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

BRITTANY H.,

Petitioner,

v.

THE SUPERIOR COURT OF TULARE  
COUNTY,

Respondent;

TULARE COUNTY HEALTH AND HUMAN  
SERVICES AGENCY,

Real Party in Interest.

F073668

(Tulare Super. Ct. No. JJV069065C)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for extraordinary writ review. Hugo J. Loza, Judge.

Brittany H., in pro. per., for Petitioner.

No appearance for Respondent.

Kathleen Bales-Lang, County Counsel, and John A. Rozum, Deputy County Counsel, for Real Party in Interest.

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\* Before Gomes, Acting P.J., Franson, J. and Peña, J.

Brittany H., in propria persona, seeks extraordinary writ relief from the juvenile court's orders terminating her reunification services at a six-month review hearing (Welf. & Inst. Code, § 366.21, subd. (e))<sup>1</sup> and setting a section 366.26 hearing as to her now one-year-old son, William. She contends the court erred in finding she was provided reasonable reunification services. We deny the petition.

### **PROCEDURAL AND FACTUAL SUMMARY**

Brittany is the mother of three minor children, C.B., B.B. (the B. children) and William. At the time of these proceedings, she was married to Keith B., the father of the B. children. Keith lived in Illinois. Brittany lived with William C., the father of William, the subject of this writ petition. We will refer to William C. as "the father" and to William by his name.

Brittany (mother) and the father engage in domestic violence. In March 2015, the Tulare County Health and Human Services Agency (agency) began monitoring the family situation after receiving multiple referrals in short succession. Mother denied there was any abuse and declined services. In June, mother was admitted to the hospital because of a high risk pregnancy. She had bruises on her upper left arm and a fingerprint shaped bruise on her neck area. She denied being the victim of domestic violence, stating she sustained the bruises while moving. Approximately a week later, mother delivered William prematurely. On July 1, mother and father visited William in the hospital. A nurse noticed that mother had a black eye that she had attempted to cover with makeup. The sheriff's office conducted a welfare check at the family residence and arrested father. Mother stated that he choked her and dragged her out of a vehicle, causing her black eye. Mother obtained a protective order but violated it within a week. Consequently, the

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<sup>1</sup> Statutory references are to the Welfare and Institutions Code.

agency took the children into protective custody and filed a dependency petition seeking their removal.

In July 2015, the juvenile court found father to be William's alleged father and ordered the children detained. Mother agreed to participate in a domestic violence awareness program for victims and complete a mental health evaluation. The court also ordered supervised weekly visitation and scheduled the jurisdictional hearing for the end of the month.

Prior to the jurisdictional hearing, the agency provided the juvenile court further detail in an addendum report concerning the events leading up to father's arrest in July. In April 2015, a maternal relative reported to authorities that father had been abusing mother for a year. The abuse included kidnapping her off of the street, assaulting her which resulted in bruises, black eyes and broken teeth and shooting her with a Taser gun. The relative described a "death ride" in which father forced mother and the B. children into his vehicle and drove through the mountains while punching mother and assaulting the B. children with a Taser. The relative said father was a heavy narcotics user and a convicted felon. Mother was afraid to leave him or contact law enforcement because he said he would kill her if she did. Sheriff's deputies investigated, but were unable to substantiate the allegations after mother denied that father abused her or the children and said she was not afraid of him. However, when the deputies conducted a welfare check on mother on July 1, 2015, they arrested father after finding mother with a bruised and swollen left eye, swollen left cheek, redness and bruising on the front of her neck and abrasions on her left knee and shoulder.

The juvenile court exercised its dependency jurisdiction over the children, removed them from parental custody, and ordered reunification services for mother and Keith. Mother's services plan required her to complete the services previously ordered.

In April 2016, the agency informed the juvenile court that mother had not completed a mental health assessment or a domestic violence program. She consistently visited the B. children, but only visited William sporadically. Keith, however, had been compliant with his services plan and visited his children regularly by telephone and Skype. Father was incarcerated.

The agency also reported that the B. children were placed with a maternal relative and William was in a foster home and suffering significant health problems. The back of his head was flat, requiring that he be fitted for a helmet. In addition, he required physical therapy for loose knees and treatment at the Blind Baby Foundation for vision problems. The agency recommended the juvenile court terminate mother's reunification services as to all three children at the six-month review hearing, continue Keith's reunification services for the B. children, and set a section 366.26 hearing as to William.

In April 2016, the juvenile court conducted a contested six-month review hearing. By that time, the agency had changed its recommendation as to the B. children and recommended the juvenile court continue reunification services for mother and Keith.

Mother's position at the six-month review hearing was that it was in William's best interest for her to continue to receive reunification services since she would be receiving services for the B. children. She testified she was living with a friend and planned to establish her own residence on the first of May. She completed a mental health assessment the day before the hearing and had an appointment to see a therapist. She explained that she did not complete the assessment sooner because father was alleging in his criminal case that she was "crazy" and she was afraid his attorney might have access to the results of her assessment. She also explained that she started the domestic violence program, but was discharged after she missed a few sessions because she lacked transportation. She subsequently reentered the program and had completed six of the 26 required sessions.

The juvenile court continued mother's reunification services for the B. children and set a 12-month review hearing and terminated her services as to William and set a section 366.26 hearing as to him. The court did so having found that the agency provided mother reasonable reunification services but that she failed to participate regularly and make substantive progress. This petition ensued.

### **DISCUSSION**

In cases such as this, where the child was less than three years old when initially removed from parental custody and is not a member of a sibling group, the juvenile court may terminate reunification services at the six-month review hearing and set a section 366.26 hearing if it finds by clear and convincing evidence that the parent failed to participate regularly and make substantive progress in a court-ordered treatment plan. If, however, the court finds that the parent was not provided reasonable services, the court must continue the case to the 12-month review hearing. (§ 366.21, subd. (e)(3).)

Mother does not challenge the juvenile court's finding that she failed to participate regularly and make substantive progress in her court-ordered services. Rather, she challenges the court's finding that she was provided reasonable reunification services. Specifically, she contends that her mental health and fear of father prevented her from fully participating in her services and informs this court that she was diagnosed with posttraumatic stress disorder (PTSD) as a result of her mental health assessment. Now that she is in therapy and father is incarcerated and no longer a personal threat, she asserts that she can meaningfully engage in her services plan. She also contends that six months of services in light of her condition was insufficient. She, therefore, asks this court to conclude there was insufficient evidence to support the court's reasonable services finding and vacate its orders terminating her reunification services and setting a section 366.26 hearing. We decline to do so.

The purpose of reunification services is to place the parent in a position to gain custody of the child. (*In re Karla C.* (2010) 186 Cal.App.4th 1236, 1244.) The services ordered must be appropriate to the parent's circumstances and the agency must make reasonable efforts to assist the parent in areas where compliance is difficult. (*In re Luke L.* (1996) 44 Cal.App.4th 670, 678.)

Reunification is a collaborative effort and a parent is presumed capable of complying with a reasonable services plan. (*In re Christina L.* (1992) 3 Cal.App.4th 404, 415.) Consequently, the parent is responsible for communicating with the agency and participating in the reunification process. (*In re Raymond R.* (1994) 26 Cal.App.4th 436, 441.) If the parent believes that the reunification services are inadequate or misdirected, the parent cannot remain silent about such deficiencies during the reunification period, and then complain as the period is about to end, or raise the perceived deficiencies on appeal. (*Los Angeles County Dept. of Children etc. Services v. Superior Court* (1997) 60 Cal.App.4th 1088, 1092-1093.)

On a challenge to the sufficiency of the evidence to support a reasonable services finding, we review the record for substantial evidence. (*In re Misako R.* (1991) 2 Cal.App.4th 538, 545.) We conclude substantial evidence supports the juvenile court's reasonable services finding.

Mother does not argue that domestic violence and mental health services were not appropriate to her circumstances. Nor does she argue that the agency's efforts to help her comply were unreasonable. Rather, she argues in essence that extraordinary circumstances—i.e. her PTSD and father's threats—prevented her from complying. The evidence, however, does not support her contention. Father was arrested in July 2015, and apparently remained incarcerated throughout the reunification period. Mother fails to show how he was a threat to her while incarcerated or how he prevented her from participating in her services. Further, mother testified as to why she did not participate in

her services and it was not out of fear of father. She chose not to complete a mental health evaluation because she believed the results may be introduced in his criminal case. She said she did not participate in domestic violence services because she did not have transportation.

As to mother's contention that her PTSD prevented her from complying with her services plan, we need only point out that the diagnosis, according to mother, was made after the six-month review hearing. Therefore, it was not considered by the juvenile court. Nor will we consider it. (*In re Zeth S.* (2003) 31 Cal.4th 396, 405.)

Under these circumstances and for the reasons explained above, we find no error and deny the writ petition.

#### **DISPOSITION**

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