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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re JASMINE L., et al., Persons
Coming Under the Juvenile Court
Law.

B282697

(Los Angeles County
Super. Ct. No. CK81413)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

CRYSTAL P.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Debra L. Losnick, Commissioner. Affirmed.

Amy Z. Tobin, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Brian Mahler, Deputy County Counsel, for Plaintiff and Respondent.

Crystal P. appeals from the juvenile court's jurisdictional order regarding her two children, Jasmine L. and Daniel L. She argues substantial evidence did not support the court's finding that her involvement in drug trafficking placed her children at substantial risk of harm.¹ We disagree and affirm.

FACTUAL AND PROCEDURAL SUMMARY

Appellant came to the attention of the Department of Children and Family Services (DCFS) in November 2016, when police requested a DCFS investigator's presence as they executed a search warrant at maternal grandmother's home, where appellant lived with her two children, Jasmine L. (born in October 2006) and Daniel L. (born in February 2008). Appellant was suspected of involvement in a criminal conspiracy to transport narcotics into the Los Angeles County jail system. No

¹ Appellant also challenges the court's order removing the children from her custody. Since the filing of this appeal, the juvenile court has issued an order placing the children with maternal grandmother, rendering this issue moot. This was recognized in an order of this court issued on October 3, 2017, which partially dismissed the appeal as to removal. Notwithstanding the juvenile court's placement order, we have discretion to review the jurisdictional finding. (See *In re Briana V.* (2015) 236 Cal.App.4th 297, 309 [jurisdictional finding that a parent is "“offending”" reviewable because it may prejudice him or her in future dependency proceedings].)

drugs or drug paraphernalia were found in the home, but other inculpatory evidence such as cell phone messages, gang paraphernalia, letters from incarcerated people, and an envelope containing \$4,000 in cash led to appellant's arrest on suspicion of drug trafficking. Appellant was unemployed.

At a separate location, police recovered heroin and methamphetamine they suspected appellant had transported using the family vehicle. Police believed appellant associated with violent gang members who frequented the family home and had access to appellant's children. During the course of their investigation of appellant, police recorded phone conversations between appellant and her co-conspirators in which she offered to transport narcotics and, in one instance, discussed ordering the assault of a co-conspirator who had failed to transport narcotics into a Los Angeles County jail.

On November 29, 2016, DCFS filed a petition alleging that appellant's children were subject to dependency jurisdiction under Welfare and Institutions Code section 300, subdivision (b)² due to the dangerous home environment appellant had created through her gang involvement and drug trafficking from the family home. It further alleged that the children were subject to jurisdiction due to the criminal history of their father, S.L.

At a combined jurisdictional and dispositional hearing, the juvenile court found appellant's children were subject to jurisdiction under section 300, subdivision (b), sustaining both petition allegations. The court ordered the children removed from parental custody and placed in the care of maternal grandmother.

² Subsequent undesignated statutory references are to the Welfare and Institutions Code.

This appeal followed.

DISCUSSION

Appellant challenges the court's adjudication of dependency, arguing it was not supported by substantial evidence. We disagree.

We review the court's jurisdictional finding for substantial evidence. (*In re J.N.* (2010) 181 Cal.App.4th 1010, 1022.) We will affirm the trial court's finding if, viewing all evidence in the light most favorable to the finding and drawing all reasonable inferences in its favor, the evidence is sufficient to support the trial court's conclusion. (*Ibid.*; *In re Liam L.* (2015) 240 Cal.App.4th 1068, 1087.)

Dependency jurisdiction is proper under section 300, subdivision (b) where a child has suffered, or there is a substantial risk that the child will suffer, serious physical harm as a result of a parent's "failure or inability . . . to adequately . . . protect the child." (§ 300, subd. (b).) Here, substantial evidence demonstrated that appellant failed to protect her children from substantial risk of harm.

The juvenile court was presented with evidence that narcotics were found by police at a location to which appellant had agreed to transport narcotics, that a large sum of cash was found in appellant's bedroom when appellant was unemployed, and that inculpatory letters and phone calls were found or recorded between appellant and known gang members and incarcerated people. A police detective stated appellant used the family vehicle to transport narcotics. It was a reasonable inference from these facts that appellant was receiving narcotics at the family home. These activities placed the children at

substantial risk. (*In re Yolanda L.* (2017) 7 Cal.App.5th 987, 994 [father's transportation of drugs in family vehicle, and conducting of drug trafficking operation out of family home, among other activities, placed children at substantial risk of harm].) A recorded phone call in which appellant discussed violent retribution against a co-conspirator further demonstrated the dangerous nature of the drug trafficking conspiracy in which she was engaged. Appellant also allowed violent gang members to access the children in their home.

Appellant characterizes her conduct as a “single episode of endangering conduct,” and an “isolated incident,” but the record supported a reasonable inference that appellant was engaged in dangerous criminal activities on a regular basis. An adjudication of dependency is not proper in every case where a parent commits a crime. (*In re J.N., supra*, 181 Cal.App.4th at pp. 1025-1026 [dependency jurisdiction inappropriate where, in an isolated incident, parent drove under the influence].) But where, as here, the parent places children at risk through his or her criminal activity, the assertion of jurisdiction is proper.³

³ Because we find the jurisdictional finding is supported by appellant's conduct, we need not consider her argument that the finding is unsupported by father's conduct. (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762 [where jurisdictional finding is supported by substantial evidence, reviewing court need not consider other bases for finding].)

DISPOSITION

The order is affirmed.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.