain sober, remain employed, become self-supporting and obtain housing." (*Id*. at p. 465, italics omitted.) Nevertheless, the court concluded "such facts are not legally sufficient to require a hearing on her section 388 petition." (*Ibid*.) The court explained: "[T]here is a rebuttable presumption that, in the absence of continuing reunification services, stability in an existing placement is in the best interest of the child, particularly when such placement is leading to adoption by the long-term caretakers. [Citation.] To rebut that presumption, a parent must make some factual showing that the best interests of the child would be served by modification." (*Ibid*.) The mother in *Angel B.* did not make such a showing. Nor does Mother here.

As to why the requested change in the order terminating her services was in the children's best interest, Mother's section 388 petition stated that she had continued to visit regularly, the children had behavioral issues, and that the children had been "moved from several placements in the past few months." Mother's allegations are not a factual showing that granting her additional reunification services would promote the children's best interest. (*Ramone R.*, *supra*, 132 Cal.App.4th at pp. 1348-1349.) Mother's petition offered no evidence of the nature of her own bond or that the children wanted to live with Mother. (See *Angel B.*, *supra*, 97 Cal.App.4th at p. 465 [the mother's petition, denied without a hearing, stated that she had bonded with the child, who was happy to see her and reached for her on their visits].) Furthermore, Mother incorrectly states that the children had been moved from several homes in the past few months. As previously

noted, the children spent approximately 20 months with the N. family. They were then placed with Mr. R. from April to June 2018, and then placed in another home. The children were deemed adoptable. As such, the court ordered PPLA with the goal of adoption. Although the record shows the children loved Mother and were happy to see her, and that Mother was appropriate during visits, we conclude Mother has not made a prima facie showing that the children's best interest would be served by returning the children to Mother's care or by offering Mother additional reunification services.

Mother's reliance on *In re Aljamie D.* (2000) 84 Cal.App.4th 424 (*Aljamie D.*) is unavailing. In *Aljamie D.*, the court terminated reunification services in March 1998, at which point the mother had only recently begun complying with the case plan. (*Id*. at p. 427.) In January 2000, the mother filed a section 388 petition seeking to modify the court's order of long-term foster care. (*Id*. at p. 428.) "Appellant alleged that she had fully complied with the case plan, and attached completion certificates for parenting classes, a domestic violence program, Via Avanta Residential Program, a job readiness workshop, a perinatal health education program, and a 'behavior change & skills building prevention' program. She further alleged that the children wish to return to her, and that she had visited the children consistently. She requested a 60-day trial visit." (*Ibid*.) The appellate court concluded the juvenile court abused its discretion by summarily denying the mother's section 388 petition. *Aljamie D.*, however, is factually distinguishable given the older ages of the minors involved and their expressed desire to live with their mother in *Aljamie D.* The appellate court in *Aljamie D.* concluded that the petition showed

changed circumstances and that the best interests of the minors might be served by a change in the juvenile court's prior order, stating, "[a]ppellant's petition showed that the best interests of the children potentially would be advanced by the proposed 60-day visit and eventual change in the placement order. The children, ages 9 and 11, repeatedly made clear that their first choice was to live with their mother. While a child's wishes are not determinative of her best interests, the child's testimony that she wants to live with her mother constitutes powerful demonstrative evidence that it would be in her best interest to allow her to do so." (*Id*. at p. 432.)

Here, by contrast, the children were much younger when they were removed from Mother's care and never reported a desire to live with Mother. G. and D. were six and four years old, respectively, when they were removed from Mother's care. They have not been returned to Mother's custody since their detention. Additionally, unlike the mother in *Aljamie D*., who had unsupervised visits with her children and lived in a suitable home, Mother's visits remained supervised and she lived in an unsuitable home with her boyfriend, who has a criminal history. Further, in contrast to the mother in *Aljamie D*., here, Mother had a much shorter period of sobriety and there was no evidence to demonstrate that Mother would and could remain sober.

Based on the foregoing, the juvenile court did not abuse its discretion in summarily denying Mother's section 388 petition without a hearing.

IV

DISPOSITION

The juvenile court's order summarily denying Mother's section 388 petition is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

CODRINGTON
Acting P. J.

We concur:

FIELDS
J.

RAPHAEL
J.