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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

SCOTT S.,

Petitioner,

v.

THE SUPERIOR COURT OF ORANGE
COUNTY,

Respondent;

ORANGE COUNTY SOCIAL SERVICES
AGENCY et al.,

Real Parties in Interest.

G047130

(Super. Ct. No. DP021064)

O P I N I O N

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, Richard Y. Lee, Judge. Petition denied.

Frank Ospino, Public Defender, Michael Hill, Assistant Public Defender, Geraldine Wong and Dennis M. Nolan, Deputy Public Defenders, for Petitioner.

No appearance for Respondent.

Nicholas S. Chrisos, County Counsel, Karen L. Christensen and Julie J. Agin, Deputy County Counsel, for Real Party in Interest Orange County Social Services Agency.

* * *

An incarcerated father has filed a petition for a writ of mandate challenging the termination of his reunification services and the setting of a Welfare and Institutions Code section 366.26¹ hearing with respect to his baby daughter.² He claims that the reunification services provided to him were not reasonable.

We do not assess whether the reunification services offered were the best possible. Rather, we determine whether substantial evidence supports the finding that the services were reasonable under the circumstances. (*Elijah R. v. Superior Court* (1998) 66 Cal.App.4th 965, 969.) Here, providing visitation and other services became difficult once the father was incarcerated in Wasco State Prison (Wasco) and later in the California Institution for Men (Chino). Scheduling visitation was complicated by the ill health of the baby, and at least one scheduled visit was cancelled because of court attendance. Even so, the father enjoyed visitation while he was in local custody, and he sent written communications to the baby through the social worker and was provided with photographs. In addition, he was given a parent handbook to work on while he had no access to classes, and he had the opportunity to attend classes once he got out of the reception phase at Chino. Despite the lack of perfection in the services, substantial

¹ All subsequent statutory references are to the Welfare and Institutions Code unless otherwise specifically stated.

² The mother does not challenge the court orders at issue here. Consequently, we mention the mother only as necessary to complete the picture.

evidence supports the finding that the father received reasonable reunification services under the circumstances. The petition for a writ of mandate is denied.

I

FACTS

A. Background:

On April 2, 2011, Santa Ana police officers responded to reports that a mother under the influence of unknown substances was endangering her infant daughter. They found the mother in the described condition, in an unsanitary apartment. She had a bottle of methadone pills bearing a prescription label dated April 1, 2011, for a quantity of 240 pills. However, there were only about 13 pills remaining.

After a social worker arrived, the mother admitted being a heroin addict, and having begun using heroin when she was 17. She said she had been in a methadone program for about a year. In addition, the mother admitted having relapsed and taken heroin when she had gone to Folsom to be with the paternal family. She later changed her story and said that it was morphine she had taken.

The mother also told the social worker that the baby's father had dropped her off the preceding Tuesday or Wednesday and left. She explained that some of the methadone pills were gone because she had given them to the baby's father.

The baby, who was less than five months old, was taken to an emergency shelter home in the early morning of April 3, 2011. The social worker contacted the father right away. He acknowledged that the mother had been visiting with his family up north for a while and that he had brought her back to Orange County about a month prior. The father admitted to having a substance abuse history, and conceded that heroin was his drug of choice. However, he said that he had not used drugs for about three years. Nonetheless, he admitted to having an arrest record, including a drug offense within the last two years. He also said that his most recent arrest was about six months earlier, for

felony possession of ammunition, and that he was on probation. The father said that he wanted the baby released to him.

B. Dependency Proceedings:

The Orange County Social Services Agency (SSA) filed a section 300, subdivision (b) petition on April 5, 2011. SSA's detention report contained the criminal history of each parent. The father had numerous arrests from 1998 through 2010, including several arrests for infliction of injury upon a child, in addition to arrests for robbery, burglary, drug offenses, and possession of ammunition. He had served some jail time as well as probation.

At the April 6, 2011 detention hearing, the court found the baby's father to be the presumed father. It ordered random drug testing for each parent. At a continued hearing five days later, the court ordered the baby detained and ordered SSA to provide reunification services for the family and liberal monitored visitation for each parent.

In its May 6, 2011 jurisdiction and detention report, SSA stated the father, who worked on oil derricks, lived in Santa Barbara and wanted to do his drug testing there. The father disclosed that he had been a drug addict for longer than the mother had been alive. He confirmed that the allegations in the petition about his past use and his criminal history were correct. In addition, the father disclosed that he was currently taking methadone, Xanax and Valium.

The parents visited with the baby on April 7, April 21, April 22, and May 4, 2011. The baby would scream when she saw her father.

The social worker submitted a drug testing referral for the father in Santa Barbara. In addition, the social worker provided the father with a packet of referrals, including referrals for parenting and drug treatment programs, in Santa Barbara County. The social worker prepared case plans for the parents, including twice-weekly visitation,

a parenting class, a drug treatment program, random drug testing, and an Alcoholics Anonymous/Narcotics Anonymous 12-step program for the father.

As of May 23, 2011, the social worker reported that she had learned Santa Barbara County did not have an approved drug testing facility, but she found one in Ventura. The father reported that he had not received the packet of referrals the social worker had sent to him, so the social worker prepared another packet for the father to pick up when he visited the baby.

On June 1, 2011, the baby was placed in a foster home. Both parents visited the baby on June 3 and June 15, 2011. The foster care social worker opined that both parents appeared to be under the influence of drugs on the June 3 visit. The baby cried a lot at the June 15 visit. Another visit was scheduled for June 21, 2011, but the parents did not show. Although additional visitation time was available to the parents, they did not take advantage of it.

The social worker reported that, as of June 29, 2011, the father had not submitted to any random drug testing. The father said he had been unable to do testing because of his work schedule, which sometimes required him to be out on the oil derricks for up to a week. The father also reported that he was taking methadone in the morning and evening and that he had a prescription for medical marijuana, although he did not smoke marijuana every day.

The June 29, 2011 addendum report again contained a case plan for each parent. The father's case plan continued to require parenting and substance abuse programs, and random drug testing, and to provide for twice-weekly visitation.

In SSA's August 2, 2011 addendum report, the social worker reported that the father had missed 13 drug tests, between May 4, 2011 and July 18, 2011. The father said he could not participate in random drug testing because he worked on the oil derricks for long periods of time and Ventura was too far away. The issue of a drug patch for hair follicle testing was raised, but the social worker observed that court approval would be

required. The social worker also made note that she had requested copies of the father's current prescriptions, but that he had not provided them.

The baby's pediatrician had informed the social worker that the baby had tested positive for hepatitis C. It was likely that the baby would require a liver transplant at some point, but not in the near term. The baby was also diagnosed with methicillin-resistant *Staphylococcus aureus* (MRSA).

The parents had additional visits with the baby on June 24, July 1, and July 13, 2011. On July 1, the baby cried when she saw the father and was even more upset when he picked her up. The parents ended the visit an hour early. At the July 13, 2011 visit, the father could hardly keep his eyes open and he was slurring his speech. The monitor opined that both parents appeared to be high. They again terminated the visit an hour early.

On August 3, 2011, the court granted SSA's request to put the father on a drug patch and ordered the father to submit to the drug patch. However, on August 14, 2011, the father was arrested. He pled guilty to second degree burglary and, on August 29, 2011, was sentenced to 16 months in state prison. Two days later, SSA filed an ex parte request for a court order to permit in custody visitation.

On September 12, 2011, the father submitted on the amended petition and the mother pleaded no contest. The court found the allegations of the amended petition to be true. With regard to the father, the amended petition alleged: "The child's father has a history of substance abuse, [including] but . . . not limited to, the abuse of heroin, marijuana and prescription medication, with no documented completion of a substance abuse treatment program. The child's father's substance abuse is an unresolved problem that impairs his ability to effectively care for, parent and protect the child. [¶] . . . The child's father has a history of drug related criminal activity"

The court approved SSA's May 10, 2011 case plan for the father. That plan included the completion of a parenting class and a drug treatment program, random drug

testing, and participation in an Alcoholics Anonymous/Narcotics Anonymous 12-step program. The court ordered twice weekly visitation for the father while he was held in local custody. The court also ordered the baby declared a dependent child, pursuant to section 360, subdivision (d).

The baby was taken to the Orange County jail to visit with the father on September 22 and 29, and October 6, 13, and 20, 2011. A visit scheduled for October 27, 2011 was cancelled because the father was in court.

On November 2, 2011, the father was transferred to Wasco. By the end of the month, SSA filed a request that the father's visitation be changed from twice weekly to once per month. SSA stated that a single "visit to Wasco from the child's placement entails a drive of approximately 344 miles and six and a half hours of driving time round trip." SSA opined that it would be difficult on the baby to make the trip eight times a month. The court approved the request.

In a February 24, 2012 status review report, SSA recommended that reunification services be terminated and a section 366.26 selection and implementation hearing be set. The baby was then 15 months old, had been diagnosed with both a severe form of hepatitis C and recurrent MRSA, and was seeing an infectious disease specialist. SSA described the baby as "a very cute and beautiful child who smiles a lot and appears to be happy in [the] care of the foster family." The foster parents wanted to adopt her.

SSA reported that the social worker had mailed the father the first three chapters of a parent handbook on December 5, 2011 and had contact with his counselor at Wasco on December 20, 2011. According to the counselor, no services were available to the father at Wasco. On January 23, 2011, the social worker mailed the father the fourth through sixth chapters of the parent handbook. By the date of SSA's report, the father had completed the first five chapters. In addition, the social worker reported that the father sent many letters, wrote poems, and drew cartoons for the baby. He also requested photographs of her.

Although SSA requested that the father's visits with the child be monthly once he was transferred to Wasco, SSA reported that it did not receive the court's order until February 7, 2012. Within two days of receipt, the social worker had made arrangements to transport the child to Wasco on March 2, 2012 for a visit with the father. However, as of February 15, 2012, the father was still being held at the Wasco reception center. He requested the court to issue a transportation order so that he could attend the six-month review hearing scheduled for March 7, 2012.

Although the record does not reflect whether the scheduled March 2, 2012 visit took place, it does show that another visit, the exact date of which is unclear, was scheduled to take place at Wasco after the March 7, 2012 hearing. At the hearing, which the father did not attend after all, counsel for the baby expressed a concern about having the baby, with her health issues, making such a long trip to visit the father. The father's counsel, however, objected to vacating a visit that already had been scheduled. The court nonetheless vacated the scheduled visit. It explained that it was going to set a contested six-month review hearing for April 25, 2012 and issue a transportation order for the father to appear on that date. The court noted that it did not know how soon the father would be transported to the local jail and it did not want the baby to be transported to Wasco only to have it determined upon arrival that the father was not there. Consequently, the court vacated the then scheduled visit at Wasco and ordered that the father have twice-weekly visitation once in local custody.

The court's order may have been fortuitous. On March 22, 2012, when the social worker contacted the father's counselor at Wasco, she learned that the father had been transferred to Chino the preceding day. She attempted to contact the father's counselor there on April 12 and April 16, 2012, but had no success.

SSA arranged for the father to visit with the baby on April 24 and April 26, 2012, while at Theo Lacy Facility. On the latter date, the social worker also met with the father there. She provided him with the sixth through ninth chapters of the parent

handbook, along with stationery and stamped envelopes, and they discussed the father's desire to participate in the parenting classes offered at Chino.

On May 7, 2012, the father wrote to the social worker that he was still in the reception phase of his prison transfer. However, he hoped to be "mainline" in about two weeks and then able to enroll in classes. In addition, the father stated that he had read two books that were quite helpful to him.

Later that month, the parties stipulated to continue the contested six-month review hearing to June 5, 2012, with a backup date of June 26, 2012, and requested a transportation order for the father for both dates. The court so ordered.

On May 22, 2012, the father wrote a letter to the judge in which he requested that the court rescind the transportation order for the June hearing dates. He explained that when he was transported away from Chino, he was taken off mainline status and was put back into the reception phase for two to four weeks upon return. The father further indicated that programs were not available to inmates in the reception phase, so he would lose the opportunity to make progress on his case plan if he left Chino for hearings. The father represented that he was then enrolled in a 10-week course regarding fatherhood and anger management and was attending Narcotics Anonymous and Alcoholics Anonymous twice a week.

The parties thereafter stipulated to continue the contested six-month review hearing to June 27, 2012, and the father's counsel requested that the father not be transported to court for the hearing. The court so ordered.

On June 19, 2012, the social worker telephoned the father's counselor at Chino. However, the telephone simply rang and rang with no answer. The social worker sent the father the seventh through ninth chapters of the parent handbook, stationery and stamped envelopes, a photograph of the baby, and a letter about her well-being.

Two days later, the court received another letter from the father, dated June 14, 2012. The father indicated that he was "newly out of reception." While he was in the

reception phase, and no classes were available to him, he worked on the parent handbook the social worker had provided to him and read two books. He began attending Alcoholics Anonymous on May 21, 2012, and other meetings thereafter, and was in the third week of a 10-week fatherhood class.

At the June 27, 2012 combined six-month and 12-month review hearing, the parties stipulated that the father had completed the nine-chapter incarcerated parent handbook, had read “The Anatomy of Addiction” by Dr. Karen Kaligy and “Ordinary Recovery” by William Alexander and had prepared a book report on each of those two books, had received certificates for anger management, fatherhood, and Christian fellowship programs, had attended Narcotics Anonymous and Alcoholics Anonymous meetings, had sent cards, letters, cartoons and drawings to the baby, and was scheduled to be released around August 30, 2012.

The father’s counsel stated that the father “[had] changed his position from previously stating that he was agreeing to the recommendation of ending reunification services” and had decided he wanted to continue reunification services. Accordingly, his counsel requested another six months of reunification services and argued that an 18-month review hearing could be held in October 2012, about two months after the father’s proposed release date. She argued, *inter alia*, that the reunification services provided had been unreasonable, given the lack of visitation and education.

Counsel for SSA argued that the father was required to do more than just complete a parenting class. She emphasized that the father had a substance abuse problem that precluded his ability to properly parent the baby and she argued that the father’s incarceration after the baby had been detained did not relieve him of the obligation to attend a drug treatment program. Counsel also pointed out that the father had not demonstrated an understanding of the baby’s special medical needs, given her diagnosis with hepatitis C and MRSA. Finally, counsel argued that the father’s noncompliance with drug testing and services before he was incarcerated provided an

indication of the type of program participation one could anticipate from the father in the two-month period after his release and before an 18-month review hearing. Simply put, there was no substantial probability that the baby could be returned by the 18-month date.

The court found, pursuant to section 366.21, subdivisions (e) and (f), that there would be a substantial risk of detriment to the baby if she were then returned and that reasonable services had been offered to the father. The court further found that there was no substantial probability that the baby could be returned before an 18-month review hearing, even assuming the father would be released on August 30, 2012.

The court ordered the termination of reunification services for both parents and set a section 366.26 hearing for October 25, 2012. The father filed a petition for a writ of mandate, challenging the termination of reunification services and the setting of the section 366.26 hearing.

II

DISCUSSION

A. Statutory Framework and Findings:

The father says the court could not set a section 366.26 hearing, pursuant to section 366.21, subdivisions (e) and (g), without finding that he had received reasonable reunification services. As to that, he is correct.

As section 366.21, subdivision (e) provides, “At the review hearing held six months after the initial dispositional hearing, but no later than 12 months after the date the child entered foster care . . . , the court shall order the return of the child to the physical custody of his or her parent . . . unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent . . . would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child.” Subdivision (e), which permits the court to schedule a section 366.26 hearing under specified circumstances, further states: “If, however, the court finds there is a substantial probability that the child, who was under three years of age on the date of

initial removal . . . , may be returned to his or her parent . . . within six months *or* that reasonable services have not been provided, the court shall continue the case to the 12-month permanency hearing.” (Italics added.) (§ 366.21, subd. (e).)

Section 366.21, subdivision (g)(1), permits a court to continue the case for a delayed permanency review hearing to take place as late as 18 months after the date the child was originally taken from parental custody “only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent . . . within the extended period of time *or* that reasonable services have not been provided to the parent” (Italics added.) Section 366.21, subdivision (g)(2) provides that the court may set a section 366.26 hearing “only if the court does not continue the case to the permanency planning review hearing and there is clear and convincing evidence that reasonable services have been provided or offered to the parents”

Here, the court found, by clear and convincing evidence, that return of the baby to her parents would create a substantial risk of detriment to her safety, protection, or physical or emotional well-being and that reasonable services had been provided or offered to her parents. It is the latter finding that the father attacks.

B. Standard of Review:

“The court’s finding reasonable reunification services had been offered or provided to the father is subject to review for substantial evidence. [Citations.]” (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010.) “When we review a sufficiency of the evidence challenge, we may look only at whether there is any evidence, contradicted or uncontradicted, which supports the trial court’s determination. We must resolve all conflicts in support of the determination, and indulge all legitimate inferences to uphold the court’s order. Additionally, we may not substitute our deductions for those of the trier of fact. [Citations.] And, in reviewing the reasonableness of the reunification services provided . . . , we must also recognize that in most cases more services might

have been provided, and the services which are provided are often imperfect. The standard is not whether the services provided were the best that might have been provided, but whether they were reasonable under the circumstances. [Citation.]” (*Elijah R. v. Superior Court, supra*, 66 Cal.App.4th at p. 969.)

C. Social Worker’s Failure to Identify Services Available in State Prison:

The father argues that SSA abrogated its duty to provide reasonable services because it failed to identify any services that may have been available to him in state prison. He contends “the social worker’s efforts to identify and facilitate any possible services for Father in the state prison consisted of three attempts to contact someone at [Chino]; i.e., calls on April 12, 2011, April 16, 2011, and June 19, 2011.” This assertion is inaccurate and overlooks the big picture.

A month after the father was sent to Wasco, the social worker provided him with three chapters of a parent handbook. About two weeks later, the social worker contacted the father’s counselor at Wasco and was informed that no services were available to the father there. The following month, the social worker sent the father the next three chapters of the parent handbook. Thirty days later, the father still had not completed all of the chapters provided to him. Clearly, the social worker made an effort to learn what services were available to the father at Wasco, and since no services were available to him there, she provided him with a parent handbook to work on.

It is true that the record documents only three (unsuccessful) attempts by the social worker to contact the father’s counselor at Chino. However, the father himself was providing information to the social worker and the court about the services available there. He obviously was not left in the dark on this point and there is no indication that the social worker’s lack of success at contacting the father’s counselor had anything to do with the father’s failure to participate in classes earlier. Rather, the start date of his classes was dependent on his exiting the reception phase and entering the mainline phase.

As previously noted, the father was in local custody at Theo Lacy Facility in the latter part of April. The social worker met with him there on April 26, 2012, and provided him with three more chapters of the parent handbook, along with stationery and stamped envelopes. Less than two weeks later he wrote to the social worker that he was still in the reception phase of his prison transfer, but that he hoped to be “mainline” in another two weeks so that he could then enroll in classes. Although the social worker could not control when he went “mainline” at Chino and thus became eligible to take classes, she at least provided him with additional chapters of the parent handbook for him to work on. In any event, the available courses were made known to father one way or another, even though the record does not specify how. The father began attending Alcoholics Anonymous on May 21, 2012, Narcotics Anonymous on May 23, 2012, and a fatherhood course by May 25, 2012. By June 14, 2012, at the latest, the father had also earned certificates of completion for anger management and Christian fellowship courses.

Nonetheless, the father emphasizes the social worker was the one required to find out what services were available to him at Chino and the record does not show that she fulfilled her duty. Consequently, he says, he did not receive reasonable reunification services. He cites *In re Monica C.* (1995) 31 Cal.App.4th 296, in support of his position.

In that case, the appellate court held that the juvenile court erred in finding that an incarcerated mother had received reasonable reunification services where: (1) the reunification services agreement made no provision at all for visitation and the social services agency never arranged a single visit (although the court ordered the social services agency to pay for transportation for a few visits arranged by family members); (2) the reunification services agreement required the mother to send the social services agency a list of services available at prison; and (3) the social services agency failed to give consideration to whether a friend identified by the mother might be a suitable prospective guardian for the child. (*In re Monica C.*, *supra*, 31 Cal.App.4th at pp. 306-

310.) Clearly, the social services agency failed to satisfy its obligations on several levels. Indeed, the court questioned whether the agency had acted in good faith. (*Id.* at p. 308.)

Where the identification of available services was concerned, the record in *In re Monica C., supra*, 31 Cal.App.4th 296 showed that the social services agency did not even need the mother to identify the available services, because the social worker already was aware that the prison services were either minimal or nonexistent. (*Id.* at p. 308.) Indicating that it was disturbed by the set-up, the appellate court stated: “The demand for the information thus has the appearance of a trap, justifying the termination of appellant’s parental rights without actually aiding the agency in providing needed services.” (*Ibid.*)

In the matter before us, however, SSA did not require the father to provide a list of services available at Chino. In other words, it did not set him up for failure. The father would not be out of compliance with his case plan if he failed to do SSA’s job and come up with a list. This is in stark contrast to *In re Monica C., supra*, 31 Cal.App.4th 296, where it appeared the social services agency there had set a trap for the mother.

Moreover, the court in *In re Monica C., supra*, 31 Cal.App.4th 296, was concerned that the social services agency had failed to perform its duties in several distinct ways, not just having to do with the identification of services in prison. Finally, the father in the matter before us gained access to services at Chino and began pursuing them at his earliest opportunity once he was out of the reception phase, and, the social worker had provided him with the parent handbook to work on during the period when services were not available. Although the father says that the social worker should have made more than three calls to his counselor at Chino, in an effort to identify services available to him, the father clearly was already aware of the services that were available to him. There is no indication that additional calls to the counselor would have altered the types of services available or the date they became available.

D. Absence of “Credible Evidence” of Visitation after October 20, 2011:

The father complains that there is no credible evidence that any visitation took place after October 20, 2011. At the outset, we must note that multiple visits were indeed scheduled after that date. The record tends to indicate that some visits went forward, even though the record is not as clear as we would wish, and, true enough, some visits were cancelled. For example, a visit scheduled for October 27, 2011 was cancelled because the father was in court, not because of a failure on the part of SSA.

Another visit was cancelled out of concern for the welfare of the baby. As the father acknowledges section 362.1, subdivision (a)(1)(A) provides: “Visitation shall be as frequent as possible, *consistent with the well-being of the child.*” (Italics added.)

Here, the baby had hepatitis C and MRSA. Once the father was sent to Wasco, SSA shortly thereafter requested that the twice-weekly visitation order be modified, out of concern that the six and one-half hour round trip drive would be too much for the baby to make twice a week. Although there was a delay of more than two months before SSA received the court order, once the order was received the social worker immediately began making arrangements for a visit with the father at Wasco. A visit was arranged for less than a month later—March 2, 2012. The father cagily points out that the record does not reflect whether the visit went forward or not. He also complains that the court vacated visitation later in March, thereby precluding further visitation at Wasco. In so doing, he misconstrues the record.

As the reporter’s transcript makes clear, at the March 7, 2012 hearing the parties addressed an upcoming visit that had already been scheduled. SSA expressed concern about the baby making the trip given her medical condition. Following through on that thought, the court expressed a related concern that the baby might be transported all the way to Wasco for nothing, inasmuch as it was ordering that the father be transported back to the local jail for a continued hearing on April 25, 2012 and did not know what the father’s transportation date would be. Given this, the court vacated the

scheduled visit. This was consistent with the well-being of the baby and the mandates of section 362.1, subdivision (a)(1)(A). (See also *Elijah R. v. Superior Court, supra*, 66 Cal.App.4th at p. 970.)

The father was not forgotten, however. At the same time that the court vacated the scheduled visit, it ordered twice-weekly visitation for the father while he was in local custody. Cagey again, the father says that while the social worker reported having “arranged” visits at the local jail on April 24 and April 26, 2012, the record is unclear as to whether or not the visits actually took place.

True, SSA’s addendum report signed April 23, 2012 states: “Social Services Agency is in process of arranging monitored visits for the child and father for April 24, 2012 and April 26, 2012. The undersigned is planning to meet with the father during his stay in Orange County.” Later, SSA’s May 16, 2012 addendum report states: “On April 24, 2012 and April 26, 2012, the Social Services Agency arranged one hour of visitation each day, for the child with her father at Theo Lacy Facility.” It also states: “On April 26, 2012, the undersigned arranged for a face-to-face contact with the child’s father at Theo Lacy Facility. The undersigned provided Chapters 6 to 9 of the Parent handbook, stationary and self stamped addressed envelopes to the father.” The addendum report continued on to discuss matters the father said during the meeting.

Sloppy wording notwithstanding, it is apparent that the meeting with the social worker, not the “arranging” of the meeting, took place on April 26, 2012. With respect to visitation with the baby, the May 16, 2012 addendum report did not state that the visitation previously scheduled for April 24 and April 26, 2012 fell through. Rather, the court could infer, consistent with like wording used in connection with the meeting with the social worker, that visitation with the baby went forward on the scheduled dates. In any event, on appeal we “resolve all conflicts in support of the determination, and indulge all legitimate inferences to uphold the court’s order.” (*Elijah R. v. Superior Court, supra*, 66 Cal.App.4th at p. 969.)

This case is unlike *In re Monica C.*, *supra*, 31 Cal.App.4th 296 (see also *In re Brittany S.* (1993) 17 Cal.App.4th 1399, 1407), where the reunification services plan did not provide for any visitation at all. Here, the plan did provide for visitation and, to the extent visits were cancelled, it was due to court appearances or concerns for the well-being of an ill baby.

III

DISPOSITION

The petition for a writ of mandate is denied.

MOORE, ACTING P. J.

WE CONCUR:

ARONSON, J.

FYBEL, J.