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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

LUIS L., Petitioner, v. THE SUPERIOR COURT OF STANISLAUS COUNTY, Respondent; STANISLAUS COUNTY COMMUNITY SERVICES AGENCY, Real Party in Interest.	F070194 (Super. Ct. No. 516828) **OPINION**
STEPHANIE L., Petitioner, v. THE SUPERIOR COURT OF STANISLAUS COUNTY, Respondent; STANISLAUS COUNTY COMMUNITY SERVICES AGENCY, Real Party in Interest.	F070195 (Super. Ct. No. 516828)

THE COURT*

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

Tim Bazar, Public Defender, and Sophia Ahmad, Deputy Public Defender, for Petitioner, Luis L.

Law Office of Thomas P. Hogan and Arral Phipps for Petitioner Stephanie L.

No appearance for Respondent.

John P. Doering, County Counsel, and Robin Gozzo and Carrie Stephens, Deputy County Counsel, for Real Party in Interest.

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Petitioners, Luis L. (father) and Stephanie L. (mother), challenge the termination of reunification services and setting of a Welfare and Institutions Code section 366.26[1] hearing at the six-month review hearing with respect to their daughter, Elizabeth L.[2] Father contends: (1) the court erred in finding that he failed to participate regularly and make substantive progress in the court-ordered treatment plan; and (2) the services provided to him were not reasonable. Mother joins in father's petition and requests that Elizabeth be returned to father. Mother additionally contends the court abused its discretion by (1) terminating reunification services because mother and father refused to admit wrongdoing; and (2) failing to extend reunification services to account for the

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* Before Detjen, Acting P.J., Franson, J., and Oliver, J.†

† Judge of the Fresno Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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

2 On our own motion we have consolidated the petitions in our case numbers F070194 and F070195.

agency improperly terminating therapy without addressing the abuse mother suffered as a child.

FACTUAL AND PROCEDURAL HISTORY

Mother and father were married and had one child, Elizabeth L., who was approximately 17 months old when she was detained on October 3, 2013, by the Stanislaus County Community Services Agency (the agency). Mother was approximately 21 years old and father approximately 26 years old at the time.

On May 31, 2013, mother's sister, Astrid H., who lived in Anaheim, dropped off her children, daughter, G.R., then age five, and Matthew, then age one, and left them in the care of mother and father.

On July 20, 2013, the agency received a referral alleging that mother and father took G.R. to the hospital emergency room with first and second degree burns on her leg. Reportedly, father had placed a towel in a solution of boiling water and vinegar that was intended for use on mother's back and G.R. had gotten the towel and placed it on her leg. Medical professionals found the injuries consistent with the information provided and that the burns appeared to have been caused accidently. The agency found an allegation of general neglect unfounded.

On August 20, 2013, father and mother were appointed temporary guardians of G.R. and Matthew.

On September 24, 2013, the agency received a referral alleging that G.R. went to school with a bump on her forehead, scratches on her left cheek, and a swollen nose. G.R. complained that her head and neck hurt and she reported that she fell down the stairs at home. A week earlier school personnel observed a large cut on her lower eyelid.

Later that day, Social Worker Michelle Silveira and Stanislaus County Sheriff's Detective Jesse Tovar went to petitioners' home and observed that Matthew appeared to be very thin for his age and that he had numerous bruises and scars on his stomach and

legs. An examination at a hospital emergency room later that day disclosed that Matthew weighed only 15.8 pounds, which was very underweight for his age. Matthew also had numerous bruises and burn marks in different stages of healing all over his body and he was very lethargic and did not move around or make any facial expressions. Nor did he react to pain when poked three times to get an IV into his arm. However, when a food cart was brought into the room and G.R. was given a peanut butter and jelly sandwich, Matthew became extremely upset and "almost ravenous in his behavior" while trying to get to the food. He also consumed several food items in an hour and half before the food had to be removed so that he would not get an upset stomach.

An examination of G.R. disclosed that she had several contusions on her head, a swollen nose, a very large bruise on her buttocks and groin area, and a large mark on the outside of her right thigh which was consistent with having been struck with a belt.

After determining that mother and father were unable to protect G.R. and Matthew from injuries inflicted by mother's sister, whom mother and father blamed for the abuse, Silveira placed Matthew and G.R. in protective custody.

On September 25, 2013, during a forensic interview, G.R. reported that it was mother who abused her. According to G.R., mother hit her multiple times, sometimes with a stick, pulled her ear, hurt her buttocks, and burned her with a hot towel. Although she had not seen mother hit Matthew, G.R. heard her doing this and had seen the marks mother left on him. G.R. also reported that after the school called about marks and bruises on her, mother put hot sauce in her mouth because she told a teacher her neck hurt and that mother told her to say that mother's sister was the one who hit her.

Mother was interviewed and denied abusing G.R. or Matthew and again blamed her sister. Mother was arrested later that day. A social worker met with father and he agreed to a safety plan that prohibited mother from having contact with Elizabeth.

On September 26, 2013, father bailed mother out of jail.

On September 27, 2013, a social worker spoke with father and he reiterated that he would not allow mother to be at the house while Elizabeth was present.

On September 30, 2013, two social workers went to the family residence and found mother and father there. Mother and father both questioned why mother could not be there since Elizabeth was never injured. When informed that the agency believed mother was the cause of the abuse of G.R. and Matthew, mother got angry and stated that there was no proof that she did anything and that she resented the social workers telling her she had done something she had not. Mother admitted that she had been staying there at night.

On October 3, 2013, the agency took Elizabeth into protective custody.

On October 7, 2013, the agency filed a juvenile dependency petition alleging that Elizabeth came under the jurisdiction of the juvenile court pursuant to Welfare and Institutions Code section 300 subdivisions (a) (child at risk of serious physical harm) and (b) (failure to protect).

On October 8, 2013, the court detained Elizabeth.

On January 2, 2014, after a contested jurisdiction/disposition hearing, the juvenile court adjudged Elizabeth a dependent under section 300, subdivisions (a) and (b), ordered her removed from mother and father's custody, ordered reunification services for them both, and set a six-month review hearing for May 2014. Additionally, the court found that mother was the perpetrator of the abuse and that, at minimum, father failed to protect G.R. and Matthew and to ensure that their physical needs were being met. The court also ordered the agency to file a new case plan within seven court days.[3]

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[3] Both parents appealed the court's decision. Additionally, on February 14, 2014, the court summarily denied mother's section 388 petition which sought to reopen the jurisdictional hearing based on some exchanges on Facebook that predated the hearing. Mother also appealed this decision and following the consolidation of this appeal with the

On January 8, 2014, the agency filed a case plan with a projected completion date of April 30, 2014, whose goal was to return Elizabeth to the home of mother and father. The plan's service objectives included mother and father interacting with Elizabeth without inflicting physical abuse or harm, showing they would not permit others to physically abuse Elizabeth, paying attention to and monitoring Elizabeth's health, safety, and well-being, and *showing that they accepted responsibility for their actions*. The plan also required mother and father to "actively participate and successfully complete" at Sierra Vista Child and Family Services (SVCFS) an anger management assessment, a parenting program, and a clinical assessment. The purpose of the clinical assessment was to determine if there were additional services that would benefit mother and father in reunification. Additional services would be provided with "the specific goal of assisting the parents to demonstrate an ability to protect their minor or other minors in their care, and *to comport with findings by the Court that minors left in the care of the parents were physically abused by the parents and the parents failed to protect them from this abuse*." (Italics added.)

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previous appeal, on August 15, 2014, this court affirmed the trial court's decision in each matter in case No. F068743.

Meanwhile on May 20, 2014, the juvenile court denied a section 388 petition by father seeking to reopen the jurisdiction hearing based on the same Facebook exchanges cited by mother. Father appealed (case No. F069705) and this matter is currently pending before this court.

On July 15, 2014, counsel for mother filed a section 388 petition requesting that the agency resume reunification services and that the court appoint counselor John Quinones, M.F.T. as a special master to monitor the reunification services.

On July 21, 2014, the court summarily denied the motion because reunification for mother had not been terminated and there was no authority for appointing a special master in dependency proceedings.

On January 22, 2014, SVCFS Clinician Amy Coleman[4] completed the clinical assessment for mother. According to the assessment, mother reported that she immigrated with her mother to the United States from Guatemala when her mother was 20 years old, that two older sisters stayed behind with their maternal grandmother, and that mother grew up in Manchester, California. Mother's parents separated when mother was very young and her mother remarried. Mother reported that her stepfather was a "workaholic" and not very affectionate with her and her half brother, but that he was a good provider. Mother also reported that her mother and stepfather were very romantic with each other and never argued in front of her or her half brother. Growing up, mother was treated like a princess by her mother who did everything for her and mother's only responsibility was to attend school. Mother did not identify any traumatic experiences during her childhood.

As a result of several inconsistencies in mother's reporting, the assessment concluded that mother was evasive and inconsistent in her reporting and that it was difficult to tell whether this was due to "poor memory, loose thought processes, or intentional deception." It also noted that mother continued to deny responsibility for "CPS" involvement, that she acknowledged only failing to protect G.R. and Matthew from mother's sister, and that she continued to "assert her innocence."

On February 4, 2014, clinician Coleman completed the assessment of father. The assessment noted that father was very eager to reunite with Elizabeth. Father, however, denied abusing his niece and nephew and only admitted failing to report their abuse by mother's sister. The assessment recommended father participate in individual counseling with the goal of father being able to "demonstrate an ability to protect [his] minor or

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[4] Sometime during the proceedings, clinician Coleman married and changed her last name to Brisky. In the interests of simplicity we refer to her as Amy Coleman.

other minors in [his] care, and *to comport with the findings by the Court that minors left in the care of the parents were physically abused by the parents ….*" (Italics added.) Mother and father's assessments each recommended a psychological evaluation. The purpose of father's evaluation was to determine whether he was able to provide a safe and secure environment for his daughter.

In graduation reports for mother and father dated April 17, 2014, SVCFS Clinician Cherie Clark reported that although they each completed the 16-week anger management program, they required additional improvement in their level of personal insight and that their progress in accepting responsibility for the abuse of G.R. and Matthew was unknown.

On April 21, 2014, Social Worker Nora Rice received from clinician Coleman a Positive Parenting Report for mother. According to Coleman, mother demonstrated a fair understanding of the concepts and skills presented in class and she completed her last individual parenting session on April 22, 2014. Coleman also met with mother in five individual counseling sessions that focused on providing mother the opportunity to comport with the findings of the court by acknowledging that she and father physically abused their niece and nephew and failed to protect them. However, the individual counseling sessions were discontinued due to mother's, "unwillingness to admit to something she did not do[.]"

On April 21, 2014, Rice also received the Positive Parenting Report for father from SVCFS Clinician Judi Schardijn. According to Schardijn, father did fairly well completing the parenting packets and he demonstrated an active interest and enthusiasm in learning more about parenting. However, he continued to maintain that the only mistake he made with respect to his niece and nephew was not reporting his sister-in-law to "CPS."

Dr. Philip Trompetter performed a psychological evaluation of mother on April 10, 2014, and a separate psychological evaluation of father on April 24, 2014. According to Dr. Trompetter, the purpose of the evaluations was to determine if mother or father suffered from any mental disability that rendered them incapable of utilizing reunification services and successfully reunifying with their daughter. If Dr. Trompetter found either parent capable of reunifying, he was asked to identify whether the current services were adequate or whether additional or different programs would maximize their chances of regaining custody of their daughter.

Dr. Trompetter reported his findings with respect to both evaluations in a single report dated May 7, 2014. With respect to mother, Dr. Trompetter noted that the first thing she stated to him was that "[a]t first [she] wasn't honest with everyone." This posed a "troublesome conundrum" for Dr. Trompetter and those providing reunification recommendations because the credibility of the reported information was questionable. According to Dr. Trompetter, mother reported that her mother's first marriage ended because of her father's physical abuse of her and her mother and that these "difficulties" continued into her mother's second marriage. When mother was between 8 and 10 years old, her mother was incarcerated for charges of child abuse and domestic violence for which mother was blamed. According to mother, no one ever believed her and every time she tried to say something she was blamed for it. Dr. Trompetter found this to be a recurrent theme for mother.

Mother also reported that at an unspecified age she was sent to live in Utah with her father and that during that time he allegedly sexually molested her and raped her half sister. Additionally, mother asserted that when she was 12 years old, she was the victim of repeated forced intercourse by a teenage family friend. She did not report the rapes because she was told she was a liar and that she made things up.

Dr. Trompetter did not find that mother exhibited signs or symptoms of a major mood or thought disorder. However, he found that she "excessively" tried to present herself in a positive light by denying minor faults and shortcomings that most people readily acknowledge. This virtuous self-presentation was noteworthy because it was disturbingly consistent with the concern that mother was deceptive in other aspects of her life by minimizing or denying.

Father reported that he grew up with a stepfather who was verbally and physically abusive. Father had a history of drug and alcohol abuse between the ages of 18 and 22. He was also arrested multiple times and in 2009 or 2010 he spent nine months in custody.

Dr. Trompetter noted that father also "excessively" presented himself in a positive light. Father described his mood as "hurt, everyday it hurts" in reference to being separated from his daughter and having to go through the reunification process based on what he believed were misrepresentations and lies, particularly by mother's sister. He also was "making a significant effort to manage his resentment over the intrusion into his life by abiding to the requirements on him in order to achieve a successful reunification." However, Dr. Trompetter noted that, "[father] appears to be 100% supportive of his wife and trusts her version of events. Of some concern is that he is not the least bit skeptical of her. Consequently, he believes that the abuse of his niece and nephew came at the hands of [mother's sister]."

Dr. Trompetter found that father appeared to be mildly depressed. However, in concluding that neither mother nor father presented any symptoms or signs of a serious mental health disorder Dr. Trompetter stated:

> "Both of these individuals view themselves as victims in this situation. *This perspective does not prompt either of them to have any intrinsic motivation to make any substantive changes*. *That is, they are abiding by the requirements because they're mandated, not because they believe they need them.* On the other hand, they are both dutiful and committed to subordinating themselves to whatever conditions are placed

> on them by [the] agency. In the final analysis, I find no mental disorder that incapacitates either of them from successfully reunifying within the time limit. That said, *neither of them are inherently motivated to address what they believe are parenting or psychological problems they need to fix. Their lack of intrinsic motivation contributes little to a favorable outcome.* Nonetheless, there is no mental disorder that incapacitates them. I can think of no additional elements to the reunification plan that might promote a successful outcome beyond the plan [the agency has] already established." (Italics added.)

Mother was referred by her attorney for evaluation and treatment to John Quinones, M.F.T. In a letter dated May 27, 2014, Quinones stated that he had seen mother a total of eight sessions since April 7, 2014. According to Quinones, mother reported many instances of psychological and physical abuse during her childhood and he found that she exhibited clinical symptoms of Post Traumatic Stress Disorder (PTSD). In Quinones's judgment, mother needed more intensive services than the once-a-week therapy sessions she was receiving. He requested the opportunity to work with mother in an intensive parenting and relationship therapy of six months' duration that would include father.

On May 6, 2014, social worker Rice filed a Six-Month Notice of Review Hearing recommending that family reunification services be continued. Also on that date, clinician Coleman sent Rice an email stating that after several counseling sessions, mother stated that she lied during the assessment process.

On May 14, 2014, Rice received an addendum to clinician Clark's April 17, 2014, graduation report wherein Clark stated: "[Mother] did not acknowledge or significantly process anger management issues. Due to not being forthcoming in group it is unlikely she would benefit from further anger management groups."

On May 14, 2014, Rice filed a First Amended Six-Month Notice of Review Hearing. The next day she filed a Status Review Report recommending that family reunification services be terminated and that a section 366.26 hearing be set within 120

days.[5] In pertinent part, the Status Review Report noted that mother and father were provided weekly visits with Elizabeth on Tuesdays that lasted two hours and that from December 11, 2013, through May 12, 2014, mother and father were provided 16 visits. The report also noted that mother and father complained "about every little bump, scratch, lack of clothing in the diaper bag, or anything they [could] fish for that [Elizabeth's] current caretakers could possibly be doing wrong." On one occasion mother refused to leave a "confidential office" and had to be escorted out by agency security personnel.

Additionally, mother was asked by staff to allow them to take Elizabeth to the bathroom because mother would consistently leave the visiting room for long periods of time with Elizabeth and lose Elizabeth's shoes or diaper wipes, when they returned Elizabeth's clothes would be wet and require changing, and/or mother would use the time to find something wrong with Elizabeth. Other times, at the start of the visit mother would ask staff to take Elizabeth to the bathroom even though she did not need to go. Mother's behavior raised concerns that she did not utilize her time with her daughter to engage her and build a stronger bond, and instead she focused on external issues and sought to fault the caretakers by examining Elizabeth for problems. With respect to father, the report noted that "[father] continues to fully support [mother] in all of her decision making processes, as reported in Dr. Trompetter's report."

Under a section for the family's perception of their needs, the report noted that on May 9, 2014, father refused to speak with Rice and stated that his attorney would provide additional information for the six-month report. Mother did speak with Rice on that date and she indicated that if she could not get Elizabeth back she would divorce father and

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[5] During the six-month review hearing, Rice testified that after talking with county counsel and her supervisor she changed her recommendation because neither mother nor father had taken responsibility for the abuse that was inflicted on G.R. and Matthew.

the court could give Elizabeth back to father. Mother acknowledged neglecting her niece and nephew by not seeking medical care but denied abusing them. She also asserted that she had now started telling the truth.

In recommending that reunification services be terminated and a section 366.26 hearing be set the Status Review Report stated:

> "*[Mother and father] have both failed to take any responsibility for any of the physical abuse that [G.R.] and Matthew endured in their care. Nor have they demonstrated an understanding of how their actions led to their child's removal from their care, which would be essential to show they have benefitted from the services being provided to them.* The parents' lack of insight or acknowledgment that they, in fact, need to make significant changes have directly contributed to their lack of progress in resolving the issues necessitating removal. It will be difficult to provide [mother] the exact services that she can benefit from as long as she continues to be a bottomless pit of manufactured stories. [Mother's] dishonesty is an obstacle to any progress. Her lies appear to be a consistent theme with all the service providers. This is very evident in the most recent information as indicated by Dr. Trompetter's report. *It does not appear that they have taken any responsibility for their actions up to this point, which makes it highly unlikely that there will be any changes in the next six month[s]*." (Italics added.)

On August 26, 2014, Dr. Trompetter sent Rice a supplemental report explaining why he disagreed with counselor Quinones's conclusion that mother suffered from PTSD. Dr. Trompetter also recommended that the childhood abuse that mother reported should be a focus of her counseling.

On August 26, 2014, Rice filed an addendum to the Status Review Report. In pertinent part the addendum noted that on August 18, 2014, Rice received an email from clinician Schardijn stating that she had five additional visits with father and that he was still only taking responsibility for not reporting the abuse by mother's sister. Schardijn also informed Rice that mother reported that she was living separately from father in Riverbank although they had been conducting their family visits together. The addendum also had documents attached to it that showed that on May 19, 2014, the Stanislaus

County District Attorney filed a complaint charging mother and father with two counts of felony willful cruelty to a child.

On September 23, 2014, Rice filed a printed copy of an email dated September 22, 2014, from Schardijn stating that she completed father's individual counseling and he continued to admit only that he did not report mother's sister for child abuse.

A contested six-month review hearing was set for July 1, 2014, but eventually held over four days beginning September 23, 2014.

On September 30, 2014, after hearing argument from counsel, the court terminated reunification services and set the section 366.26 permanency planning hearing for January 26, 2015. In so doing, the court found by a preponderance of the evidence that there was a substantial risk of detriment to Elizabeth if she were returned to either one of her parents. The court found by clear and convincing evidence that mother and father had failed to participate regularly and make substantial progress in the court-ordered treatment plan and that the agency had provided reasonable services. The court also found that if additional services were provided they would only be continued until December 3, 2014, and that there was no probability that if services were extended another two months and three days Elizabeth could be safely returned home at that time.

DISCUSSION

Introduction

Mother and father challenge the court's order terminating reunification services and setting a section 366.26 hearing by contending that father participated regularly and made substantive progress in the court-ordered case plan. They further contend the court improperly ignored father's progress and focused almost entirely on his inability to acknowledged that mother did something to the children and that this constituted legal error. Mother and father also assert that no evidence was presented in any phase of the instant case that father ever witnessed any abuse by mother and that the court's focus on

father's failure to acknowledge mother's abuse and its disregard of his progress "did not indicate an open mind" or "a desire for family preservation[.]" Mother and father also contend that the court's finding that father had an "anger management issue" is not supported by substantial evidence. We find that the court's order terminating reunification services for mother and father and setting a section 366.26 hearing is supported by substantial evidence.

Mother and Father did not Make Substantial Progress in their Court-Ordered Case Plan

> "... Whereas services are presumptively provided for 12 months to children over the age of three and their parents [citation], the presumptive rule for children under the age of three on the date of initial removal is that 'court-ordered services shall not exceed a period of six months from the date the child entered foster care' [citations].…
>
> "'The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months ….' [Citation.] Pursuant to section 366.21, subdivision (e), the court is required at the initial six-month review to return any dependent child to 'the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that *the return of the child ... would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child.... The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental*.' …
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> " … The third paragraph of section 366.21, subdivision (e), requires a specialized inquiry at the six-month review for children ... who are 'under the age of three years on the date of the initial removal' and are not being returned to the custody of their parents at that time. For such dependent children, if 'the court finds by clear and convincing evidence that the parent failed to participate regularly and make substantive progress in a court-ordered treatment plan, the *court may schedule a hearing pursuant to Section 366.26* within 120 days. If, however, the court finds there is a *substantial probability that the child ... may be returned* to his or her parent or legal guardian within six months or that reasonable services have not

> been provided, the court shall continue the case to the 12–month permanency hearing.' [Citation.]
>
> "Thus, there are two distinct determinations to be made by trial courts applying the third paragraph of section 366.21, subdivision (e). First, the statute identifies specific factual findings—failure to participate regularly and make substantive progress in the court-ordered treatment plan—that, if found by clear and convincing evidence, would *justify* the court in scheduling a .26 hearing to terminate parental rights.…
>
> "The second determination called for by the third paragraph of section 366.21, subdivision (e), protects parents and guardians against premature .26 hearings. Notwithstanding any findings made pursuant to the first determination, the court shall not set a .26 hearing if it finds either (1) 'there is a substantial probability that the child ... may be returned to his or her parent ... within six months …'; or (2) 'reasonable services have not been provided …' to the parent. [Citation.] In other words, the court must continue the case to the 12–month review if it makes either of these findings. However, the court is not required to set a .26 hearing even if it finds against the parent on both of these findings. The parent is also entitled to continued reunification services (with any necessary modifications) if the court makes either of these findings in favor of the parent. [Citation.]" (*M.V. v. Superior Court* (2008) 167 Cal.App.4th 166, 174-176.)

Here, G.R. was burned with a hot towel on July 20, 2013. On September 24, 2013, when G.R. and Matthew were examined at the hospital emergency room, G.R. had several contusions on her head, a swollen nose, large bruises on her buttocks and groin area and a large mark on the outside of her right thigh. Matthew was covered from head to toe with bruises, scars, and sores, and he was severely malnourished. On January 2, 2014, after a contested hearing the court found that mother was the perpetrator of the physical abuse and that father, at minimum, failed to protect the children from mother's abuse.

The service objective for the case plans for mother and father required them to show they would not permit others to physically abuse their child, to pay attention to and monitor their child's health, safety, and well-being, and to show that they accepted

responsibility for their actions in abusing their niece and nephew. However, the record is replete with evidence that neither mother nor father ever admitted inflicting the abuse on their niece and nephew and always blamed the abuse on mother's sister. This evidence included their evaluations by Dr. Trompetter during which mother and father each denied abusing G.R. or Matthew. Further, Dr. Trompetter found that both mother and father viewed themselves as victims, that this attitude caused them not to have any intrinsic motivation to make any substantive changes in their behavior, and that they were participating in their case plan requirements because they were required to, not because they believed they needed to.

In *In re Jessica B.* (1989) 207 Cal.App.3d 504 (*Jessica B.*) this court held, "Traditional treatment is of limited value until the abuse is admitted." (*Id.* at p. 516; see also *In re Andrea G.* (1990) 221 Cal.App.3d 547, 553 ["Reunification and successful treatment cannot occur until [the parent] accepts responsibility for [his or] her actions"].) In support of this holding, we cited the following quote concerning helpful intervention that is contained in a report entitled "The California Child Abuse Reporting Law: Issues and Answers for Professionals" issued in 1986 by the State of California Health and Welfare Agency, Department of Social Services:

> '"Facing Denial: It is common for abusive parents to deny that they have been abusive. This is to be expected. They have a great deal to protect and they are usually feeling judged and exposed. The author has found it helpful to initially expect and ignore the denial, and proceed with the therapy as if an admission had just been obtained. In other words, if the admission is not forthcoming immediately, I find it best to proceed beyond the 'who done it?' stage, focusing on assessment of the individual's strengths, weaknesses, and concerns based on my understanding of the underlying family dynamics.
>
> "If the denial persists past a set time frame (usually 4-6 months) the prognosis becomes more bleak. It is essential for the therapist to create a safe, trusting environment conducive to self-disclosure, while consistently raising the issue of denial.

> "The therapist is not the long arm of the law, particularly regarding investigation. While the therapist can use the legal system effectively and cooperatively, it is not the therapist's job to prove culpability or collect evidence.
>
> "Some clients will never admit to the abuse, and therefore make the possibility of obtaining therapeutic help minimal.' [Citations.]" (*Jessica B.*, *supra*, 207 Cal.App.3d at pp. 516-517.)

In an unpublished opinion issued in case No. F068743 on August 15, 2014, this court upheld the trial court's finding that mother inflicted the physical abuse on G.R. and Matthew and that father, at minimum, failed to protect them from mother's abuse. It is also undisputed that throughout the proceedings in the trial court mother and father continued to deny any responsibility for abusing these children. Thus, the record contains substantial evidence that supports the court's conclusion that there continued to be detriment to returning Elizabeth to the custody of either or both parents. (*Jessica B.*, *supra*, 207 Cal.App.3d at p. 516 [A parent's refusal to acknowledge his or her wrongdoing and grasp the problem supports a finding that returning a child to his or her custody would be detrimental].)

Moreover, by failing to accept responsibility for the abuse they inflicted on G.R. and Matthew mother and father failed to make any progress at all on the central part of their court-ordered treatment plan. Thus, the record supports the trial court's finding that the parents failed to make substantial progress in their court-ordered case plan. Further, it follows from the above discussion that mother and father's assertion that father made substantial progress in his case plan is incorrect, that it was not legal error for the court to consider mother and father's failure to accept responsibility for their abuse of their niece and nephew, and that there is no record support for their assertion the court did not approach their case with an open mind.[6]

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[6] We summarily reject mother and father's assertion that there is no evidence supporting the court's finding that father had an anger management issue because they

The Services Provided Were Reasonable

"The 'adequacy of reunification plans and the reasonableness of the [agency's] efforts are judged according to the circumstances of each case.' [Citation.] To support a finding reasonable services were offered or provided, 'the record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult ....' [Citation.] 'The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.' [Citation.]" (*Tracy J. v. Superior Court* (2012) 202 Cal.App.4th 1415, 1426.)

The agency provided mother and father extensive reunification services that included weekly visitation with Elizabeth, a clinical assessment, anger management classes, parenting classes, individual counseling, and a psychological evaluation to determine whether mother or father required any other services to assist them in reunifying with Elizabeth. The agency also encouraged mother to continue the individual counseling sessions she initiated with counselor Quinones at the behest of her attorney. Notwithstanding the extensive reunification services provided by the agency, mother and father contend the agency did not provide them reasonable reunification services because: (1) mother and father should have had their own psychological evaluation; (2) the

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have not explained how, if true, this undermined the court's finding of detriment to Elizabeth if she were returned to mother and father's custody. Additionally, even if father did not witness actual physical abuse inflicted on the children by mother, which is doubtful given the extent and nature of the abuse, he undoubtedly observed the physical signs and yet he failed to report it. In any event, given the extent of Matthew's malnourishment and the ravenous hunger he exhibited in the emergency room, the court could reasonably find that the deprivation of food to Matthew could only have occurred with father's active participation.

evaluation did not answer the specific question it was supposed to answer; and (3) if the agency believed the anger management classes it provided were unsuccessful, it should have provided more intensive anger management classes.[7] Additionally, mother contends that SVCFS improperly terminated therapy contrary to Dr. Trompetter's opinion that they should have addressed mother's childhood abuse issues and that the court erred by not extending reunification services to make up for this improper termination of therapy. We reject these contentions.

Dr. Trompetter evaluated mother individually on April 10, 2014, and father on April 24, 2014. Thus, there is no merit to mother and father's contention that reunification services were not reasonable because each parent should have had an individual, separate psychological evaluation. To the extent mother and father contend that they each should have had their evaluations issued in separate documents, they have not shown how inclusion of both evaluations in one document affected the reasonableness of the services they received.

Further, in the letter from the agency requesting that Dr. Trompetter evaluate mother and father, the following questions were posed: whether either petitioner suffered from a mental disability that rendered him or her incapable of utilizing reunification services and, if not, whether the current services were adequate or whether additional or different services would maximize their chances of regaining custody of Elizabeth. Dr. Trompetter found that although neither petitioner suffered from a mental disability

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[7] Mother and father also assert without discussion or supporting authority that the agency should not have had both parents attend the same anger management class, that it was unreasonable to give father a graduation completion certificate and later amend it to include negative information on it, and that the agency failed to make any efforts to assist father in any area of his case plan. We summarily reject these contentions because of mother and father's failure to advance any argument, authority, and/or facts in support thereof. (*In re Casey D.* (1999) 70 Cal.App.4th 38, 46-47 [Mother failed to meet her burden of showing error by her failure to cite any legal support for her assertion].)

that prevented successful reunification with Elizabeth, he was unaware of any additional "elements" that could be added to petitioners' reunification plan that might promote a successful outcome. Given petitioners' intransigence in accepting responsibility for the abuse they perpetrated against their niece and nephew and their lack of motivation to change their behavior, the clear import of Dr. Trompetter's conclusion is that there was nothing else the agency could do to help them regain custody of Elizabeth. Moreover, to the extent the evaluation was supposed to answer whether father could provide a safe and secure environment for Elizabeth, it is implicit from Dr. Trompetter's evaluation that father could not because he did not accept responsibility for the abuse he and his wife perpetrated against his niece and nephew.

Nor is there any merit to mother and father's contention that the court should have ordered more intensive anger management counseling. Again, it is clear from Dr. Trompetter's evaluation that neither mother nor father would benefit from any additional services because they did not accept responsibility for the abuse of G.R. and Matthew. Thus, there was no reason for the agency to provide father with more intensive anger management classes that he would not benefit from and the failure to do so did not detract from the reasonableness of the services that were provided.

We also find no merit to mother's contention that the agency improperly terminated her therapy because the therapy did not address the abuse she endured as a child. During her clinical assessment mother did not report any childhood abuse. According to mother's statements at the time, she was not subject to any abuse, her mother treated her like a princess, and her only responsibility was to attend school. Notwithstanding mother's subsequent claim that she suffered severe abuse as a child, the court could reasonably have found from mother's assessment interview, and the undisputed evidence that she was not forthright in her reporting, that mother did not need counseling to address being abused as a child because she did not suffer any such abuse.

Thus, mother has failed to show that the agency improperly terminated her counseling services.

In any event, as discussed above, mother and father could not benefit from any reunification services as long as they failed to accept responsibility for the abuse they perpetrated against their niece and nephew and neither of them ever accepted responsibility for this abuse. Consequently, the court could reasonably find that clinician Coleman properly terminated counseling for mother without addressing mother's alleged abuse as a child because mother's failure to accept responsibility for her own abusive conduct prevented her from benefitting from additional counseling. In either case, the court's failure to order additional counseling to make up for the alleged improper termination of counseling by Coleman did not detract from the court's finding that reasonable services had been provided to mother. Thus, we conclude that substantial evidence supports the court's findings that mother and father did not make substantive progress in their court-ordered case plan and that the agency provided reasonable services. It follows from this conclusion, and our earlier conclusion that substantial evidence supports the court's finding that mother and father failed to make substantive progress in their court-ordered case plan, that the court did not abuse its discretion when it terminated reunification services for both parents and set a section 366.26 permanency planning hearing.

DISPOSITION

The petitions for extraordinary writ are denied. Pursuant to this court's December 1, 2014, order and no objection having been made, this court takes judicial notice of its unpublished opinion in *In re Elizabeth L.*, case No. F068743. This opinion is final forthwith as to this court.