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

CARMEN C.,

Petitioner,

v.

THE SUPERIOR COURT OF FRESNO
COUNTY,

Respondent;

FRESNO COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Real Party in Interest.

F073273

(Super. Ct. Nos. 14CEJ300230-1,
2, & 3)

OPINION

THE COURT*

ORIGINAL PROCEEDING; petition for extraordinary writ review. Brian M. Arax, Judge.

Carmen C., in pro. per., for Petitioner.

No appearance for Respondent.

Daniel C. Cederborg, County Counsel, and Brent C. Woodward, Deputy County Counsel, for Real Party in Interest.

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

Carmen C. (mother) in propria persona seeks extraordinary writ review of the juvenile court's orders issued at a contested 18-month review hearing (Welf. & Inst. Code, § 366.22)¹ terminating her reunification services and setting a section 366.26 hearing as to her now 12-year-old son Carlos, nine-year-old daughter M.G., and five-year-old son Uriel. We conclude her writ petition fails to comply with California Rules of Court, rule 8.452 and dismiss the petition as facially inadequate for appellate review.

PROCEDURAL AND FACTUAL SUMMARY

In July 2014, the Fresno County Department of Social Services (department) responded to a call for assistance from a deputy sheriff who was arresting mother for being under the influence of methamphetamine and trespassing. Mother and the children, then 10-year-old Carlos, seven-year-old M.G., and three-year-old Uriel, were residing in a home she believed to be abandoned. She had been asked to leave several days before but had returned. The department took the children into protective custody and placed them in foster care.

In September 2014, the juvenile court exercised its dependency jurisdiction over the children and ordered mother to complete a parenting class, submit to random drug testing and undergo evaluations for substance abuse, mental health and domestic violence services. The court also ordered supervised visitation.

Mother struggled to engage in and remain in treatment. She was initially referred for intensive outpatient drug treatment based on her reported history of alcohol and methamphetamine use and her receptiveness for treatment. However, when she did not engage in treatment or drug test, the department referred her for inpatient treatment. Mother attempted inpatient treatment twice but discharged herself each time after a few

¹ All statutory references are to the Welfare and Institutions Code.

days. In January 2015, she committed herself to treatment and successfully completed treatment on May 27, 2015. She entered a sober living home the same day. However, not long after, she requested to move to another sober living home. On June 26, 2015, she moved into another sober living home and during her processing in tested positive for methamphetamine. It was also the first night she was to begin liberal visitation. In light of her relapse, the department petitioned the court to resume supervised visitation and the court granted its request.

By August 2015, mother had completed a parenting class and resumed inpatient drug treatment, having reentered a program the month before. She was also participating in individual therapy as part of her inpatient treatment program. Mother had not completed a domestic violence program. She enrolled in a program and attended domestic violence classes until June 2015 when she was terminated from the class for excessive absences. She also regularly visited the children under the department's supervision and positively interacted with them.

In August 2015, the juvenile court conducted a contested 12-month review hearing. The department had originally recommended the court continue mother's reunification services but changed its recommendation prior to the hearing. The social worker testified that mother discharged herself from drug treatment nine days before the hearing. Mother, under questioning by the court, testified that, if given more time to reunify, she would participate in inpatient drug treatment, submit to random drug testing, and complete the domestic violence program. At the conclusion of the hearing, the court found that mother made significant progress and that there was a substantial probability the children could be returned to her after another six months of services. The court ordered her to reenter inpatient treatment and continued reunification services to the 18-month review hearing.

The department referred mother to a domestic violence program and scheduled an intake for inpatient treatment. However, she did not enter drug treatment until October 2015. When she did, she tested positive for methamphetamine. Mother also tested positive for methamphetamine again in December 2015 while still receiving inpatient drug treatment. She was offered another 90 days of treatment on the condition she not relapse. Mother agreed to remain in treatment.

In its report for the 18-month review hearing, the department recommended the juvenile court terminate mother's reunification services, opining that she had not benefitted from reunification services and demonstrated that she could live a drug-free life. It reported that she was participating in drug treatment and domestic violence classes and visiting the children under supervision. The children, meanwhile, were doing well in their current placement and interacting well with a paternal grandmother who the department was assessing for placement.

The juvenile court conducted the contested 18-month review hearing in February 2016. Mother took the position that the court should continue reunification services to the 24-month review hearing. She testified that she had not testified positive for drugs since December 2015. She had accepted that she was addicted to drugs and was committed to remaining clean and sober.

The juvenile court found that it would be detrimental to return the children to mother's custody and that the department had provided her reasonable reunification services. The court found that she had made minimal to moderate progress because she had not completed a domestic violence program and residential drug treatment, and had not attained a long period of sobriety. The court terminated reunification services, reduced visitation to twice a month, and set a section 366.26 hearing.

This petition ensued.

DISCUSSION

In her petition, mother advises this court that she is maintaining her sobriety, attending Alcoholics Anonymous meetings, and drug testing. She wants to be able to provide proof of her sobriety so that she can prove to the judge at her next hearing that she can take care of her children. She also states that she is employed and has a home for the children. She seeks relief in the form of an order either directing the juvenile court to return the children to her custody or to continue reunification services. Mother attached to her petition the results of drug tests from specimens collected in April 2016 and the medical report of an emergency room visit in December 2015, neither of which are part of the appellate record.

As a preliminary matter, we will not review the attached documentation because it was not considered by the juvenile court. (*In re Zeth S.* (2003) 31 Cal.4th 396, 405.) Further, we cannot conduct a meaningful review of the petition because mother does not claim the juvenile court erred in terminating her reunification services and setting a section 366.26 hearing.

California Rules of Court, rules 8.450-8.452 set forth guidelines pertaining to extraordinary writ petitions. The purpose of these writ petitions is to allow the appellate court to achieve a substantive and meritorious review of the juvenile court's orders and findings issued at the setting hearing in advance of the section 366.26 hearing. (§ 366.26, subd. (l)(4).)

California Rules of Court, rule 8.452 sets forth the content requirements for an extraordinary writ petition. It requires the petitioner to set forth legal arguments with citation to the appellate record. (Cal. Rules of Court, rule 8.452(b).) In keeping with the dictate of California Rules of Court, rule 8.452(a)(1), we liberally construe writ petitions in favor of their adequacy recognizing that a parent representing him or herself is not trained in the law. Nevertheless, the petitioner must at least articulate a claim of error and support it by citations to the record. Failure to do so renders the petition inadequate

in its content and we will not independently review the record for possible error. (*In re Sade C.* (1996) 13 Cal.4th 952, 994.)

Here, mother left blank the space designated on the writ petition form (JV-825) to identify the grounds on which the juvenile court erred. In addition, she did not assert error anywhere else in the petition. Consequently, there is no issue for this court to review. Thus, we conclude the writ petition is facially inadequate and dismiss it.

DISPOSITION

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