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

RACHAEL R.,

Petitioner,

v.

THE SUPERIOR COURT OF
STANISLAUS COUNTY,

Respondent;

STANISLAUS COUNTY COMMUNITY
SERVICES AGENCY,

Real Party in Interest.

F065349

(Super. Ct. Nos. 516039, 516041, 516042,
516043 & 516044)

OPINION

THE COURT*

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

Rachael R., in pro. per., 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 Levy, Acting P.J., Kane, J., and Detjen, J.

Rachael is the mother of seven children ranging in age from three to fifteen years. In July 2012, the juvenile court terminated Rachael's reunification services at a contested 12-month review hearing (Welf. & Inst. Code, § 366.21, subd. (f))¹ as to five of the children and set a section 366.26 hearing to implement a permanent plan as to them.² Rachael challenged the juvenile court's setting orders by filing an extraordinary writ petition (rule 8.452) in propria persona. However, instead of asserting juvenile court error as required under rule 8.452, Rachael asks that her parental rights not be terminated, objects to evidence admitted during the proceedings, and provides additional documentation.

We conclude that Rachael forfeited the right to raise any evidentiary issues, decline to review the post-judgment documentation attached to her writ petition, and dismiss the writ petition as facially inadequate under rule 8.452.

PROCEDURAL AND FACTUAL SUMMARY

In February 2011, the Stanislaus County Community Services Agency (agency) received a report that Rachael was hitting her children. James,³ the father of her three youngest children stated that he was afraid to leave the house for fear of what Rachael might do. He said Rachael also hit him in front of the children and that she suffers from bipolar disorder, schizophrenia and depression but did not take her medication. A social

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² Rachael filed an extraordinary writ petition on behalf of all seven children; however, the juvenile court ordered a section 366.26 hearing only as to five of them. The juvenile court ordered the other two children, Rachael's 11- and 15-year-old daughters, into an independent living arrangement. Because California Rules of Court, rule 8.452 (rule 8.452) permits appellate review of the juvenile court's orders and findings from a setting hearing, Rachael's 11- and 15-year-old daughters are not proper subjects of these writ proceedings and are not included in our review.

³ James also filed a writ petition which is pending before this court (F065326).

worker from the agency spoke to the children who reported physical fighting between Rachael and James. They said it scared them and they did not feel safe at home. After Rachael declined voluntary services, the agency detained all seven children and placed them in foster care.

In March 2011, the agency filed an original dependency petition alleging that Rachael's untreated mental illness and ongoing domestic violence between Rachael and James placed the children at risk of serious physical and/or emotional harm. In an amended petition filed after the children were removed, the agency alleged that Rachael's 11-year-old son disclosed that on one occasion Rachael threw a flip flop at him, hitting him in the head and causing bruising. He also stated that Rachael tried to kill him, chased him with an iron and a knife, choked him and tried to pull his hair.

The juvenile court exercised its dependency jurisdiction at a dispositional hearing in May 2011 and ordered James and Rachael to complete programs in parenting and domestic violence. In addition, Rachael was ordered to complete a clinical assessment, take her medication as prescribed and sign a release of information so that the agency could track her compliance. James was also ordered to complete individual counseling to address issues related to domestic violence as a victim. The juvenile court set the six-month review hearing for October 2011.

Over the ensuing months, James and Rachael participated in their services but made little progress in domestic violence counseling. Rachael denied that she and James fought and stated that her children either lied for attention or were confused when they reported the violence they observed and experienced. In addition, she was controlling at the family visits and appeared to intimidate James and the children.

In its report for the six-month review hearing, the agency advised the juvenile court against returning the children to James and Rachael's custody, but recommended that the juvenile court offer them six more months of services.

The six-month review hearing was continued and conducted in December 2011. Meanwhile, Rachael was evaluated by a psychologist who recommended that she undergo a thorough medical evaluation to rule out a neurological basis for her behavior.

In December 2011, the juvenile court continued James and Rachael's services to the 12-month review hearing which it set for April 2012. The agency amended Rachael's case plan to include a neuropsychological evaluation.

In April 2012, the agency filed its report for the 12-month review hearing and recommended that the juvenile court terminate James and Rachael's reunification services and set a section 366.26 hearing. The agency reported that neither parent had completed their court-ordered services or made substantial progress in resolving the situation that necessitated the children's removal.

The 12-month review hearing scheduled for April 2012 was continued and conducted as a contested hearing in July 2012. Meanwhile, neuropsychologist Randall Epperson issued his written evaluation of Rachael. Dr. Epperson reported that Rachael has a history of idiopathic seizure disorder as well as traumatic life experiences including rape at the age of 12, possible subsequent sexual molestation, an abusive first marriage, and spousal domestic violence. He did not see any indication of psychosis suggestive of schizophrenia and Rachael did not report regular cycling of her mood suggestive of bipolar disorder. Dr. Epperson concluded that Rachael's domestic violence incidents were not the result of temporal lobe epilepsy, but rather were related to "borderline personality structure and unresolved abuse from her past which ... led her to be hyperalert and reactive to any perceived external threat." He reported that he "experienced some of her underlying aggressiveness and quasi-paranoid thinking" during the evaluation. He also concluded that Rachael's "periodic domestic violence episodes occur when interacting with an unstable partner relationship and under the stress of ... children and ... custody issues." He recommended psychiatric treatment.

The contested 12-month review hearing was conducted over several days in July 2012. The juvenile court heard from multiple witnesses, including social worker Katherine Croom who testified that Rachael denied there was ever any domestic violence between her and James. She also testified that James believed he was stuck in his relationship with Rachael and wanted to preserve it.

Rachael testified that she completed 28 of the 52 domestic violence classes and intended to continue living with James. She denied there was any domestic violence in January or February of 2011. She said the last time they engaged in physical violence was in 2005 or 2006 and they last engaged in verbal violence in 2009.

At the conclusion of the hearing, the juvenile court found that it would be detrimental to return the children to James and Rachael's custody. The juvenile court terminated James and Rachael's reunification services and set a section 366.26 hearing to implement a permanent plan. This petition ensued.

DISCUSSION

As a reviewing court, we are confined to the evidence that was before the juvenile court and that was properly preserved for review. (*In re Zeth S.* (2003) 31 Cal.4th 396, 399-400.) In addition, rule 8.452 facilitates review of the juvenile court's setting the section 366.26 hearing for error. (Cal. Rules of Court, rule 8.450(b).) To that end, it requires the petitioner to set forth legal arguments by points and authorities including specific citation to the appellate record. (Rule 8.452(b).) Though a writ petition is to be liberally construed (Rule 8.452(a)(1)), it must at a minimum assert juvenile court error as this court will not independently review the appellate record for possible errors. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.) With those principles in mind, we turn to Rachael's petition.

Rachael attached various documents to her petition—some are undated; some are dated after the 12-month review hearing. Since this court cannot review evidence that

was not before the juvenile court, we will not review Rachael's attachments. In addition, in one of the attachments entitled "Attachment 7," Rachael challenges the contents of a document as untruthful; however, she did not identify the document or its date. Instead, she refers to specific paragraphs on page 1 of the unidentified document. Without a specific page reference, this court cannot track her argument. More importantly, we conclude Rachael is precluded from challenging any of the evidence in the record as there is no evidence that she objected to it. Finally, Rachael does not assert any specific juvenile court error. Much of the petition consists of Rachael's express love for her children and desire to reunify with them. However, without at least an assertion of error on the part of the juvenile court, this court must dismiss the petition as facially inadequate.

DISPOSITION

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