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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re L.H., a Person Coming
Under the Juvenile Court Law.

B289073
(Los Angeles County
Super. Ct. No. DK24705)

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and Respondent,

v.

J.H.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County, Nancy Ramirez, Judge. Affirmed.

Annie Greenleaf, under appointment by the Court of
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,
Acting Assistant County Counsel, William D. Thetford, Principal
Deputy County Counsel, for Plaintiff and Respondent.

Mother, J.H., appeals from the juvenile court's jurisdictional order declaring her daughter, L.H., a dependent child. Substantial evidence supports the juvenile court's finding, and we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

L.H. came to the attention of the Department of Children and Family Services (DCFS) in June 2017, when she was three months of age. Mother, in the midst of an argument with the maternal grandmother, with whom she and L.H. lived, took L.H. to the home of R.M., an individual she initially thought might be L.H.'s birth father.¹ J.H. returned to the maternal grandmother's house and escalated the disagreement by throwing a brick at the maternal great-aunt's car, breaking a window. Maternal grandmother called the police, but mother left before officers arrived. Mother returned the same day and threw another brick, breaking another car window. This time, she was arrested.

Mother remained in custody for one week. L.H. remained with R.M. during that time. Social workers met with family members and L.H. during this period. Mother picked up L.H. from R.M.'s care upon her release. She also spoke by telephone and met with DCFS social workers on several occasions.

Mother was on summary probation when the brick incident occurred, and she had a history of angry outbursts and aggressive

¹ Maternal grandmother denied R.M. was the birth father. A subsequent paternity test eliminated him as the birth father.

behavior, including throwing dangerous objects at family members and others. She was involuntarily hospitalized during her pregnancy pursuant to Welfare & Institutions Code section 5150.² The brick incident was the only violent episode since L.H.'s birth, however.

Other information gleaned by social workers was not consistent. Maternal grandmother reported to the arresting police officers that mother is bi-polar and not taking her medications. Maternal grandmother denied these statements in an interview with social workers and minimized the brick incident, insisting she contacted the police just to teach mother a lesson. Mother denied any mental health issues. R.M. presented the social worker with a screenshot from mother's social media page where she stated she wanted to die.

Mother was initially receptive to participating in Up Front Assessment, a program to assist parents and children, but she would not agree to a voluntary family maintenance plan.

DCFS initiated a section 300 petition, alleging mother's mental health issues placed L.H. at substantial risk of harm. At the detention hearing, L.H. was permitted to remain in mother's care provided she allowed DCFS to make unannounced home visits. DCFS gave mother referrals for family preservation and Up Front Assessment services.

The combined jurisdiction/disposition hearing was conducted on March 12, 2018. The juvenile court sustained the single count under section 300, subdivision (b)(1), and declared L.H. a dependent child: "Based on the evidence before the court,

² All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

the court is sustaining the petition, finding that [mother] does have mental and emotional problems and that [DCFS] has proven by a preponderance of the evidence from both the police report indicating her erratic behavior, property damage while she was pregnant with [L.H.], as well as her continued erratic behavior in June of last year after [L.H.] was born.” L.H. remained with mother under a family maintenance plan. Mother was also ordered to participate in a mental health assessment and take any prescribed psychotropic medications.

Mother timely appealed, challenging the sufficiency of the evidence to support the jurisdictional finding and arguing the juvenile court abused its discretion in ordering mother to participate in a mental health assessment and take psychotropic medications, if prescribed. We asked counsel to advise this court if mother already participated in the mental health assessment and, if so, whether that issue was now moot. Counsel for mother and DCFS responded; mother participated in the assessment and was not prescribed any psychotropic medications. Mother agrees the dispositional challenge is moot and has withdrawn that issue.

DISCUSSION

I. Standard of Review

DCFS has the burden to prove by a preponderance of the evidence that jurisdiction over a child is warranted. (§ 355, subd. (a); *In re Khalid H.* (1992) 6 Cal.App.4th 733, 736.) We affirm the jurisdictional finding if it is supported by substantial evidence. (*In re Ricardo L.* (2003) 109 Cal.App.4th 552, 564.) Substantial evidence may include inferences based on evidence, but not inferences based on speculation. (*In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1393.) The juvenile “court need not wait until a child is seriously abused or injured to assume

jurisdiction and take steps necessary to protect the child . . . [and] may consider past events in deciding whether a child presently needs the court's protection." (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1216.)

II. Substantial Evidence Supports the Jurisdictional Finding

As mother notes, no mental health professional offered a bi-polar diagnosis. But a specific diagnosis is not required at the jurisdictional hearing, nor is expert testimony. The "goal [at the jurisdictional hearing] is to interfere with parental rights in order to protect children, assist the parents in eliminating the risk to their children through a reunification plan, and subsequently reunite the family." (*In re Khalid H., supra*, 6 Cal.App.4th at p. 737.)

Here, testimony and reports by laypersons provided sufficient evidence to support the trial court's finding mother exhibited "mental and emotional problems" that placed L.H. at substantial risk of serious harm. Although mother conceded it was stressful not knowing who L.H.'s biological father was, she consistently downplayed the extent of the family dynamics, labeling episodes as "drama" or "misunderstandings." She denied aspects of her criminal history, even those that were readily verifiable. Mother insisted she would never put L.H. at risk, but refused to discuss the brick incident or how she would cope with stress and anger in the future.

Mother suggests DCFS and the juvenile court unfairly viewed her cooperation with social workers as an admission that she required court supervision. She points to no evidence in the record to support this claim, however; and we deem it forfeited.

Citing section 360, subdivision (b),³ mother also asserts the juvenile court could have sustained the section 300 petition without adjudicating L.H. a dependent child, under DCFS supervision. Perhaps. But mother did not seek this resolution in the juvenile court. There, she argued the evidence to support a section 300 finding was insufficient and asked for a summary dismissal of the petition. As the Court of Appeal has held, “A party on appeal cannot successfully complain because the trial court failed to do something which it was not asked to do.” (*In re Cheryl E.* (1984) 161 Cal.App.3d 587, 603.)

Moreover, nothing in the record suggests mother was receptive to DCFS services. She denied any mental health history or problems, denied the extent of her past criminal behavior, and denied she is prone to angry, violent outbursts. She would not discuss the brick incident. She maintained she did not need DCFS assistance.

This court does not reweigh the evidence or substitute our judgment for that of the juvenile court. (*In re Marina S.* (2005) 132 Cal.App.4th 158, 165.) Our role is to determine if substantial evidence supports the juvenile court’s decision. In making this determination, “we view the evidence in the light most favorable

³ Section 360, subdivision (b) provides, “If the court finds that the child is a person described by Section 300, it may, without adjudicating the child a dependent child of the court, order that services be provided to keep the family together and place the child and the child’s parent or guardian under the supervision of the social worker for a time period consistent with Section 301 [which provides for six months of family maintenance services with the possibility of extensions].”

to the trial court's order, drawing every reasonable inference and resolving all conflicts in support of the judgment." (*Ibid.*)

DISPOSITION

The order is affirmed.

DUNNING, J.*

We concur:

RUBIN, Acting P. J.

GRIMES, J.

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