

Filed 7/11/17 In re Ar. M. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re Ar. M., A Person Coming Under  
the Juvenile Law.

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LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

SILVIA M.,

Objector and Appellant.

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B277014

(Los Angeles County  
Super. Ct. No. DK16717)

APPEAL from an order of the Superior Court of Los  
Angeles County, Margaret S. Henry, Judge. Affirmed.

Elizabeth C. Alexander, under appointment by the Court of Appeal, for Objector and Appellant.

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

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In this juvenile dependency action (Welf. & Inst. Code, § 300),<sup>1</sup> appellant Silvia M. (mother) appeals from the jurisdictional and dispositional orders as to her younger daughter, Ar. M. The orders are affirmed.

### **FACTS AND PROCEDURAL BACKGROUND**

Mother and Jose E. (father)<sup>2</sup> have two daughters, Al. M.<sup>3</sup> (born in 2001) and Ar. M. (born in 2004). Between 2009 and 2012, the Department of Children and Family Services (department) received five referrals regarding the girls, all of which were deemed unfounded.<sup>4</sup> At some point the parents

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

<sup>2</sup> Father is not a party to this appeal.

<sup>3</sup> The petition was dismissed as to Al. M., who no longer is a party to this action.

<sup>4</sup> The department received a November 2009 report that mother had slapped Al. M. in the face. In April 2010, the department was informed that Ar. M. had attended school for several days with poor hygiene and dirty clothing. In October

divorced, and the girls were living primarily with mother and visiting with father. It is undisputed that the girls did not get along well, particularly when left home alone while mother was at work.

In January 2014, the department received a sixth referral. Based on mother's admission that she had hit the girls with a belt, the department provided the girls with counseling services and supervised the family for one year under a voluntary family maintenance contract.

While the voluntary contract was in effect, the department received a seventh referral in May 2014. The department was informed that the girls were present at a family Mother's Day celebration at which mother was physically assaulted by father's children from another relationship. The department deemed the referral to be unfounded because the girls were not physically injured in the altercation.

The girls stopped receiving counseling after the voluntary family services contract terminated in January 2015. Ar. M. and Al. M. were living with mother when the department received an eighth referral in February 2016. Ar. M., then 11 years old, had

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2011, the department was told that mother and father had engaged in domestic violence while the children were present.

The department received a February 2012 report that mother had hit Ar. M. on the leg, causing a bruise; Ar. M. had taken a self-photograph of her vagina; and Ar. M. was sexually abused by a third party. All of these were deemed unfounded.

In May 2012, father told Al. M. to show her therapist a bruise on her thigh that was intentionally caused by mother. The department found the allegation inconclusive, and noted that the issue would be addressed in therapy.

confided to a school counselor that she was being bullied at school by “homophobes,” and her sister had held up a small knife while talking to her on three separate occasions. Ar. M. also revealed to the counselor that she thought she might be lesbian and was concerned how her family and friends would react. After the department received this information, Jacqueline Alvarado, a children’s social worker (CSW), interviewed mother and the girls on February 29, 2016.

*February 29, 2016 Interview.* During the interview, Alvarado spoke separately with each family member. She learned that the girls were constantly fighting, particularly when mother was at work and they were home alone.

Ar. M., who was the first to be interviewed, told Alvarado that she was afraid her mother was listening through the door. At Alvarado’s suggestion, Ar. M. wrote her statements on a piece of paper. Ar. M. told Alvarado about her conversation with the school counselor. She explained that she was being bullied at school by “homophobes”; she thought she might be gay; she was afraid her mother would not accept her sexual identity; and her father was a “homophobe.” She also reported that Al. M. had spoken to her twice while holding a small knife in her hand. The first incident happened four months before the interview. The second occurred in January 2016, when Ar. M. ignored Al. M.’s instruction to clean the bathroom, and her sister repeated the instruction while holding a “little knife in her hand.” Ar. M. claimed her sister had meant to threaten her with the knife, even though the knife was not near her body and her sister never said she was going to hurt her. Ar. M. said that mother had scolded Al. M. after the January 2016 incident. Ar. M. mentioned

another occasion during which Al. M. had thrown an object in her direction and it hit the front door.

When asked if Ar. M. was being physically disciplined, Ar. M. said she could not remember the last time mother had hit her. Ar. M. expressed concern that mother may yell at her for causing another investigation, but claimed she was not afraid to be home.

Alvarado interviewed Al. M., who confirmed the sisters did not get along and tried to keep away from each other when they were both home. Al. M. described her sister as an extrovert and herself as an introvert. Al. M. admitted becoming so frustrated by her sister that she once kicked the wall. (Alvarado noted there was a hole in the wall of the apartment.) Al. M. also admitted throwing something at her sister, but only after her sister had thrown something at her. Al. M. confirmed that when Ar. M. ignored her instruction to clean the bathroom, she pointed to the bathroom with a small craft knife she was using for her art work and told Ar. M. to clean the bathroom. Al. M. denied threatening her sister with the knife. Al. M. said mother had addressed the issue by taking away her cell phone.

Mother assured Alvarado that Al. M. did not display the knife with “malicious intent” and she had dealt with the incident by taking away Al. M.’s cell phone. Mother explained that although she tries to keep the girls apart, she has to leave them home alone when she is at work. Alvarado suggested that mother leave Ar. M. with father when she is at work. Mother said she would consider doing so, and that she was open to receiving services for the girls.

*March 11, 2016 Follow-Up Interview.* CSW G. Lopez conducted a follow-up interview of mother, father, and the children on March 11, 2016.

The girls reported there had been no new arguments or fights since the previous interview. Ar. M. said she did not need more therapy.

Mother expressed frustration that the girls still did not get along, particularly when she is at work. Mother blamed Ar. M. for fighting with Al. M. and expecting mother to hit Al. M. for making Ar. M. mad. Mother said that unless she imposes some form of physical discipline against Al. M., Ar. M. thinks mother is ignoring the situation. When Lopez suggested that mother leave Ar. M. with father while mother is at work, mother said father was not very helpful and does not always agree to take Ar. M. Mother thought that father was not taking her side with regard to parenting and disciplining the girls, and was doing things to hurt her such as calling child protective services. Mother reiterated she was open to receiving services for the children.

Father told Lopez that mother was to blame for all of the family's problems. He expressed anger over the divorce, accused mother of cheating on him, and denied being Ar. M.'s biological father. Father said Ar. M. was "different" and "less affectionate toward him" than her sister Al. M., possibly because Ar. M. sensed he was not her biological father. When Lopez admonished him that Ar. M. and mother needed his support regardless of the divorce, father repeatedly blamed mother for not doing activities with the girls, thus causing them to become bored and start fighting. After father claimed the girls did not fight in his presence, Lopez asked that he take them to his office. Father refused, stating that because he works long hours the children would become bored and want to go home.

*Ninth Referral.* While the department was investigating the February 2016 referral, it received a ninth referral in March

2016. Ar. M. told her counselor that mother was very upset about the February 2016 referral and investigation by the department. Ar. M. said she was worried that mother “was going to come and scream” at the counselor. Ar. M. reported that her mother had thrown a shoe, a banana, and a cell phone at her, and said things like, “You are not my daughter,” and “You are the worst daughter a mom can have.” Ar. M. claimed she was used to these statements, and that her mother sees her as a nuisance. When the counselor spoke with mother, the counselor was told that Ar. M. was being manipulative.

*March 22, 2016 Interview.* CSW Luisa Alvarez interviewed mother and the girls on March 22, 2016. Mother told Alvarez that the January 2016 incident with the knife was the first time Al. M. had threatened her sister with an object. Mother said both girls had been in counseling six months earlier. Mother claimed to be looking for a baby sitter because she cannot leave the girls home alone while she is at work.

Alvarez interviewed Ar. M., who, for the first time, described the knife used in the January 2016 incident as “a long kitchen knife” rather than a small knife. (There is no explanation in the record for this discrepancy.) Ar. M. said she did not think mother had sufficiently addressed the incident.

Ar. M. related that her mother and sister were now aware she is gay, which might be the cause of her fights with Al. M. When Ar. M. says “I love you” to mother, mother responds with statements like, “You are the worst daughter someone could have.” Ar. M. said mother always says she will “do something to her” (she did not explain what “something” means), but never follows through.

*April 15, 2016 Interview.* On April 15, 2016, CSW Alvarez interviewed the girls at school. Al. M. told Alvarez that things were calm because she spends more time away from home, and mother does not leave the girls home alone. Ar. M. reported that things were better with her sister because they do not speak to each other. Ar. M. indicated she was reluctant to say anything that would anger her mother, who blamed her for the investigation. Ar. M. expressed regret that mother, who thinks gays are “perverted,” was aware that she is gay. Mother constantly asks if she is certain she is gay, and when she answers yes, mother says “that is so weird and gro[ss].”

*Petition.* The department filed a section 300 petition on April 27, 2016. Count b-1 alleged that both girls were at risk of physical harm as a result of the January 2016 incident in which Al. M. had displayed a knife at Ar. M. while mother was at work and the girls were left home alone without adequate adult supervision. Count c-1 alleged that mother had emotionally abused Ar. M. by yelling at her; calling her derogatory, demeaning and disparaging names; speaking to her in a harsh and abusive manner; blaming Ar. M. for the family’s problems; calling her the worst daughter someone could have; and making inappropriate comments directed at Ar. M. By her comments and behaviors, mother was causing emotional distress to Ar. M. and placing her at substantial risk of serious emotional damage as evidenced by severe anxiety, depression, withdrawal, and aggressive behavior toward herself or others.

*Detention Report.* In its April 27, 2016 detention report, the department asserted that after one year of voluntary family services, judicial intervention was necessary to address the family’s continuing problems. The department viewed the count



b-1 incident with the knife as serious, and expressed concern that the parents were minimizing the altercation between the girls and their constant fighting. Because the department was optimistic the parents were capable of caring for the children with judicial intervention and supervision, the department requested that the children be declared dependent minors and placed in the home of their parents. In its April 27, 2016 addendum report, the department reiterated its request that the children be detained and placed with their parents. The department recommended parenting classes, individual and family counseling for both parents, and anger management counseling for mother. For the children, the department recommended age-appropriate services, psychological and psychiatric evaluations, individual counseling, and conjoint and family counseling when deemed appropriate by each child's therapist.

*Detention Order.* On April 27, 2016, the court found father to be the presumed father of both girls. It found a prima facie case had been made for detaining the girls and identifying them as dependent children under subdivisions (b) and (c) of section 300. The court released the girls to their parents, and placed them in the home of mother.

The court ordered that the department provide family maintenance services, in-home family counseling, and wrap-around services. It also ordered a multidisciplinary assessment of the children and their family.

The court also ordered the department to consider entering a voluntary services contract under section 301,<sup>5</sup> or, alternatively, dismissing Al. M. from the petition.

*Department's Refusal to Enter a Voluntary Contract.* In its Jurisdiction/Disposition Report, the department explained that it was not willing to enter a voluntary services contract under section 301 for the following reasons:

- The severity of the allegations of knife brandishing on more than one occasion.
- The family previously participated in a voluntary services contract based on the children's behavioral issues (in 2011, the department received a report that

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<sup>5</sup> "In any case in which a social worker, after investigation of an application for petition or other investigation he or she is authorized to make, determines that a child is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, the social worker may, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the child's parent or guardian, undertake a program of supervision of the child. If a program of supervision is undertaken, the social worker shall attempt to ameliorate the situation which brings the child within, or creates the probability that the child will be within, the jurisdiction of Section 300 by providing or arranging to contract for all appropriate child welfare services pursuant to Sections 16506 and 16507.3, within the time periods specified in those sections. No further child welfare services shall be provided subsequent to these time limits. If the family has refused to cooperate with the services being provided, the social worker may file a petition with the juvenile court pursuant to Section 332. Nothing in this section shall be construed to prevent the social worker from filing a petition pursuant to Section 332 when otherwise authorized by law." (§ 301, subd. (a).)

the children were acting out, and in 2014, mother admitted she hit the children with a belt), and those issues have not been resolved. Mother appears to be minimizing the altercations between the children, which have escalated.

- Al. M. reported to a CSW that she was so frustrated by Ar. M. that she kicked the wall. The CSW observed a hole in the wall where it appears to have been kicked.
- The family is in need of judicial supervision while participating in court-ordered services to address current issues. The parents must be made to comply with court orders and the case plan.

The department expressed optimism that the family would overcome its current problems with judicial intervention and support. Among the family's strengths was the fact that both parents were fully employed: mother worked at a seafood restaurant and father had his own photography and video business. Mother had no criminal history and was willing to participate in services if ordered to do so. Father had agreed to participate in services if they would benefit the family.

*Jurisdiction/Disposition Report.* According to the May 23, 2016 Jurisdiction/Disposition Report, the girls continued to live with mother.

In her May 2016 interview, Al. M. told CSW Alvarado that her sister tends to exaggerate, and the knife was actually a "tiny crafting knife." Al. M. denied trying to hurt or threaten her sister with the knife. Al. M. admitted that she and her mother yelled at Ar. M., but only because Ar. M. was abusive. Ar. M. said that Al. M. is short, fat, and looks like a rat. Although the girls called

each other bad names like “bitch,” mother never called Ar. M. names. At most, mother “lightly teased” Ar. M. when she disclosed she likes girls, but was not trying to make Ar. M. feel bad. Al. M. said she was “okay” with Ar. M.’s sexual preference.

During her May 2016 interview, Ar. M. told Alvarado that Al. M. had taken a “kitchen knife” from a drawer when she did not want to clean the bathroom. Ar. M. said her sister had done this before, but mother did not believe her. Since the current investigation began, the girls have been staying with father while mother is at work. Ar. M. feels safe and comfortable at home. Ar. M. denied being spoken to by mother or sister in a harsh or abusive manner. But Ar. M. acknowledged that mother was blaming her for the child services investigation and calling her “the worst daughter,” which made her feel bad. Ar. M. wished that mother, who thinks gays are perverted, did not know about her sexuality. Mother always asks if she is certain of being gay. When Ar. M. responds yes, mother says, “That is so weird and gross.” Mother makes “awkward” remarks like, “why are you like this” (referring to identifying herself as gay). Ar. M. denied having any emotional distress, suicidal or homicidal ideations.

Mother confirmed during her May 2016 interview that the girls were going to their father’s place when she is working. Mother admitted telling Ar. M. she was the worst daughter, but explained that the remark slipped out when she was tired and frustrated with Ar. M. Mother denied blaming Ar. M. for the family’s problems. Mother explained she was upset after standing up for Ar. M. during a family argument, only to have Ar. M. reconcile with the offending family member, thus making mother look like a fool. Mother denied many of the statements attributed to her by Ar. M., claiming Ar. M. was making them up

because she wanted Al. M. to go to therapy. Mother accused Ar. M. of being disrespectful and making fun of the appearance and clothing of her sister and mother.

Mother denied making inappropriate comments to Ar. M. Mother explained that three months earlier, when Ar. M. told her she was attracted to and liked girls, mother asked if she was sure, and cautioned Ar. M. that this could be a passing phase in light of her young age. Mother assured the CSW that she loved and accepted Ar. M. regardless of her sexual preference. Mother denied being emotionally abusive of Ar. M., or placing her at risk of emotional harm or distress.

Father told the CSW during his May 2016 interview that because he lives apart from the family, he was not privy to all of their interactions. Father confirmed that Ar. M. makes negative comments about her sister's height and intelligence. He was not aware that mother blamed Ar. M. for the family's problems or said that Ar. M. was the worst daughter ever. Father has never seen Ar. M. in emotional distress.

In its report, the department assessed the potential risk of emotional abuse to Ar. M. as high. In the department's view, mother has unresolved anger management issues, and was victimizing Ar. M. based on her sexuality. In addition, mother was minimizing the altercations between Al. M. and Ar. M. Because the parents were unable to meet the emotional, cognitive and developmental needs of the children without judicial intervention, the department recommended that both children be declared dependent minors and placed in the home of their parents under the supervision of the court and the department.

The department requested court-ordered parenting classes and individual counseling for both parents, with conjoint

counseling with the girls when deemed appropriate. For the girls, the department sought individual counseling, wrap around services, and conjoint counseling when appropriate.

*Jurisdictional Order.* At the May 25, 2016 jurisdictional hearing, the juvenile court dismissed count b-1 (brandishing a knife) in the interest of justice. The court dismissed the petition as to Al. M., and released her to mother. The court sustained count c-1, and declared Ar. M. to be a dependent child under subdivision (c) of section 300. The court found father to be non-offending.

*Dispositional Order.* Turning to dispositional issues regarding Ar. M., the court ordered her placed in the home of mother under supervision of the department.

Mother filed a timely notice of appeal from the jurisdictional and dispositional orders regarding Ar. M.

## DISCUSSION

### I

Mother contends that the evidence is insufficient to support the jurisdictional finding under section 300, subdivision (c).<sup>6</sup> We do not agree.

“In the trial court, child welfare authorities have the duty to establish the jurisdictional facts by a preponderance of the

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<sup>6</sup> A child who fits the following description may be found to be a dependent child of the court: “The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care.” (§ 300, subd. (c).)

evidence. [Citation.] On appeal, however, “we must uphold the [trial] court’s [jurisdictional] findings unless, after reviewing the entire record and resolving all conflicts in favor of the respondent and drawing all reasonable inferences in support of the judgment, we determine there is no substantial evidence to support the findings. [Citation.]” [Citation.]” (*In re D.P.* (2015) 237 Cal.App.4th 911, 917.)

Although the record does not demonstrate that Ar. M. had actually suffered serious emotional harm, “section 300, subdivision (c) nonetheless applies to a child who is at substantial risk of suffering serious emotional damage even when there is insufficient evidence of actual harm. (*In re Matthew S.* (1996) 41 Cal.App.4th 1311, 1320 (*Matthew S.*); [*In re*] *A.J.* [(2011)] 197 Cal.App.4th [1095,] 1104 [‘Whether A.J. actually was suffering serious emotional damage at the time of the hearing is not the only relevant issue: Section 300(c) extends both to a child who is suffering serious emotional damage, and a child who is at *substantial risk* of suffering serious emotional damage.’].)” (*In re D.P.*, *supra*, 237 Cal.App.4th at p. 919.)

In *Matthew S.*, *supra*, 41 Cal.App.4th 1311, the appellate court affirmed a jurisdictional finding under subdivision (c) of section 300 based on substantial evidence that the child, Matthew, was at risk of developing severe emotional problems as a result of being included in his mother’s delusions that his penis had been mutilated and he would die. (*Id.* at pp. 1320–1321.) As a result of the intervention by the juvenile court and the department, the mother ceased speaking of her delusions to her children, which relieved Matthew of the burden of “neglect[ing] his own emotional needs because of his fear of aggravating his mother’s condition.” (*Id.* at p. 1321.) Maintaining jurisdiction

over the children would help to “ensure that [the mother would] continue to keep her fears to herself. This in turn would relieve Matthew S. from the burden of his mother’s delusions.” (*Ibid.*)

Like the family in *Matthew S.*, Ar. M.’s family was in need of formal intervention by the juvenile court and the department. Notwithstanding a year of voluntary services, the altercations between the sisters were not only escalating to the point where Al. M. had kicked a hole in the wall, thrown an object, and brandished a knife on more than one occasion, but mother was minimizing the seriousness of these conflicts. It was only after the petition was filed that mother began leaving the children with father while she is at work.

The evidence supports a reasonable finding that Ar. M.’s conflicts with her family may be rooted in the family’s initial difficulties in accepting her sexual identity. There was substantial evidence that mother was blaming Ar. M. for the family’s problems and chastising her for confiding in the counselor. Mother admitted calling Ar. M. the worst daughter a mother could have, which made Ar. M. feel bad. Ar. M. told the CSW that her fights with her sister were related to the fact that she is gay. On this record, the juvenile court was justified in finding that Ar. M. was at substantial risk of suffering serious emotional damage as a direct result of mother’s behavior, abusive language, and refusal to accept the seriousness of the conflicts between Ar. M. and Al. M.

Mother contends the jurisdictional finding must be reversed under *In re Brison C.* (2000) 81 Cal.App.4th 1373 (*Brison C.*). That case is readily distinguishable. The parents in *Brison C.* were embroiled in a child custody dispute in which each had accused the other of abusing the child, Brison, age 9. While



the family law matter was pending, a child welfare agency filed a dependency petition on behalf of Brison, alleging he was suffering severe emotional harm as a result of the custody dispute. The juvenile court sustained the petition under subdivision (c) of section 300, and placed Brison in the home of a non-related foster parent. The appellate court reversed, finding there was no substantial evidence of serious emotional harm to Brison. Concluding that “[t]he family law court is better suited to handling issues relating to custody and visitation,” the court remanded the matter to the family law court. (*Brison C.*, *supra*, 81 Cal.App.4th at pp. 1382–1383; see also *In re A.J.*, *supra*, 197 Cal.App.4th at p. 1105 [questioning the “soundness of the *Brison C.* court’s conclusion the minor displayed no signs of serious emotional damage”].)

Unlike *Brison C.*, the parents in this case are not involved in a child custody dispute. As the appellate court acknowledged in the *Brison C.* case, if poor communication skills and distrust between parents were sufficient to establish a need for judicial intervention, the juvenile court could assume jurisdiction in virtually every family law case in which there is a child custody dispute. (*Brison C.*, *supra*, 81 Cal.App.4th at p. 1382.) That rationale has no application to this case.

Because we are required to “draw all reasonable inferences from the evidence to support the findings and orders of the dependency court” and must “review the record in the light most favorable to the court’s determinations” (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193), the fact that another trier of fact may have reached a different result is not dispositive. (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 228 [“The judgment will be upheld if it is supported by substantial evidence, even though

substantial evidence to the contrary also exists and the trial court might have reached a different result had it believed other evidence.”].) For this reason, mother’s effort to distinguish this case from *In re D.P.*, *supra*, 237 Cal.App.4th 911 is unavailing.

## II

Mother challenges the juvenile court’s determination that Ar. M. is a dependent child, arguing there is no substantial evidence she will engage in future offending conduct. Mother contends that by the time of the jurisdictional hearing, the family had ameliorated the issues that had brought the children to the department’s attention, and because mother was willing to receive services, there no longer was any need for judicial intervention.

The difficulty with this contention is that the department was unwilling to provide services under a section 301 contract. Because subdivision (a) of section 301 states that a social worker “may” elect to undertake a program of voluntary supervision, the decision rests within the discretion of the department. (See *Woolls v. Superior Court* (2005) 127 Cal.App.4th 197, 203 [word “may” used in statute is permissive rather than mandatory].)

For the first time on appeal, mother takes issue with the department’s refusal to enter a voluntary contract, arguing that brandishing a knife and fighting with a sibling would fall under dismissed count b-1 (physical harm), rather than count c-1 (emotional harm), the only sustained count. Assuming the contention was not waived by the failure to raise it below, the assertion that the department abused its discretion is not supported by the record.

The fact that the investigation of the eighth referral triggered yet another referral is significant. The ninth referral was based on mother's anger toward Ar. M. for confiding information that led to the present investigation. Even though the record indicates that mother several weeks before the jurisdictional hearing had ameliorated at least some of her negative behavior toward Ar. M., that is not dispositive. Because the record contains substantial evidence to support a reasonable inference that judicial intervention and supervision were necessary to protect Ar. M. from the risk of future serious emotional harm caused by mother's inappropriate language and refusal to acknowledge the seriousness of the conflicts between her daughters, the determination that Ar. M. is a dependent child must be affirmed.

Mother's contention that the juvenile court erred by not proceeding under section 360, subdivision (b), which allows the court to order voluntary services without adjudicating the child a dependent child, is not persuasive. Having accepted the department's refusal to provide voluntary services under section 301, the juvenile court had no reason to order the department to provide voluntary services under section 360, subdivision (b).

To the extent the facts of this case are less egregious than those of other dependency cases, we concur with *Matthew S.*, *supra*, 41 Cal.App.4th at p. 1321, and trust the juvenile court and department will pursue the case plan in an unobtrusive manner that is tailored to the needs of the family. If matters continue to improve such that there no longer is a substantial risk of serious emotional damage to Ar. M., dismissal of the petition would be appropriate. (See *ibid.*)

**DISPOSITION**

The jurisdictional and dispositional orders are affirmed.

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

EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.