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IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In the Matter of ADRIAN G. et al.  
Persons Coming Under Juvenile  
Court Law.

B294840  
(Los Angeles County  
Super. Ct. No.  
17CCJP00169A-D)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

REYNALDO T.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los  
Angeles County, Jean M. Nelson, Judge. Affirmed in part,  
dismissed in part.

Emery El Habiby, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the County Counsel, Mary C. Wickham,  
County Counsel, Kristine P. Miles, Assistant County Counsel, Sally Son, Deputy County Counsel for Plaintiff and Respondent.

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## **INTRODUCTION**

Susana and Reynaldo are the parents of Adrian, Milagros, Jesus, and Julia (collectively, the “Minors”). In this appeal, Reynaldo challenges the juvenile court’s jurisdictional finding that at the time of the jurisdictional hearing, the Minors were at substantial risk of serious physical harm. Reynaldo also challenges the court’s removal of the Minors from Susana and argues the court abused its discretion by requiring him to take a parenting class relating to teenagers. With the agreement of the parties, we dismiss as moot Reynaldo’s challenge to the court’s removal of the Minors from Susana. We affirm the remainder of the court’s orders.

After investigating a report of abuse and neglect, on September 11, 2017, the Department of Children and Family Services (“DCFS”) filed a petition under Welfare and Institutions Code section 300, alleging the Minors were at risk of serious physical harm because Susana physically abused Milagros (13), Jesus (12), and Julia (7), and Reynaldo

failed to protect them.<sup>1</sup> After some investigation, DCFS filed two amended petitions, alleging the Minors were at risk because of abuse and neglect relating to Nathan (5) and Precious (2), two related children living in the same house as the Minors, and whom Susana and Reynaldo were in the process of adopting.

Maria and Viviana, two of Susana's adult daughters, told DCFS about the physical abuse of Julia, Nathan, and Precious, and testified to the abuse at the jurisdictional hearing. Their information and testimony were corroborated by Claudia, a tenant who had lived in the house with Susana, Reynaldo, and the children for over a year. Susana and Reynaldo denied all allegations of abuse, while the Minors denied or minimized it. DCFS noted signs that the Minors had been coached to deny abuse, which Susana's daughter Viviana confirmed. DCFS also noted several instances in which Susana and Reynaldo appeared to be deceiving DCFS.

After a contested jurisdiction hearing, the court found the Minors to be at risk of harm because Susana physically abused Julia, Nathan, and Precious, and because Reynaldo knew or should have known about the abuse of Nathan but failed to protect him. The court sustained the petition as to those counts, dismissed the others, and ordered the Minors removed from Susana, but released to Reynaldo. The court

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise noted.

also ordered Reynaldo to take a series of parenting classes, including one specifically geared toward teenagers.

On appeal, Reynaldo contends: (1) regardless of how we rule on the jurisdictional findings as to Susana, we should consider his challenge to the jurisdictional findings as to him; (2) substantial evidence does not support the juvenile court's jurisdictional findings; (3) substantial evidence does not support the court's order removing the Minors from Susana; and (4) the court abused its discretion in ordering Reynaldo to attend a parenting class dealing specifically with teenagers.

Six weeks after Reynaldo filed his notice of appeal, the juvenile court granted Susana's request to move back into the family home. DCFS thus argues, and Reynaldo agrees, that Reynaldo's challenge to the order removing the Minors from Susana is moot.

As detailed below, we conclude: (1) it is appropriate to consider Reynaldo's challenge to the jurisdictional findings as to him; (2) substantial evidence supports the court's jurisdictional findings; (3) Reynaldo's challenge to the order removing the Minors from Susana is moot; and (4) the court did not abuse its discretion in ordering Reynaldo to attend a parenting class dealing specifically with teenagers.

## **STATEMENT OF RELEVANT FACTS**

### **A. *The Family***

Susana and Reynaldo are married. Susana has three adult daughters relevant to this case: Maria, Viviana, and

Nathali. Nathali is the biological mother of two of the Minors -- Adrian (16 at the time of the initial petition ) and Julia (7) -- both of whom Susana and Reynaldo adopted after Nathali's parental rights were terminated. Reynaldo and Susana are the biological parents of the other two Minors, Milagros (13) and Jesus (12). Also relevant to this case are non-party children Nathan (5) and Precious (2), who are two other biological children of Nathali's. When this case was brought, they had been removed from Nathali and placed with Susana and Reynaldo, who were trying to adopt them.

**B. Initial Allegations and Investigation of Abuse;  
DCFS Files a Petition**

On September 1, 2017, DCFS received a report the Minors were being abused and neglected. It was reported that Susana and Reynaldo would leave the younger children (Julia, Nathan, and Precious) in the care of Jesus or Milagros for long periods of time; that Susana would subject her children to cold showers; and that Susana would lock the children in the bedroom while she ate. The reporting party also observed a bruise above Julia's right eyebrow, which she suspected was caused by Susana hitting her.

A DCFS social worker arrived at the family home that same day to investigate. Sheriff's deputies arrived sometime thereafter to assist the social worker. Adrian, Milagros, Jesus, Julia, and Nathan all denied any abuse to the social worker. However, Adrian told the deputies the "siblings get hit with a sandal as a form of discipline" and "sometimes the

children get hit with shoes.” Reynaldo and Susana denied any abuse or neglect.<sup>2</sup>

Viviana, Susana’s adult daughter who was living in the house at the time, asked to be interviewed in her room. Viviana stated Susana and Reynaldo would leave the children alone in the care of Milagros, then age 13. She asserted Julia, Nathan, and Precious were being abused, and also stated Susana would throw the children from the bed and hit them. Viviana told both the social worker and the deputies that Susana “chokes the younger children.” Viviana also opined it would be difficult to obtain a truthful statement from the Minors because they had been coached and threatened.

On September 2, 2017, DCFS spoke with Claudia, who stated she had lived in Susana and Reynaldo’s home for over a year until late August 2017. Claudia confirmed the children were left unsupervised for hours at a time. She stated Susana’s temperament would quickly change from “being okay to being aggressive and explosive towards the children.” Claudia reported Susana would hit Julia, Nathan, and Precious, and Claudia personally observed Nathan with bruises on his forehead and under his eye. She also informed the social worker that when other social workers

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<sup>2</sup> At a subsequent interview, Susana admitted she “hit or pat[ted] [Milagros] on the elbows with the hand,” but not in a way that left marks or bruises.

would visit, Susana would tell her to leave the house for the day.<sup>3</sup>

On September 6, 2017, DCFS arrived for an unannounced visit. Susana refused to let the children meet alone with the social worker. The social worker requested Susana take Julia, Nathan, and Precious to the Medical Hub and sign forms consenting to a forensic interview and examination. Susana agreed to take Nathan and Precious, but not Julia. When asked why she refused to take Julia, Susana became upset and refused to sign any consent forms. Susana became belligerent and began yelling. The social worker stepped outside to speak with her supervisor and, soon after, observed all the children getting into a car with Susana. As they were leaving, Susana's adult daughter Maria arrived at the house. The social worker spoke with Maria, who confirmed physical abuse of Nathan and Precious. Maria stated all the children had been abused for several years but had been coached to deny abuse.

Two DCFS social workers returned to the house later that day with a Sheriff's deputy. DCFS informed Susana they would need to place the children in protective custody, and there would be a court hearing on September 11, 2017. Susana stated it would be fine if Precious and Nathan went with the social worker, but became upset when she

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<sup>3</sup> Susana and Reynaldo had previously been visited by DCFS, both because Adrian, Julia, Nathan, and Precious had been placed with Susana and Reynaldo, and because there had been previous reports of suspected abuse by Susana.

understood DCFS intended to remove Milagros and Jesus as well. Susana then claimed Milagros and Jesus were in Fresno with Reynaldo, and would not return until September 13, 2017. DCFS detained Adrian, Julia, Nathan, and Precious at a DCFS office, and detained Milagros and Jesus “at large.” Susana did not say goodbye to the children as they left.

On September 11, 2017, DCFS filed a petition alleging Susana abused Milagros, Jesus, and Julia by throwing them from the bed, hitting them, and hitting them with a shoe. The petition also alleged Reynaldo knew or should have known of the abuse and failed to protect the children. Finally, it alleged Susana and Reynaldo left Jesus and Julia home alone for hours at a time in the care of Milagros, who was 13 years old. The petition alleged that these actions placed all four Minors at risk of harm. The Minors were detained and released to Reynaldo once Susana moved out of the family home.

### **C. Subsequent Investigation of Abuse**

#### **1. Statements Given by the Minors**

On an unannounced visit by DCFS on September 25, 2017, all four Minors denied any abuse, though they gave conflicting reasons as to why the doors and windows to the house were locked. On September 27, 2017, a DCFS social worker attended a forensic interview of Julia. The social worker noted in her report that “[d]uring the interview, C[hildren’s ]S[ocial ]W[orker] and staff saw conflicting



answers from Julia and noted her to be coached and not willing to provide much information regarding the allegations.”

On November 3 and November 6, DCFS observed and interviewed Milagros, Jesus, and Julia. DCFS observed Adrian on November 3, but was unable to locate him at school for an interview on November 6. The children denied or minimized any abuse. Milagros stated Adrian was “tapped,” not “hit,” by Susana and that “they [Susana] hit us once a year.” Milagros clarified she was hit with an open hand on her buttocks. The interviewer noted “Milagros almost appeared to know when and how to answer certain questions which gave [the interviewer] the impression that the child had been coached.”

Jesus denied the allegations of abuse but in response to a question whether the children were sent to their rooms as a form of discipline answered, “Yeah, and if they (parents) do [send us to our rooms,] they have keys to the locks. Some (doors to the bedrooms) don’t have handles . . . wait. They (parents) just send us to our rooms. We (the children) can open [the] door.”

Julia denied the allegations of abuse and stated Susana “doesn’t hit us. She just tries to get us scared . . . [by saying] she’s . . . going to get the shoe. But she doesn’t hit us.” The interviewer noted Julia was hesitant with her responses and at times had a “blank stare” when being asked about abuse. When asked about her black eye she stated “I think I bumped in[to] something.”

On April 2, 2018, DCFS was able to interview Adrian. Adrian denied all allegations of abuse.

## 2. Statements Given by Others

On November 8, 2017, DCFS interviewed Claudia, the former tenant. Claudia told the interviewer “Jesus, Julia, Nathan and Precious have endured a lot of abuse and neglect by” Susana, and that she had seen Susana “hit the children on the mouth, head, little hands and their backs. She (mother) would pull their hair.” She stated Susana told her to leave the house when DCFS was coming, because Susana did not want DCFS to know Susana was renting out rooms in the house. Claudia also stated Susana and Reynaldo had taken pictures of her license plate three weeks prior, and Reynaldo had threatened her via text message because they knew she was a witness.

DCFS also interviewed Susana’s adult daughter Maria on November 8, who stated she “want[ed] to share what [she] witnessed when [she] would go visit” Susana. Maria told DCFS Susana “put stuff (unknown object) in [Precious’s] mouth to quiet her down,” and would hit Julia, Nathan, and Precious. Maria also stated Susana would pull all the children’s hair.

On November 9, 2017, DCFS interviewed Susana’s adult daughter Viviana, who had lived in the house with Susana and the family. Viviana stated the children most abused were Julia and Precious. She stated she witnessed Susana choking Nathan in the bathroom. Viviana also told

DCFS Susana “was always smacking Precious,” and “hit Juli[a] on the eye.” She informed DCFS the children would not admit to the abuse because Susana had threatened them and further, that Adrian, who had been in foster care, would never say anything, because he did not want the other children to go through foster care. Viviana stated Reynaldo saw the abuse but looked away.

**D. Further Relevant Events; DCFS Files Amended Petitions**

On January 17, 2018, Reynaldo and Susana walked out of a meeting with DCFS and refused to answer questions after DCFS informed them it was withholding funds relating to Nathan and Precious. Reynaldo and Susana had been using this money to make Reynaldo’s truck payments. Reynaldo and Susana also refused to take the children to receive court-ordered services.

On January 25, 2018, DCFS filed a First Amended Petition, additionally alleging the Minors would be harmed, “given [Susana’s] actions towards” Nathan and Precious; it further alleged that Reynaldo knew or should have known of the risk Susana posed to the Minors and failed to protect them.

On February 2, 2018, DCFS filed a Second Amended Petition, which alleged the Minors would be harmed, “given [Susana’s] physical abuse” towards Nathan and Precious, and the fact that Reynaldo knew or should have known of

the risk Susana posed to the Minors and failed to protect them.

On May 21, 2018, Susana was terminated from therapy for non-attendance. On June 21, 2018, Reynaldo completed individual therapy. By July 5, 2018, Reynaldo had completed 6 of 20 parenting classes.

#### **E. *Conflicting Stories the Family Told DCFS***

On September 1, 2017, during an inspection of the home, the DCFS social worker observed virtually no food in the house. When asked, Susana stated Reynaldo had not yet been paid, and they were waiting for his check to buy groceries. But when law enforcement accompanying DCFS asked the same question, Reynaldo and Susana both stated it was because the house had recently been fumigated and they were not allowed to buy food for four to five days. When DCFS followed up with the fumigator, he denied this. He stated he told the family it needed to leave the home for five hours, and to move the food from the kitchen counters for the five hours that they were gone.

In that same visit, Susana also told the social worker there was a locked pantry with food stored inside. However, when the pantry was opened, there was no food. Susana insisted the social worker had misunderstood her, and claimed she had never said there was food in the pantry. The social worker believed Susana and Reynaldo were not being truthful about the absence of food in the house.

When DCFS social workers told Susana on September 6, 2017, they needed to detain all children living with her, including Milagros and Jesus, Susana informed the social workers Reynaldo had taken Milagros and Jesus to Fresno. But when called, Reynaldo stated he did not know where the children were. One social worker informed Susana he had seen the children leave that morning with backpacks on and get in a car with Susana as if to go to school. Susana stated Milagros and Jesus were not admitted to school, claiming Reynaldo had taken them to Fresno and would not be back until September 13. The social worker believed Susana was not being forthcoming.

On November 3, 2017, Reynaldo told DCFS he would be going to Tijuana with his children for the weekend because they had recently purchased a house there and were going to paint it. The following Monday, DCFS noted, “the children provided different accounts of who went to Tijuana.” Milagros said everyone went but Adrian. Jesus said only Milagros and Reynaldo went. Julia echoed Milagros in saying everyone but Adrian went, but added Susana also went. Julia stated she, Nathan, and Precious were dropped off with Eva, another of Susana’s adult children, and that Milagros, Jesus, Reynaldo, and Susana went to the family’s house in Tijuana. However, Susana denied having gone to Tijuana that weekend and appeared agitated when asked about it. Later that week, Reynaldo angrily told DCFS that no one had gone to Mexico the previous weekend because one of the children had become ill.

### **F. Issues Relating to Adrian**

When Susana was asked about Adrian's attendance problems at school, she stated, "He (Adrian) does whatever he wants. He's not a bad kid, but I can't deal with him anymore . . . . [Reynaldo and I] can't deal with him so we just let him do what he wants." In a separate interview, Reynaldo informed DCFS he did not permit Adrian to return home to sleep if he skipped school, but told him to go to the park to sleep.

On an unspecified date, Reynaldo informed DCFS Adrian went to Las Vegas on December 20, 2017, for a soccer tournament. Reynaldo initially denied Adrian permission to go, but after Adrian informed Reynaldo he would forge Reynaldo's signature on the permission slip, Reynaldo signed it. Adrian was supposed to return on December 22, but did not. Reynaldo claimed he had attempted to file a missing-persons report with the police but was unsuccessful and did not follow up. Reynaldo went looking for Adrian at school on January 2, 2018 -- more than two weeks after he had left -- before discovering that Adrian was staying with Adrian's adult brother Ian.

Adrian, who was still a minor, admitted to drinking alcohol and smoking. Reynaldo also found and confiscated marijuana from Adrian's room.

On January 17, 2018, DCFS suggested Reynaldo and Susana take a parenting class specifically geared toward parenting teenagers. Reynaldo and Susana refused.

### **G. Adjudication Hearing**

The first day of the adjudication hearing occurred on September 19, 2018. In a supplemental report dated that day, DCFS noted its suspicion the Minors had been coached or were afraid to reveal information. DCFS also noted that Reynaldo minimized Susana's behavior.

Susana's adult daughters Maria and Viviana both testified at the hearing. Maria testified she spent "around two to three days a week" at the family home, "mostly in [the] summers" and would spend the night there. Viviana testified she lived in the house for approximately three months in 2017, starting in July.

Maria testified Susana would often "be in [a] rage" and would "tak[e] her anger and frustration [out] on the kids." Maria and Viviana testified that they had seen Susana engage in the following conduct:

- "smacking" Precious (who was two years old at the time DCFS filed the initial petition) in the face and arms for various reasons, including asking for food;
- throwing Precious from her crib onto a bed;
- pulling Julia's, Nathan's, and Precious's ears;
- pulling Julia's and Precious's hair;
- administering a cold shower to Nathan, while pushing him back and forth, "smacking" him, and choking him, leaving a scratch on his neck; and
- hitting Julia in the eye for knocking over a pile of folded laundry.

Maria also testified that not long after Precious was placed with Susana and Reynaldo, Susana came over to Maria's house and complained she was unable to stop Precious from screaming. Among the methods Susana admitted to trying were "smacking her in her mouth" and "put[ting] a sock in her mouth."

Viviana testified she told Reynaldo about Susana's abuse of Nathan in the shower, and Reynaldo responded by telling her to stop being nosy, stating that "if [Susana] wanted to kill them, she could kill them." Reynaldo told Viviana to stop "butting in" or she would "get kicked out" of the house. Viviana also testified Reynaldo was sometimes present in the same room when the abuse occurred. Maria testified she never told Reynaldo about the abuse, but believed he knew about it because "he has been in the home for so many years" and "everything was stressful in that home."

No other witnesses testified. After DCFS asked the court to sustain the petition, the court continued the hearing to October 1, and then October 10, for the remainder of the argument.<sup>4</sup> At the October 10 hearing, counsel for the parents and the Minors asked the court to dismiss the section 300 petition.

The court found, "based on the various reports that have been referred to . . . and the testimony at trial, that

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<sup>4</sup> The court also heard argument in a related case on a section 387 petition DCFS had filed to change a previous court order placing Nathan and Precious with Susana and Reynaldo.



there is evidence of abuse of three children, in particular, Julia, Nathan, and Precious.” The court found Maria “was careful not to overstate what she had seen, and in general, the court found her tone and manner credible.” Similarly, the court found “Vivian[]a was particularly credible at the hearing, in that she specifically indicated that she had not seen” certain acts of abuse alleged, reasoning that “if she were to lie, she would have a tendency to embellish, and she did not.” The court also found “Claudia corroborates the credibility of Maria and Vivian[]a.” The court noted “[a]ll three of these women lived in the house enough to be witnesses to these events, and their descriptions are fairly similar.”

The court found Susana was neither credible nor forthright: “She didn’t appear forthright, she did not seem to acknowledge anything, and has not, to this day, acknowledged anything.” The court expressly found that Susana “has had a pattern of not wanting to divulge things to the department.” The court also found Reynaldo not credible. The court voiced further concerns of “coaching by the parents,” noting Viviana and Maria both told DCFS “that the children have been coached.” The court noted that when interviewed, Julia “seemed to rattle off the allegations on her own, which is unusual for such a young child, indicating she was likely told what the allegations were and what to say.” The court noted “Julia . . . would not meet the interviewer’s eyes” and “was hesitant” and questioned Julia’s “generic claim that she got bumped and that is how she got

the mark on her eye . . . .” The court additionally remarked that “when initially interviewed, the children acknowledged they were hit with sandals and shoes. In subsequent [interviews, they] denied any abuse.”

The court found a “current” and “ongoing risk” to the Minors because “the parents have [sh]own a pattern of not being forthcoming with the department, trying to hide information from the department, and there is no indication that I can find in the record that either parent has acknowledged what the problems are with the family and the problems that brought this case to the court.” After dealing with the related section 387 petition regarding the placement of Nathan and Precious, the court then amended and sustained counts a-3, b-3, and j-3, and a-5 and b-6 of the second amended petition. As amended, these counts read:

a-3, b-3, and j-3: “The children Adrian . . . , Milagros . . . , Jesus . . . and Julia[s] . . . mother, Susana . . . physically abused the child Julia by throwing the child from the bed and striking the child and striking the child with a shoe. Such physical abuse was excessive and caused the child unreasonable pain and suffering. The father, Reynaldo . . . , knew or reasonably should have known of the physical abuse of the child by the mother and failed to protect the child. Such physical abuse of the child by the mother and their father’s failure to protect the child endangers the child’s physical health and safety and places the child and the child’s siblings Adrian, Milagros and Jesus at risk of serious

physical harm, damage, physical abuse and failure to protect.”

a-5, b-6: “The children, Adrian . . . , Milagros . . . , Jesus . . . , and Julia . . . are at risk of substantial harm by mother, Susana . . . given her physical abuse towards the children’s niece, Precious . . . and nephew, Nathan . . . . The father, Reynaldo . . . , knew or reasonably should have known of the substantial risk of [harm to] Nathan by Ms. Susana . . . and failed to protect Nathan. The children, Adrian . . . , Milagros . . . , Jesus . . . , and Julia . . . are at substantial risk of inflicted, non-accidental injury and abuse, including neglect in the care of Ms. Susana . . . and Mr. Reynaldo . . . .”

#### **H. Dispositional Hearing**

At the request of counsel, the court continued the dispositional hearing to November 1, 2018. At the continued dispositional hearing, Susana requested an opportunity to present evidence and testify, which the court permitted. Susana testified about her individual therapy appointments and denied physically abusing Julia, Nathan, or Precious.

The court restated some of its findings from the jurisdictional hearing and made additional findings based on Susana’s evidence and testimony. It noted it “was not finding those specific instances [of abuse previously articulated] were the only instances of physical abuse. It is that there is a pattern of abuse in the house, generally described by the witnesses, and then there was specific evidence as to those incidents . . . .” The court further noted

Susana’s “statements today as to what she has focused on in the therapy indicates that she has not made progress as to the issues in this case, which is physical abuse of the children in the house, and it appears that progress . . . has not occurred in great part because . . . [Susana] continues to deny that any abuse occurred. . . . Therefore, the court believes that there is an ongoing danger and risk to the children in having . . . [Susana] move back into the home.” The court then ordered the children to be removed from Susana but released to Reynaldo. The court granted Susana unmonitored visits, and gave DCFS discretion to liberalize the visits. Susana and Reynaldo were ordered to attend various classes and counseling, including a class on parenting teenagers. The court agreed to credit Reynaldo for any parenting classes previously taken, but Reynaldo admitted he had not taken one specifically for parenting teenagers. Reynaldo filed a timely appeal on December 24, 2018.

### **I. *Post-Appellate Proceedings***

On February 4, 2019, the court granted Susana’s request to move back into the family home.

## **DISCUSSION**

### **A. *Reynaldo’s Appeal Is Justiciable***

Reynaldo argues that regardless of the jurisdictional findings as to Susana, we should consider his challenge to the jurisdictional findings as to him. DCFS does not argue

otherwise and we agree. “[W]e generally will exercise our discretion and reach the merits of a challenge to any jurisdictional finding when the finding (1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citations]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction’ [citation].” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762.) All three factors appear applicable here.

**B. Substantial Evidence Supports the Court’s  
Finding That the Minors Were at Risk at the  
Time of the Adjudication Hearing**

The court found: (a) Susana physically abused Julia, Precious, and Nathan; (b) Reynaldo knew or should have known about the abuse of Nathan, but failed to protect Nathan; and (c) at the time of the jurisdictional hearing, the Minors were all at risk of harm due to Susana’s abuse and Reynaldo’s failure to protect.

Reynaldo does not challenge the court’s factual findings regarding Susana’s conduct, but argues: (a) the physical abuse was “trivial” and “protected by the parental discipline doctrine”; and (b) regardless of Susana’s past physical abuse of Julia, Precious, and Nathan, or Reynaldo’s past failure to protect, there was no substantial evidence to support a finding of current risk to the Minors at the time of the jurisdictional hearing. As discussed below, we find Susana’s

abuse was neither trivial nor protected by the parental discipline doctrine, and substantial evidence supports the court's jurisdictional findings.

*1. The Abuse Was Neither Trivial nor Protected  
by the Parental Discipline Doctrine*

At the adjudication hearing, Susana's adult daughters Maria and Viviana both testified to specific acts of abuse inflicted by Susana on her children. This included striking two-year old Precious for asking for food, stuffing a sock in her mouth, and throwing her onto a bed; pulling Julia's, Nathan's and Precious's ears and hair; administering a cold shower to Nathan while striking and choking him; and hitting Julia in the eye. Moreover, the court found these specific instances were not the only instances of physical abuse. Consistent with Maria's testimony that Susana "in [a] rage" would "tak[e] her anger and frustration [out] on the kids," the court found "a pattern of abuse in the house, generally described by the witnesses, and . . . specific evidence as to those incidents . . . ."

"A parent has a right to reasonably discipline by punishing a child and may administer reasonable punishment without being liable for a battery. [Citations.] This includes the right to inflict reasonable corporal punishment. [Citation. ¶] However, a parent who willfully inflicts unjustifiable punishment is not immune from either civil liability or criminal prosecution. [Citations.] As explained in [*People v.*] *Curtiss* [(1931) 116 Cal.App.Supp.

771] corporal punishment is unjustifiable when it is not warranted by the circumstances, i.e., not necessary, or when such punishment, although warranted, was excessive.” (*People v. Whitehurst* (1992) 9 Cal.App.4th 1045, 1050, italics omitted.) “Whether a parent’s use of discipline on a particular occasion falls within (or instead exceeds) the scope of this parental right to discipline turns on three considerations: (1) whether the parent’s conduct is genuinely disciplinary; (2) whether the punishment is ‘necess[ary]’ (that is, whether the discipline was ‘warranted by the circumstances’); and (3) ‘whether the amount of punishment was reasonable or excessive.’” (*In re D.M.* (2015) 242 Cal.App.4th 634, 641.)

Reynaldo presents no authority, and we are aware of none, finding it to be a reasonable and necessary punishment to strike a child in the eye for knocking over a pile of folded laundry, to strike a two-year-old for crying or asking for food, or to engage in the other conduct described above. Susana’s abuse was neither “trivial” nor protected by the parental discipline doctrine.

2. *Substantial Evidence Supports a Finding of Risk to the Minors at the Time of the Jurisdictional Hearing*

“In a challenge to the sufficiency of the evidence to support a jurisdictional finding, the issue is whether there is evidence, contradicted or uncontradicted, to support the finding. In making that determination, the reviewing court

reviews the record in the light most favorable to the challenged order, resolving conflicts in the evidence in favor of that order, and giving the evidence reasonable inferences. Weighing evidence, assessing credibility, and resolving conflicts in evidence and in the inferences to be drawn from evidence are the domain of the trial court, not the reviewing court. Evidence from a single witness, even a party, can be sufficient to support the trial court's findings." (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 450-451.)

"While evidence of past conduct may be probative of current conditions, the question under section 300 is whether circumstances *at the time of the hearing* subject the minor to the defined risk of harm." (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 824.) "Thus the past infliction of physical harm by a caretaker, standing alone, does not establish a substantial risk of physical harm; '[t]here must be some reason to believe the acts may continue in the future.'" (*Ibid.*; but see *In re J.K.* (2009) 174 Cal.App.4th 1426, 1434-1437 [disagreeing with *In re Rocco M.* on the need for a finding of future risk and holding section 300, subdivisions (a) and (b), require only that a minor "has suffered" prior harm].) "Another relevant factor is whether the nonoffending parent allowed or might allow the offending parent to return and continue the abuse. 'The more likely it is that the offending parent will have further contact with the nonoffending parent, the more the child's welfare is jeopardized by being placed unsupervised with the nonoffending parent.'" (*In re Steve W.* (1990) 217 Cal.App.3d



10, 22.) “For purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child’s siblings, or a combination of these and other actions by the parent or guardian that indicate the child is at risk of serious physical harm.” (§ 300, subd. (a).)

Here, evidence demonstrated that Susana abused Julia, Nathan, and Precious as an outlet for her anger and frustration. The abuse was not “isolated episodes” as Reynaldo argues, but “a pattern of abuse in the house.” The court also found Reynaldo and Susana demonstrated a pattern of “not being forthcoming” to DCFS and trying to hide information from DCFS. The court noted that neither Susana nor Reynaldo ever acknowledged any of the abuse even occurred. Further, the court voiced concern the parents had coached the children to deny abuse to DCFS, noting both the testimony of Viviana and Maria and its own observation that the children’s demeanor indicated coaching.

Additionally, in interviews with DCFS, Susana admitted she “hit or pat[ted] [Milagros] on the elbows with the hand.” Milagros told DCFS Adrian was “tapped” by Susana, and Adrian stated Susana would hit them with a sandal or shoe.

Evidence further demonstrated Viviana told Reynaldo about Susana’s abuse of Nathan, but Reynaldo responded by telling Viviana to stop being nosy and declaring that “if [Susana] wanted to kill the [children], she could kill them.”

He told her to stop “butting in” or she would be “kicked out” of the house. Viviana confirmed that Reynaldo was in the same room when some of the abuse occurred. Additionally, former tenant Claudia indicated Reynaldo threatened her because he believed she had spoken with DCFS regarding Susana’s abuse. On this record, we find substantial evidence supports the court’s finding that the Minors remained at substantial risk of serious physical harm at the time of the adjudication hearing.

**C. Whether Substantial Evidence Supports the Court’s Dispositional Order Removing the Minors from Susana Is Moot**

While Reynaldo originally argued substantial evidence did not support the dispositional order removing the Minors from Susana’s custody, on February 4, 2019, the court granted Susana’s request to move back into the family home. Both Reynaldo and DCFS agree this portion of the appeal is now moot, and we dismiss it.

**D. The Court Did Not Abuse Its Discretion in Ordering Reynaldo to Attend a Parenting Class Focusing on Teens**

Reynaldo argues the court abused its discretion by requiring him to attend a parenting class for teenagers because such an order “was burdensome and not narrowly tailored, as Reynaldo had already completed at least six of twenty parenting classes.” He further argues the court

“should have given Reynaldo credit for the classes already completed, which it did not.” The court did not abuse its discretion.

“The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason.” (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319, citation omitted.) When Reynaldo and Susana were experiencing issues parenting Adrian, DCFS suggested they attend a class specifically dealing with parenting teenagers. Both declined. Reynaldo acknowledged that none of the classes he took specifically dealt with parenting teenagers. Because Reynaldo was already having issues with one teenager (Adrian), and was by then the parent of two others (Jesus and Milagros), the court did not exceed the bounds of reason in ordering Reynaldo to attend a parenting class dealing specifically with teenagers.<sup>5</sup>

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<sup>5</sup> The court acknowledged Reynaldo should receive credit for parenting classes he previously took, but because Reynaldo took no classes specifically dealing with teenagers, there was no credit for the court to give.

### **DISPOSITION**

We dismiss as moot Reynaldo's challenge to the dispositional order removing the Minors from Susana. We affirm the remainder of the court's orders.

**NOT TO BE PUBLISHED IN THE OFFICIAL  
REPORTS**

MANELLA, P. J.

We concur:

WILLHITE, J.

COLLINS, J.