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

S.F.,

Petitioner,

v.

THE SUPERIOR COURT OF
STANISLAUS COUNTY,

Respondent;

STANISLAUS COUNTY COMMUNITY
SERVICES AGENCY,

Real Party in Interest.

F065720

(Super. Ct. Nos. 515849, 515850 &
515851)

OPINION

THE COURT*

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Ann Q.

Ameral, Judge

Kimberly C. Ayers for Petitioner.

No appearance for Respondent.

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

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*Before Wiseman, Acting P.J., Cornell, J. and Gomes, J.

Sandra seeks an extraordinary writ (Cal. Rules of Court, rule 8.452 (rule)) 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 366.26¹ hearing as to her three youngest children, eight-year-old I.P., six-year-old A.P., and five-year-old M.P. We deny the petition.

PROCEDURAL AND FACTUAL SUMMARY

Dependency proceedings were initiated in this case in August 2010. At that time, Sandra and her boyfriend, Joseph P., were living with Sandra's four children from prior relationships; her 16-year-old daughter, A.G., 13-year-old son, F.F., 11-year-old daughter, M.F., and 7-year-old son, A.F.; as well as her three children with Joseph, then 6- and 3-year-old sons, I.P. and M.P. respectively and their 4-year-old daughter, A.P.

In August 2010, the juvenile court detained all seven children pursuant to a dependency petition filed by the Stanislaus County Community Services Agency (agency) alleging that Joseph sexually molested 11-year-old M.F. since she was about five or six years of age and that M.F. told Sandra about the molestation in June or July of 2009. Shortly thereafter, Joseph moved out of the family home but returned two days later, where he remained. Sandra both admitted and denied being told about the molestation.

In December 2010, the juvenile court exercised its dependency jurisdiction over A.G., I.P., M.P. and A.P. and ordered reunification services for Sandra and Joseph. The juvenile court ordered Sandra to participate in individual counseling, sexual abuse counseling, complete medication and mental assessments, comply with all recommendations, and sign a release of medical information form allowing the agency to communicate with her healthcare providers. The juvenile court ordered F.F., M.F. and

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

A.F. into the care of their father, Felix, and granted him sole legal and physical custody. The agency placed A.G. in one foster home and I.P., M.P. and A.P. together in another.

Over the next 10 months, Sandra resisted participating in her court-ordered services. She missed individual counseling sessions and stated she did not need to address issues in counseling. She refused to undergo a medication assessment, had not begun sexual abuse counseling or provided the agency authorization to receive medical information. Joseph was even less compliant. Consequently, in its report for the 12-month review hearing, the agency recommended that the juvenile court terminate services for both parents.

In December 2011, at the 12-month review hearing, the juvenile court terminated Joseph's reunification services but continued services for Sandra to the 18-month review hearing, which the court set for February 2012. The juvenile court also ordered the agency to prepare an updated case plan. The following day, the agency filed an updated case plan, which in part required Sandra to complete a psychotropic medication assessment and follow all recommendations, complete a sexual abuse counseling program to learn how to protect the children from sexual abuse, participate in individual counseling to address the molestation disclosures, sign a waiver for release of medical information, and apply to be fingerprinted through Live Scan for completion of a criminal record check.

In March 2012, the juvenile court relieved Sandra's court-appointed attorney, Catherine Hallinan, and appointed Kimberly Ayers as counsel for Sandra.

In May 2012, the agency filed its report for the 18-month review hearing. It recommended that the juvenile court terminate services for Sandra and conduct a section 366.26 hearing to implement a permanent plan of adoption for I.P., M.P. and A.P. The agency also recommended that the juvenile court retain its jurisdiction over A.G. when she reached the age of majority that same month.

The agency further reported that Sandra had weekly supervised visitation with the children and the visits appeared to go well but the agency did not recommend advancing to unsupervised visitation. In addition, the agency reported that Sandra did not accept that Joseph molested M.F., blamed everyone else for her problems, and was resistant to treatment. The agency was very concerned that Sandra would not protect her children from further abuse or neglect.

In June 2012, Ms. Ayers faxed a witness list and offer of proof to counsel for the 18-month review hearing. The witness list included Sandra's former attorney, Ms. Hallinan, who, according to Ms. Ayers, would testify regarding the social worker's communications concerning reunification services offered, rendered and promised, but not received. In response, Deputy County Counsel Maria Ratliff filed a motion to exclude Ms. Hallinan's testimony.

On July 16, 2012, the juvenile court convened the contested 18-month review hearing. That same day, Ms. Ayers filed a motion to exclude Ms. Ratliff from the proceedings arguing that she had a conflict in that she represented Felix at the beginning of the case before she joined the Office of the County Counsel. The juvenile court denied the motion, allowing Ms. Ratliff to proceed as lead counsel for the agency.

The 18-month review hearing was conducted over 12 days and concluded at the end of August 2012. Ms. Ayers argued that the agency failed to provide Sandra reasonable services and asked the juvenile court to continue the services. The juvenile court, however, declined to do so. Instead, the court found that Sandra was provided reasonable services and made fair progress. The court specifically commented on Sandra's delay in initiating services and her therapist's testimony that she had not completed sexual abuse counseling and still had a lot of work to do. The court also terminated Sandra's reunification services and set a section 366.26 hearing. This petition ensued.

DISCUSSION

By her writ petition, Sandra seeks an order from this court directing the juvenile court to vacate the section 366.26 hearing and to issue an order continuing reunification services. In a single heading, Sandra contends that the juvenile court erred in failing to find a conflict of interest and in terminating reunification services because she was making progress in her case plan and completed most of the case plan objectives. Other than state the conflict of interest issue, however, Sandra did not make any argument with respect to it. Consequently, we deem it to be without foundation and abandoned. (*Berger v. Godden* (1985) 163 Cal.App.3d 1113, 1119-1120.)

As far as Sandra's contention with respect to her progress, we could also deem it abandoned because, though she devoted almost two pages discussing it, she did not frame it as a legal argument or cite any legal authority. Instead, she cited portions of the appellate record that support her claim. In this case, we will exercise our discretion to liberally construe the petition (rule 8.452(a)(1)) and address the only means by which the juvenile court could have continued reunification services for Sandra; that is by finding there was a substantial probability the children could be returned to her custody after another period of services.

Substantial Probability of Return

Section 361.5, subdivision (a)(4) sets forth the time limitations on reunification services as relevant here:

“[C]ourt-ordered services may be extended up to a maximum time period not to exceed 24 months after the date the child was originally removed from physical custody of his or her parent or guardian if it is shown, at the hearing held pursuant to subdivision (b) of Section 366.22, that the permanent plan for the child is that he or she will be returned and safely maintained in the home within the extended time period. The court shall extend the time period only if it finds that it is in the child's best interest to have the time period extended and that there is a substantial probability that the child will be returned to the physical custody of his or her parent ... who is described in subdivision (b) of Section 366.22 within the extended

time period, or that reasonable services have not been provided to the parent”

Section 366.22, subdivision (b) (subdivision (b)) describes such a parent as one “who is making significant and consistent progress in a court-ordered residential substance abuse treatment program, or a parent recently discharged from incarceration or institutionalization and making significant and consistent progress in establishing a safe home for the child’s return”

In the present case, Sandra is not a parent described in subdivision (b) as she was not court-ordered to participate in residential substance abuse treatment nor was she discharged from incarceration or institutionalization during the reunification period. Consequently, the juvenile court lacked statutory authority to continue reunification services for Sandra beyond the 18-month review hearing.

Further, the juvenile court did not abuse its discretion under section 352, subdivision (a) in deciding not to continue the 18-month review hearing so as to afford Sandra additional time to reunify. Subdivision (a) grants the juvenile court discretion to continue any dependency hearing beyond the time limit within which the hearing is otherwise required to be conducted on a showing of good cause as long as a continuance is not contrary to the minor’s interest. (§ 352, subd. (a).) In this case, Sandra failed to show good cause for continuing the hearing. Instead, what she demonstrated was that despite 18 months of services, she had not progressed in sexual abuse counseling to the point that she could protect her children from further abuse or neglect. Thus, we find no abuse of discretion in the juvenile court’s order terminating Sandra’s reunification services and deny the petition.

DISPOSITION

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