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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re S.B., a Person Coming Under
the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

S.L.,

Defendant and Appellant.

B298607

(Los Angeles County
Super. Ct. No. 19CCJP00370A)

APPEAL from an order of the Superior Court of Los Angeles County. Mary E. Kelly, Judge. Affirmed.

Anne E. Fragasso, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel and Veronica Randazzo, Deputy County Counsel for Plaintiff and Respondent.

Mother appeals the juvenile court's jurisdictional finding regarding her ten-year-old daughter who was diagnosed with lupus. The juvenile court found that mother had failed to consistently take the child to scheduled medical appointments to treat the child's condition. On appeal, mother argues that by the time of the jurisdictional hearing she had demonstrated her commitment to taking daughter to all her appointments and, therefore, the child was no longer at risk of neglect. We conclude substantial evidence supports the court's finding and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In December 2018, when daughter was nine years old, the Department of Children and Family Services (Department) received a referral alleging that mother was declining services recommended by daughter's doctor. The daughter had been diagnosed with lupus a few weeks before. In January 2019, the child's occupational therapist and doctor stated that daughter had missed multiple appointments and arrived late for others, including three hours late on one occasion. The doctor was concerned about daughter's "weakened condition and the potential for a devastating injury to [her] from falling." Daughter had already fallen multiple times, and had lost six pounds of muscle in the past month.

At the doctor's recommendation, daughter was hospitalized. Mother "fought the decision [but] ultimately agreed for her to be admitted." Once daughter was hospitalized, her condition improved.

In January 2019, the Department filed a petition alleging that mother neglected daughter by failing to consistently take her to medical appointments. The following month, mother denied the allegation to a social worker. She said that if she were

going to miss an appointment, she would call the physical therapy office to let them know. She explained that she and daughter were late to several appointments or had to cancel because daughter was “weak or tired.”

The child was discharged from the hospital by the end of March 2019. On March 29, 2019, the hospital social worker expressed concern that mother was not following up with daughter’s “critical medical appointments.” Mother had been “evasive about why” she had not scheduled therapy appointments “despite being directed to complete weekly therapy upon minor’s discharge from the hospital.” Although mother had been directed to take daughter for lab work after her infusion appointment, mother had left the hospital without doing so. The Department social worker spoke with mother weekly about the importance of daughter’s medical appointments, however, mother did “not follow through.”

On May 21, 2019, the therapy coordinator reported that mother had been more consistent with taking daughter to her appointments, but was still tardy “at times.” The following day, the juvenile court held the adjudication hearing. Mother testified that she had always taken daughter to her medical appointments “from the beginning.” The court found that mother’s testimony was inconsistent with the doctors’ reports. The court sustained allegations under Welfare and Institutions Code section 300, subdivision (b)¹ that mother had “difficulty caring for the child’s

¹ Section 300, subdivision (b) states that a child comes within the jurisdiction of the juvenile court, and may be adjudged to be a dependent child, if the “child has suffered, or there is a substantial risk that the child will suffer, serious physical harm

medical needs in that the mother failed to consistently take the child to the child's scheduled medical appointments." Mother timely appealed.

DISCUSSION

Mother argues that, at the time of the jurisdictional hearing, there was no risk of harm to daughter because mother had started to consistently take the child to her medical appointments. We conclude substantial evidence supports the court's finding the child remained at substantial risk of serious physical harm or illness.

"Although 'the question under section 300 is whether circumstances *at the time of the hearing* subject the minor to the defined risk of harm' [citation], the court may nevertheless consider past events when determining whether a child presently needs the juvenile court's protection. [Citations.] A parent's past conduct is a good predictor of future behavior. [Citation.] 'Facts supporting allegations that a child is one described by section 300 are cumulative.' [Citation.] Thus, the court 'must consider all the circumstances affecting the child, wherever they occur.' [Citation.]" (*In re T.V.* (2013) 217 Cal.App.4th 126, 133.)

The court's finding that mother had neglected to consistently take the child to her medical appointments was supported by the observations of the doctor, the therapist, and the therapy coordinator. Daughter's condition deteriorated when she was not consistently attending her medical appointments—she lost six pounds of muscle and experienced multiple falls. Her condition improved once she was hospitalized and received consistent services.

or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child"

At the time of the jurisdiction hearing, the record showed that mother had become “more” consistent in ensuring that daughter attended her medical appointments—this suggested that mother had improved but still occasionally missed appointments. Mother also continued to arrive late “at times.” Of great importance, mother refused to acknowledge she had ever caused her daughter to miss appointments, which the court found not credible in comparison with the doctor’s observations. “[D]enial is a factor often relevant to determining whether persons are likely to modify their behavior in the future without court supervision.’ [Citation.]” (*In re A.F.* (2016) 3 Cal.App.5th 283, 293.) Evidence that mother remained inconsistent in helping daughter timely attend her medical appointments, that mother was in denial, and that daughter’s failure to attend appointments had caused her serious physical harm in the recent past, constituted substantial evidence daughter remained at risk at the time of the jurisdiction hearing.

DISPOSITION

The order is affirmed.

RUBIN, P. J.

WE CONCUR:

BAKER, J.

MOOR, J.