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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

B.S.,

Petitioner,

v.

THE SUPERIOR COURT OF
STANISLAUS COUNTY,

Respondent;

STANISLAUS COUNTY COMMUNITY
SERVICES AGENCY,

Real Party in Interest.

F065114

(Super. Ct. No. 515916)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Ann Q.
Ameral, Judge.

Robert D. Chase, for Petitioner.

No appearance for Respondent.

John P. Doering, County Counsel, and Maria Elena Ratliff, Deputy County
Counsel, for Real Party in Interest.

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* Before Gomes, Acting P.J., Kane, J., and Detjen, J.

B.S.¹ (mother) seeks an extraordinary writ (Cal. Rules of Court, rule 8.452) from the juvenile court's orders issued at a contested 18-month review hearing terminating reunification services and setting a Welfare and Institutions Code section 366.26² hearing as to her 23-month-old son, J.S. We will deny the petition.

PROCEDURAL AND FACTUAL SUMMARY

Mother has two children, a three-year-old daughter, I.S., and J.S., the subject of this writ petition. Mother suffers from a developmental disability and has a history of child neglect. In June 2009, the Stanislaus County Community Services Agency (agency) received a report that there were dog feces, urine and cockroaches on the floor of mother's home. The reporting party stated that formula had to be provided for then six-month-old I.S. as there was none there for her. The agency substantiated that mother had neglected I.S. and referred mother for community services. The agency investigated mother for neglect again in March 2010 after receiving information that then 15-month-old I.S. was underweight and malnourished and could not walk. She had dried feces on her bottom and a rash, as well as severe lung and ear infections. Mother told the investigating social worker that she used methamphetamine. The agency referred mother for voluntary services.

In April 2010, mother was admitted for residential drug treatment at Nirvana Women of Hope (Nirvana). After completing residential treatment, she was admitted to Redwoods Family Center (Redwoods), a clean and sober facility and to First Step Perinatal Drug & Alcohol Treatment Program (First Step) for outpatient treatment. In

¹ We refer to some of the parties in this case by their first and last initials to protect the anonymity of the children. (Cal. Rules of Court, rule 8.401(a)(2).)

² All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

September 2010, mother gave birth to J.S. The staff at Nirvana, Redwoods and First Step reported that mother was unwilling or unable to bathe herself and the children, change their clothing and provide proper medication dosing for them. Staff had to wake her up when J.S. needed to be fed or changed. On one occasion, mother took J.S. to daycare with feces stains on his clothes and formula stains on his blanket. He had feces in the creases of his legs, armpits and ears, and “goop” in his eyes. Redwoods staff reported that as long as mother was closely supervised, she was able to properly care for the children; however, despite several months of parenting education and support, she was not able to do so independently.

These dependency proceedings were initiated in October 2010 when the agency took then 21-month-old I.S. and one-month-old J.S. into protective custody and filed a dependency petition on their behalf alleging that mother’s developmental disability and drug use caused her to neglect them. (§ 300, subd. (b).) The petition also alleged that the children’s alleged fathers failed to provide for them and that the fathers’ whereabouts were unknown. (§ 300, subd. (g).)

In October 2010, at the detention hearing, the juvenile court appointed an attorney and a guardian ad litem for mother and ordered the children detained. The agency placed them in foster care.

The agency reported that mother’s primary challenge in reunifying with the children was her struggle to independently provide for their basic needs. To assist her, the agency referred her for one-on-one parenting sessions at Aspira Pro Families (Aspira). In addition, mother was participating in parenting labs at First Step and was eligible for supportive services through Valley Mountain Regional Center (VMRC) such as assistance with shopping and transportation to her medical appointments once she was living independently. However, VMRC does not provide hands-on assistance with the children. Consequently, the agency stressed the importance of mother demonstrating a

solid foundation of recovery and a solid grasp of basic parenting before leaving clean and sober living to obtain a residence of her own.

In November 2010, the juvenile court exercised its dependency jurisdiction and ordered a plan of reunification for mother that required her to complete parenting instruction through First Step and mentoring through Aspira. It also required her to participate in a 12-step program, submit to random drug testing and continue to reside in clean and sober living for at least three months and demonstrate her ability to parent and care for her children before she moved out. The agency was given discretion to allow overnight visits at Redwoods.

During the first six months of services, mother remained at Redwoods and was in recovery. However, she still had not demonstrated the ability to safely parent the children. Specifically, she was not able to multi-task and anticipate risks or danger to the children. Also during this interim period, I.S.'s father, James, appeared and was participating in reunification services.

In May 2011, at the six-month review hearing, the juvenile court found that mother had made fair progress in her services plan and continued reunification services for her and James to the 12-month review hearing, which it set for November 2011.

In the interim, mother completed outpatient drug treatment and the program requirements at Redwoods. She participated in supportive services through VMRC and actively participated in mentoring services through Aspira. She also demonstrated improvement in such parenting skills as changing the children's diapers more consistently and regularly feeding them; however, she had not progressed to the point that she could supervise them both. Consequently, in its report for the 12-month review hearing, the agency recommended that the juvenile court terminate mother's services and continue James's services to the 12-month review hearing.

In November 2011, the 12-month review hearing was continued and conducted as a contested hearing in February 2012. At the contested hearing, the juvenile court continued services for mother and James to the 18-month review hearing, which it set for April 2012.

In December 2011, mother moved out of Redwoods and into a trailer with relatives. The agency subsequently arranged for mother and J.S. to visit at various community locations until the home could be approved for visitation.

In its report for the 18-month review hearing, the agency recommended that the juvenile court terminate mother's reunification services and continue services for James. The matter was set for a contested hearing and continued until June 2012.

In an addendum report prepared for the hearing, the agency reported that mother made no effort to prepare the home for visitation. In addition, she was unable to supervise both children during community visitation. On one notable occasion, mother was carrying J.S. and holding I.S.'s hand as they entered a crosswalk. Midway through the crosswalk, I.S. pulled free and ran toward the sidewalk. The social worker ran after I.S. and grabbed her by the hand. Asked why she let go of I.S.'s hand, mother explained that she directed I.S. to run ahead to the sidewalk so that she would not get hit by a car.

Mother's position at the contested 18-month review hearing was that the agency did not help her obtain housing. Social worker Roslyn Mincey testified that the home in which mother lived had not been cleared so that she could have overnight visits with the children and that the two adults who also resided there had not been cleared by the agency. She also testified that mother asked for a referral for Section 8 housing (42 U.S.C. § 1437f) after the 12-month review hearing, but that there were no openings and therefore no vouchers available. She testified there were other agencies that provide housing assistance and gave mother a pamphlet listing them. She said the agency also enlisted the support of Aspira and that one of the workers from Aspira was helping

mother locate housing and fill out applications. In addition, Ms. Mincey was aware that VMRC was able to provide housing assistance, but she did not contact VMRC on mother's behalf and could not remember if she recommended that mother contact VMRC for such assistance. On redirect examination, she testified that she spoke to someone from VMRC several days before the hearing and understood that someone from VMRC was going to assist mother by helping her locate available housing and complete applications. However, Ms. Mincey said VMRC did not provide financial assistance to obtain housing and she was not aware of any agency that provided such assistance.

Ms. Mincey also testified that, even if I.S. were returned to her father's custody, mother would not be able to safely parent J.S. because she was not able to anticipate and avoid or minimize risk to even one child.

Following argument, the juvenile court found that it would be detrimental to return the children to mother's custody and that the agency provided her reasonable services. The juvenile court stated that it was concerned with mother's housing situation, but that it was not a lack of housing that prevented it from returning the children to her custody. Rather, it was her inability to properly care for them. The juvenile court also found that there was not a substantial probability that the children could be returned to mother's custody even if it continued services to the 24-month review hearing. Consequently, the juvenile court terminated mother's reunification services as to both children and set a section 366.26 hearing as to J.S. The juvenile court ordered I.S. returned to James's custody under a plan of family maintenance.

This petition ensued.

DISCUSSION

Mother contends the agency unreasonably delayed in enlisting the assistance of VMRC to help her obtain housing. As a result, she further contends the agency failed to

provide her reasonable services and the juvenile court's reasonable services finding is error. We disagree.

As part of its duty to provide reasonable services to mother, the agency was required to make a good faith effort to help her reunify with her children in spite of difficulties in doing so or the prospects of success. (*In re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1790.) We review the juvenile court's finding that reasonable services were provided for substantial evidence. (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 762.) In this case, we conclude substantial evidence supports the juvenile court's finding.

Mother specifically argues that the agency's untimely delay in involving VMRC with her housing search thwarted her chances of reunifying with J.S. under a theory that, had she obtained housing sooner, the agency would have arranged overnight visits and she would have been able to demonstrate that she could independently parent J.S. Her argument, however, is faulty for two important reasons. First, as the juvenile court explained, it was mother's inability to safely parent J.S., even with supervision, that prevented her from reunifying with him. Secondly, VMRC provided services that mother was already receiving from Aspira; namely, assistance with locating appropriate housing and applying for it. Consequently, earlier assistance from VMRC would not necessarily have resulted in mother obtaining housing.

Mother bore the burden of showing that the juvenile court erred in finding that she was provided reasonable services. (*Winograd v. American Broadcasting Co.* (1998) 68 Cal.App.4th 624, 632.) On this record, and for the reasons stated above, we conclude that she failed to show error. Accordingly, we deny the petition.

DISPOSITION

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.