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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

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

B269454  
(Los Angeles County  
Super. Ct. No. DK13593)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

VICTOR L.,

Defendant and Appellant.

APPEAL from findings and an order of the Superior Court of  
Los Angeles County. Nichelle L. Blackwell, Commissioner. Affirmed.

Christopher R. Booth, under appointment by the Court of Appeal, for  
Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County  
Counsel, and Jessica S. Mitchell, Deputy County Counsel, for Plaintiff and  
Respondent.

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Victor L. (father) appeals from jurisdictional findings and a dispositional order removing his children, Miriam L. (Miriam, born Feb. 1998),<sup>1</sup> Christian L. (Christian, born June 2003), Jacqueline L. (Jacqueline, born July 2007), and Amy L. (Amy, born Sept. 2011) from his custody. (Welf. & Inst. Code, § 300, subd. (b).)<sup>2</sup> He contends that the juvenile court's findings and order are not supported by substantial evidence.

We affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

This family consists of father, Alicia O. (mother), and the four children. At the relevant time, the family had been living in a two-bedroom apartment.

#### *Detention Report*

On September 19, 2015, the Los Angeles Police Department called in a referral to the Department of Children and Family Services (DCFS) on behalf of the children alleging that father had perpetrated domestic violence on mother; the parents had problems with their relationship; they had had an argument on September 18, 2015, that resulted in father placing his hand around mother's neck; they engaged in another argument on September 19, 2015, that resulted in father grabbing mother's arm and pulling her into their bedroom, pushing her onto the bed, holding a leather belt to her throat, and not allowing her to leave the bedroom. The children were at home during the incidents. Father had been arrested for spousal abuse; mother declined to file a restraining order.

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<sup>1</sup> On June 20, 2016, the juvenile court terminated jurisdiction over Miriam because she had reached the age of majority.

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

On September 21, 2015, the investigating social worker interviewed the children and mother.

Christian

Christian was well-groomed and did not have any visible marks or bruises. He said that father was not living at home due to his arrest over the weekend. He reported that on September 19, 2015, the parents were arguing in the kitchen when father grabbed mother's arm and forced her to go into the bedroom. During that time, Christian was in the living room and had witnessed father forcing mother into the bedroom; mother went quietly with him. Although father had closed the door, Christian could still hear them arguing. Christian was afraid because father had never done anything like that to mother before. According to Christian, his parents got along well before this incident.

Father finally opened the bedroom door after receiving a telephone call. Mother had called the police and father remained in the home for them to arrive. During the wait time, father hugged the children and told them not to be afraid. Christian denied being afraid of father at that moment and denied receiving any physical injury during the incident. When father was arrested, Christian felt sad and cried. Father told him, "[D]on't be scared, everything will be fine."

Miriam

Miriam also said that the parents got along well and had a good relationship prior to the September 19, 2015, incident. She reported that the parents had been arguing in the kitchen, but denied that father had choked mother. She said that father normally had a strong/loud voice. She was in the living room during the argument, but denied that she was home when father choked mother with a belt. She learned of father's arrest after

receiving a telephone call from Jacqueline telling her that father had been arrested for hitting mother. Miriam said that this was the first time father had physically hurt mother.

Miriam arrived home after father was arrested. She said that mother did not talk to her about the incident except to mention that father had locked her in the bedroom, that he had placed a belt around her neck, and that she had called the police. Although Miriam said that she felt safe at home, she did not know how she would feel when father returned home.

Amy

Amy did not want to talk to the social worker.

Jacqueline

Jacqueline reported that she was sad that father had been arrested because he “hurt mami.” She said that her parents sometimes talked loudly, but they were not physical. She denied being afraid when the parents talked loudly, but she admitted to being afraid on September 19, 2015, after father locked mother inside the bedroom. She reported that she and Christian were in the living room when the parents began arguing in the kitchen. Father was angry with mother and pushed her from the kitchen into the bedroom. During that time, Jacqueline was scared because she thought that father was going to hit mother.

After father locked the bedroom door, Jacqueline and Christian went to the bedroom door and asked father to open it. Jacqueline was crying because she was scared that mother was going to get hurt. She could hear mother yelling, but denied witnessing father place a belt around mother’s neck. However, Jacqueline observed mother removing a belt from her neck when she left the bedroom and heard her telling father that he tried to choke her

with a belt. In fact, during the time the parents were inside the bedroom, Jacqueline heard father telling mother to be quiet “or else I’ll choke you.”

Father opened the bedroom door and allowed mother to leave after he received a telephone call. Father told mother to stay inside the bedroom and mother told Christian to call law enforcement if father choked her again. Father also threatened to call law enforcement, but mother was the one who made that call.

Miriam was not home at the time of the incident.

In-person conversation with mother

Mother denied that the parents had a history of domestic violence. Regarding the domestic violence incident, mother reported that she got home from work later than usual that day. She told father that she was late because she had been talking to a coworker about Jacqueline’s skin condition and father’s unemployment. Father became upset with mother for sharing this information with her coworker. During the argument in the kitchen, mother told father to leave the family. Father refused and grabbed her neck. Although father did not choke her with enough force to affect her breathing or cause any visible marks, mother admitted that she was afraid. After father let go of her neck, he left home only to return later. Mother said that Christian witnessed father choking her; the three other children were in the bedroom.

The following day, father argued with mother again in the kitchen about coming home late the day before. After she said that she was only with her coworker, father became angrier; he grabbed her wrists and took her into the bedroom. Once inside, he blocked the door with a dresser. She told him to pack his things and leave the home. She said that she did not want to continue arguing with him in front of the children. Christian had witnessed

father grabbing mother by the hands and “the three girls” were inside their bedroom. Miriam was not home at the time.

Mother reported that the children were afraid because father refused to open the bedroom door after they had asked him to do so and he told the children that nothing was happening.

Once mother and father were inside the bedroom, father pushed her onto the bed and placed a belt around her neck. Although she denied that father had hurt her with the belt, she acknowledged that father had done that to scare her. Mother was very afraid at that time. It was only after he received a telephone call that he left the bedroom, which allowed mother to leave as well. Mother said that the children were crying during the incident. She said that she wanted to leave the apartment but father refused because they were supposed to attend a party that night. Mother told father that she would not go to the party after what he had done.

Prior to the incident, mother and father always had a good relationship; he was good to the children and to her and they were a close family. She believed that she did the right thing by calling law enforcement because “he needs to know what he did is not okay.” She was unsure if she wanted to leave father or continue her relationship with him. She did not want him to remain in jail for a long period of time, but wanted him to understand that his actions had consequences. She did not believe that father would harm her again; she was no longer afraid of him; she wanted to attend couples therapy with him.

Mother had disclosed the incidents to the maternal grandparents. They told her to give father another chance even though what he had done was unacceptable.

Mother did not want father to return to the home at that time because she wanted to think about what to do. After the social worker gave mother the information to obtain a protective order against father, mother declined to pursue it. Instead, she would ask father to leave if he returned to the family home. If he refused, then she would seek a protective order.

She believed that father was remorseful.

The social worker advised mother to participate in a safety plan; mother declined.

Mother denied that the children were physically harmed during the domestic violence incidents.

#### Telephone conversation with mother

The following day, the social worker spoke with mother by telephone. Mother had allowed father to return to the family home because he had apologized; he insisted that he would never hurt her again and she believed that he would not “put his hands” on her again. The social worker reminded mother that she previously said that she did not want father to return home and that she would obtain a protective order if he refused. Mother responded that she did not want father to leave; she believed it was best for the children to see him. The social worker advised her that DCFS had concerns with mother’s capability to protect the children given that he had choked her on Friday and Saturday and that she had allowed father to have access to her and the children immediately after his release from custody. Mother responded that she was unable to continue talking because she was at work. She gave the social worker the telephone number to the family home because father’s telephone was disconnected.

### Father

That day, the social worker interviewed father at DCFS's office. Father said that he spoke to mother briefly that day and she informed him that the social worker needed to talk to him about his arrest. He described his relationship with mother as "good" as they previously had little arguments; their arguments had never escalated to physical altercations. He described his family as "perfect" and said that he was very involved with the children.

Regarding the domestic violence incident, father stated that he became upset after mother told him that she had confided in her coworker about personal matters. Mother asked father to leave the home; he ignored her request. According to father, mother went to the bedroom to sleep and he stayed in the living room, which was how the argument ended. Father denied placing his hand around mother's neck on September 18, 2015; he claimed that they only argued.

The following day, father said that he argued with mother in the kitchen as he believed that she was lying to him. The children were in the living room at the time. Father again asked mother to tell him the truth about where she had been the previous day. Although he admitted to grabbing her arm, he claimed that he did so without any force and then led her to the bedroom. Father said that during the time that he was holding mother's arm and standing by the bedroom door, he somehow managed to accidentally move the dresser partially across the edge of the door. He denied that he intentionally tried to lock her inside the bedroom. He said that he grabbed a belt and placed it around her neck only to scare her into telling him the truth about where she had been the previous day. He denied that he intended to harm mother.



During the incident, father heard the children outside the door asking him to open the door. He left the bedroom after he received a telephone call. Father said that mother called law enforcement and he waited on the couch with the children until law enforcement arrived. He admitted that he did not allow mother to leave the home because they were supposed to attend a family party. He said that mother had asked him to leave the home, but he remained seated on the couch because he was waiting for law enforcement to arrive.

When asked what he planned to do now, father said that he wanted to remain home with his family because he missed his children and wanted to fix his marriage. The social worker advised father about completing a safety plan; father said that he was unwilling to complete it if it required him to be away from mother and the children. When the social worker explained that the purpose of the plan was to address DCFS's concerns, father said that he was uncomfortable agreeing to it without his lawyer's input.

Father reiterated that he was remorseful and said that he would never hurt mother again. He declined to complete the safety plan, but he said that he would consider it. Father was going to talk to his lawyer.

#### Telephone conversation with the maternal grandmother

On September 24, 2015, the social worker spoke with the maternal grandmother. She informed the social worker that mother had called her on September 19, 2015, after father had been arrested. Mother did not indicate whether the incident had escalated to anything physical. She went to mother's home later that day and mother told her that she and father had had problems that led to an argument and father's arrest. The maternal grandmother did not see any marks or bruises on mother. She denied that the parents had a history of domestic violence; she said they were good

parents. She had no concerns for the children's safety. According to the maternal grandmother, father was remorseful.

The social worker assessed that the maternal grandmother had minimized the parents' domestic violence incidents.

#### Removal order

On September 25, 2015, the juvenile court granted DCFS a warrant to remove the children from father's custody. Father volunteered to leave the home. Law enforcement escorted father inside the home to gather his belongings and say goodbye to the children. The children remained with mother.

#### *Section 300 Petition*

On September 30, 2015, DCFS filed a section 300 petition on behalf of the children, alleging that they were at risk due to mother and father's history of engaging in violent altercations in the presence of the children, father grabbing mother's neck and choking her on September 18, 2015, and father placing a belt around mother's neck and choking her on September 19, 2015. That same day, the juvenile court made detention findings against father and ordered the children released to mother. The juvenile court granted father visitation but ordered that mother not be the monitor.

#### *Jurisdiction/Disposition Report*

In its December 21, 2015, report, DCFS reported that the children remained with mother.

#### Interviews

The social worker interviewed the children, mother, father, and the maternal grandmother.

Amy did not want to talk to the dependency investigator. She said that she liked father and missed him.

Miriam said that her parents did not have a history of engaging in violent altercations in her presence. While her parents argued occasionally, they never used abusive language. She denied witnessing her parents fighting on September 19, 2015; they talked loudly for a few seconds in the kitchen. She was not home on September 19, 2015, during the second incident of domestic violence. She got home after father had been arrested. Mother told her that she had called the police because father was a little aggressive. Miriam was surprised because father was not aggressive and had never done anything like that. She was proud of mother for taking the initiative of calling the police and not allowing anyone to touch her.

Christian said that he was watching television with his sisters on September 18, 2015, when his parents were talking loudly in the kitchen. After they talked loudly in the kitchen, they went to the bedroom. He denied that he heard anything else—he denied that he heard his mother yelling and crying and he denied that he was afraid. Regarding the September 19, 2015, incident, Christian said that he was watching television with his younger sisters when father suddenly appeared, hugged him, and told him that he loved him and asked him to forgive father for getting mad and overreacting with mother. When Christian said that he did not know what father was talking about, father told him that the police were on their way to arrest him. Christian was surprised because the parents never fought with each other.

Christian denied that he observed father choking mother or hitting her, he denied that he had ever seen his parents fight, and he denied being afraid of them. When the dependency investigator advised Christian that he had previously given different statements to the investigating social worker, Christian responded by looking at the floor and remaining quiet. He said that he did not want to talk further.

Jacqueline said that she had never witnessed the parents fighting and denied that the parents had ever hit or yelled at each other. She denied that she heard them fighting on September 18 and 19, 2015. She did not know why father had been arrested. She said that she was not afraid of father and never saw bruises on mother or mother yelling for help. When the dependency investigator said that the social worker had heard that Jacqueline had witnessed the parents arguing in September, she responded, “[t]hat was a long time ago. I don’t want to talk about it.”

Mother denied that she and father had a history of engaging in violent altercations in the children’s presence, denied that they had ever argued in the children’s presence, and denied that the children had ever witnessed them fighting. She claimed that the September 18 and 19, 2015, incidents were isolated and that she called the police because what father did to her was wrong; the domestic violence could escalate if she did not call them.

According to mother, the September 19, 2015, incident was the first time that father had ever hit her, and the September 18, 2015, incident was the first time that they had had a big argument. She claimed that these incidents did not occur in the presence of the children. She was very persistent about claiming that the children had never witnessed any verbal or physical altercations between the parents.

Regarding the September 18, 2015, incident, mother denied that father tried to choke her. She claimed that he just put his hand on her chest to prevent her from leaving the kitchen. She denied that they continued fighting; she claimed that they had dinner like they always did as a family. Father apologized to her that night.

Regarding the September 19, 2015, incident, mother denied that father forced her to go to the bedroom. She denied that he grabbed her hard on the

wrist. Rather, according to mother, she agreed to go to the bedroom so she and father could continue talking without the children witnessing anything.

Once inside the bedroom, father pushed her chest with his hands. Father did not push her hard because she was already sitting down. She denied that father had barricaded her inside the bedroom. Rather, father had placed a small dresser in front of the bedroom door to prevent the children from coming inside; she denied that the children were knocking at the door. She reported that father grabbed a fabric belt and placed it on her neck. She denied that he wrapped it around her neck. She denied that father choked her as he did not put any pressure on the belt. He only did what he did to scare her. Father did not cause any bruises or marks on her neck. She denied that she was scared and she denied that she tried to get away from him. Father stepped outside the bedroom after he received a telephone call, which enabled mother to step outside, where she sat on a couch next to the children. According to mother, the children had no idea what had happened.

After father was finished talking on the telephone, mother told him, “I’m sorry but I have to call the police. What you did was wrong.” Father understood, regretted what he had done, and stayed on the couch while she called the police. Father did not insult or get mad at her for calling law enforcement. She denied that father had ever threatened to hurt her or the children and denied that he was aggressive.

When the investigator advised mother that the police report indicated that the younger children had witnessed the domestic violence and reported that mother had been barricaded in the bedroom, mother responded that the police officers did not get the correct information because they did not speak

Spanish and her English was not good. Mother claimed that she was being honest.

Father too denied that he and mother had a history of domestic violence in front of the children; he claimed that he and mother sometimes had disagreements outside the children's presence. He said that he and mother had verbal disagreements on September 18 and 19, 2015, but denied that the children were present. He was not proud of what had occurred that day and he was ashamed of himself.

Regarding the September 18, 2015, incident, father said that he and mother argued in the kitchen while the children were watching television in the living room. She told father that she did not want to continue arguing because the children were in the living room, so he placed his open hand on her chest to prevent her from leaving. Mother then went around him and left the kitchen. Meanwhile, father was in the living room with the children; he did not follow mother into the bedroom. Father claimed that nothing else happened that day.

The following day, he continued arguing with mother in the kitchen while the children were in the living room watching television. He said that he grabbed mother's wrist and told her to go to the bedroom so that they could continue their conversation outside the children's presence; mother agreed. He denied ever forcing or pushing mother inside the bedroom, although he did admit to placing a small dresser in front of the bedroom door. He denied placing the dresser there to barricade mother inside; rather, he did so because he did not want the children to enter the room. He denied that mother objected to being inside the bedroom. He admitted that he pushed mother on the bed and that she landed on her buttocks. He admitted to grabbing a belt and placing it on mother's neck, just to scare her. It never

crossed his mind to choke or hurt mother; he denied applying pressure on her neck or wrapping the belt around her neck. Had no idea why he had placed the belt on her neck because he was not aggressive and had never done that before. He was ashamed of what he had done.

After the incident, mother told him that she was calling the police. Father remained in the living room to wait for the police to arrive and arrest him.

The maternal grandmother said that she never knew the parents engaged in domestic violence, denied that she ever saw mother with bruises, and denied that she had ever heard her complain about father. She had never seen father being aggressive or disrespectful. The children had never told her that the parents fought.

#### Letters on behalf of father

Father had enrolled in a 12-week domestic violence program for batterers on September 29, 2015, and had been participating. He had also enrolled in a parenting education program and individual counseling.

#### DCFS assessment and recommendation

DCFS assessed that mother appeared to be honest in her ability to protect the children from father. But, it believed that mother had difficulty understanding the severity of father placing a belt around her neck. DCFS found it incredulous that the children did not witness the parents' altercations, particularly given the police report's notation that the two youngest children were crying and told father to stop choking mother. Both parents minimized the domestic violence incidents and the children's witnessing of those incidents. Based upon these facts, DCFS recommended that the juvenile court order the children to remain with mother with family maintenance services on the condition that mother participate in a domestic

violence support program, father receive enhancement services to reunify with the children, and father continue to have monitored visits with the children.

#### Police report

Attached to the jurisdiction/disposition report was a copy of the Los Angeles Police Department report regarding father's arrest. The report revealed that when officers arrived at the home on September 19, 2015, mother, father, Amy, Jacqueline, and Christian were gathered in the living room. The children were teary-eyed, mother appeared to have been crying, and father appeared remorseful.

According to mother, the previous day, she and father had had an argument, during which time father had grabbed mother's wrist, pulled her into the bedroom, and told her that he wanted to choke her while placing his right hand around the front of her neck and applying light pressure. Mother was still able to breathe and she never lost consciousness. The two smallest children cried out for father to stop, which he did. Father left the home but returned sometime that night.

The following day, father attempted to kiss mother in the kitchen. Mother responded, "Why would you want to kiss me when yesterday you wanted to choke me?!" Mother then asked father to leave the home. When he refused, she said that she and the children would leave. Father said that they could not leave and he blocked the doorway to prevent mother from leaving the home. The parents then began threatening to call the police on each other. Mother abruptly walked away from father in order to comfort the crying children. Father became more upset so he grabbed mother's wrist, pulled her into their bedroom, and shoved her onto the bed. She demanded to be released, but father refused. He then propped a chest of drawers against



their bedroom door to prevent mother from escaping and the children from interfering as they had done the day before. Father retrieved a belt, climbed on top of mother, and applied light pressure. This caused mother to become frightened of father because he was using a belt. Father ceased his conduct after the children's cries and requests for him to stop. Father then threatened to call the police; he ordered mother to leave the home before the police arrived. Mother refused and called the police on him.

Initially, father only admitted that he had pushed mother onto their bed. Later, he admitted to grabbing her left arm and pulling her into the bedroom. He also admitted to using both hands to push her onto the bed and grabbing a black belt and holding it against her throat to scare her.

The officers' report indicated that father had attempted to smother, strangle, or suffocate mother and that she feared for her safety.

#### *Last Minute Information for the Court*

DCFS agreed to a monitored family visit for the holidays. DCFS recommended that father complete a 52-week DCFS-approved domestic violence program for perpetrators.

#### *Contested Adjudication*

Father's counsel requested that the juvenile court strike "[the language] that there is a history of engaging in those altercations, in that it appears everything that happened here occurred in the course of about 24 hours in the home." Counsel argued that there was no prior history of domestic violence and nothing in the police report or in anyone's statements seemed to corroborate that father had placed a belt around mother's neck and proceeded to choke her.

The children's counsel submitted on DCFS's reports.

DCFS submitted as to the allegations that the parents had a history of domestic violence. Counsel asserted that father had tried to choke mother with a belt. After all, Miriam had stated that mother had told her that father had placed a belt around her neck, which resulted in mother calling the police. And, Jacqueline saw mother leaving the bedroom and taking a belt away from her neck.

The juvenile court sustained count b-1 of the amended section 300 petition, finding a preponderance of the evidence that the parents “have engaged in violent altercations in the presence of the children. On 09/18/2015, the father grabbed the mother’s neck and choked the mother. On 09/19/2015, the father placed a belt around the mother’s neck and choked the mother. The father pushed the mother and grabbed the mother’s wrists and pulled the mother to a bedroom. The father pushed the mother on a bed and barricaded the mother in the bedroom. The father and mother repeatedly yelled and engaged in verbal altercations with each other. On 09/19/2015, the father was arrested for Spousal Battery. Such violent conduct on the part of the father against the mother endangers the children’s physical and emotional health and safety and places the children at risk of serious physical and emotional harm, damage, and danger.”

The juvenile court then proceeded to disposition. Among other things, it ordered father to enroll in and complete a 52-week domestic violence program for batterers. It also ordered the children removed from father.

### *Appeal*

Father timely filed a notice appeal.

### *Home of Parents Order*

While this appeal was pending, the juvenile court ordered the children home of parents under the supervision of DCFS. Father was permitted to return to the family home with family preservation services in place.

## **DISCUSSION**

### *I. Jurisdictional Findings*

Father challenges the juvenile court's jurisdictional findings.

#### A. Standard of review and relevant law

As the parties agree, we review the juvenile court's findings for substantial evidence. (*In re Kristin H.* (1996) 46 Cal.App.4th 1635, 1649; *In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1393; *In re Sheila B.* (1993) 19 Cal.App.4th 187, 199.)

Jurisdiction is appropriate under section 300, subdivision (b), where there is substantial evidence that “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure to inability of his or her parent or guardian to adequately supervise or protect the child.” (§ 300, subd. (b)(1).) Three elements must exist for a jurisdictional finding under section 300, subdivision (b): (1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) “serious physical harm or illness” to the child, or a “substantial risk” of such harm or illness. (*In re J.O.* (2009) 178 Cal.App.4th 139, 152.)

While section 300 generally requires that a child be subject to a “defined risk of harm at the time of the jurisdiction hearing [citations], the court need not wait until a child is seriously abused or injured to assume jurisdiction and take steps necessary to protect the child. [Citation.]” (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1215–1216.)

Exposure to domestic violence may serve as the basis of a jurisdictional finding under section 300, subdivision (b), as children can be put at substantial risk of harm. (*In re Heather A.* (1996) 52 Cal.App.4th 183, 194; *In re R.C.* (2012) 210 Cal.App.4th 930, 941; *In re T.V.* (2013) 217 Cal.App.4th 126, 134; *In re Sylvia R.* (1997) 55 Cal.App.4th 559, 562.) “Both common sense and expert opinion indicate [that] spousal abuse is detrimental to children.’ [Citations.]” (*In re E.B.* (2010) 184 Cal.App.4th 568, 576.) It is a form of secondary abuse; children are affected by what happens around them as well as by direct harm. (*In re Heather A.*, *supra*, at p. 195, fn. 11; see also *In re Sylvia R.*, *supra*, 55 Cal.App.4th at p. 562.)

#### B. Analysis

Based upon the evidence presented here, the juvenile court had more than sufficient evidence of domestic violence to sustain the allegations under subdivision (b) in the amended section 300 petition. (*In re Giovanni F.* (2010) 184 Cal.App.4th 594, 600–601.) As father concedes in his opening brief, he perpetrated domestic violence against mother on September 18 and 19, 2015.

Father claims that there is no “*history*” of domestic violence. But, as set forth above, there were at least two incidents of domestic violence with the children in the home. Father further claims that there is no evidence that domestic violence may continue in the future. But, as pointed out by DCFS, while father may have been remorseful, both he and mother minimized the incidents of domestic violence. Father characterizing them as “verbal disagreements” as opposed to calling the acts of violence what they really were—barricading mother in the bedroom and attempting to choke her. And, after these two violent attacks, mother allowed father to return to the family home within days of his arrest. Moreover, the parents plan to remain in their relationship. Without their acknowledgement of the

seriousness of the back-to-back violent altercations that occurred while the children were in the home, the children remained at a risk of harm.

*In re John M.* (2013) 217 Cal.App.4th 410 and *In re T.V., supra*, 217 Cal.App.4th 126 do not compel a different result. Although the record here does not appear to show that the parents had an ongoing pattern of aggression, the record readily establishes that father engaged in two violent attacks on mother, prompting mother to call the police and have father arrested. And all of the foregoing occurred while the children were home. Notably, nothing in either of those two cases holds that the parents had to have engaged in a lengthy history of domestic violence to support a finding a dependency jurisdiction.

Finally, while we recognize father's remorse and we applaud the parents' immediate enrollment in appropriate remedial services to address the domestic violence concerns that gave rise to this case, that does not mean the juvenile court's order is not supported by substantial evidence.

## II. *Disposition*

Father argues that the juvenile court's removal order is not supported by substantial evidence. DCFS argues that father's challenge is moot in light of the juvenile court's home of parents order. In his reply brief, father "respectfully submit[ted] the issue of mootness to the Court."

We agree with DCFS that the disposition order is now moot. (*In re Julien H.* (2016) 3 Cal.App.5th 1084, 1088, fn. 7.) No effectual relief can be provided by this court. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1489–1490.)

## DISPOSITION

The juvenile court's findings and order are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

\_\_\_\_\_, Acting P. J.  
ASHMANN-GERST

We concur:

\_\_\_\_\_, J.  
HOFFSTADT

\_\_\_\_\_, J. \*  
GOODMAN

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