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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re M.F. et al., Persons  
Coming Under the Juvenile  
Court Law.

B283714  
(Los Angeles County  
Super. Ct. No. DK21845)

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LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

J.F.,

Defendant and Appellant.

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APPEAL from an order of the Superior Court of  
Los Angeles County, Kim L. Nguyen, Judge. Affirmed.

Takin Khorram, under appointment by the Court of  
Appeal, for Defendant and Appellant.

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

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After exercising jurisdiction over twin sisters M.F. and D.F. (born 2003), the juvenile court placed them with non-custodial father J.F. (father) pursuant to Welfare and Institutions Code section 361.2.<sup>1</sup> Father appeals, contending the court abused its discretion by retaining supervision over the girls and ordering him to take a parenting class. We disagree and affirm.

### **BACKGROUND<sup>2</sup>**

The Los Angeles County Department of Children and Family Services (DCFS) filed a juvenile dependency petition alleging L.F. (mother) physically abused her twin daughters.<sup>3</sup> For one daughter, the petition alleged mother physically abused her by “grabbing the child’s hair, pushing the child and repeatedly slapping the child’s face. On prior occasions, the mother struck the child’s arms and legs with belts, inflicting red marks to the child.” For the other daughter, the petition alleged mother physical abused her by “striking the child’s buttocks and arms with sandals. On prior occasions, the mother struck the child with belts” and “slapped the child.” The petition alleged both girls were afraid of mother due to the abuse. There were no

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<sup>1</sup> All undesignated statutory citations are to the Welfare and Institutions code unless otherwise indicated.

<sup>2</sup> We have included only those facts necessary to address the limited issues father has raised on appeal.

<sup>3</sup> An older son was also part of the petition but the allegations involving him were stricken, and he is not part of the present appeal.

allegations against father. At the detention hearing on the petition, the juvenile court detained the girls and placed them with father.

During the DCFS investigation, mother disclosed that her prior relationship with father involved domestic violence, which is why she left him 10 years ago. One of the girls reported mother had not let them see father since December 2016, and they used to visit him once a week. Mother would not let them see father until he gave her money. The girls said they missed father and wanted to see him. They felt safe and comfortable with him.

Mother claimed father was not responsible and had a drinking problem. One of the girls reported that mother told her father “‘is a drunk and won’t take care of us.’” The girls occasionally saw him drink alcohol but never saw him drunk. Father admitted he drank two-to-three beers on the weekends when he barbecued, but he did not get drunk. He also admitted to a previous arrest for domestic violence against mother, but the charges were dropped.

There was also some indication father knew of mother’s abuse. He stated he saw bruises on the girls “more than 3 years ago.” He reported the girls said they love mother, but they did not want to live with her. They said she “screams at them a lot.” Father admitted the girls “have been abused” based on what father and mother’s adult son had told him, but he has not lived with them to see it.

At the adjudication hearing on the petition, mother testified she and father split up 10 years prior because he would strike her when the girls were present. The girls had lived with her since then. Father had sporadic visits with them, sometimes

seeing them on weekends and sometimes only every two or three months. Mother testified her relationship with father was “very difficult” and they could not communicate.

The court sustained the allegations of abuse in the petition involving the girls. For disposition, the court placed the girls with father in his home. It denied father’s request to terminate jurisdiction pursuant to section 361.2. It noted “[m]other had assumed full, if not, almost all of the responsibility for the minors. They are now with the father, and the court believes that it is not in the best interest at this point to terminate jurisdiction and end supervision of this case. And that is based on a best interest consideration for the minors.”

The court also ordered father to enroll in a parenting course. It reasoned that “it is in the best interest right now for father to do a parenting course. As I said, he’s noncustodial. He’s now caring for the two girls, and clearly there have been some serious issues in this case and a lot needs to be worked out. And, I think, at this point, having a developmentally appropriate plan for father for parenting would be in the best interest of the minor.”

For mother, the court ordered monitored visitation, parenting and anger management classes, and conjoint counseling with the girls.

Father appealed. Mother has not appealed.

## **DISCUSSION**

### **1. Standard of Review**

Father challenges the juvenile court’s decision to continue supervision after placing the girls with him pursuant to section 361.2. Section 361.2 provides in pertinent part that when a juvenile court removes a child from a parent, it “shall first

determine whether there is a parent of the child, with whom the child was not residing at the time that the events or conditions arose that brought the child within the provisions of Section 300, who desires to assume custody of the child. If that parent requests custody, the court shall place the child with the parent unless it finds that placement with that parent would be detrimental to the safety, protection, or physical or emotional well-being of the child.” (§ 361.2, subd. (a).)

Once a child is placed with the non-custodial parent, the court has three options: “(1) Order that the parent become legal and physical custodian of the child. The court may also provide reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child. . . . [¶] (2) Order that the parent assume custody subject to the jurisdiction of the juvenile court and require that a home visit be conducted within three months. . . . [¶] (3) Order that the parent assume custody subject to the supervision of the juvenile court. In that case the court may order that reunification services be provided to the parent or guardian from whom the child is being removed, or the court may order that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court supervision, or that services be provided to both parents, in which case the court shall determine, at review hearings held pursuant to Section 366, which parent, if either, shall have custody of the child.” (§ 361.2, subd. (b).)

“ ‘ “The juvenile court has broad discretion to determine what would best serve and protect the child’s interest and to fashion a dispositional order in accordance with this discretion.” ’ ” (*In re A.J.* (2013) 214 Cal.App.4th 525, 536.) Particularly under section 361.2, the discretion of the juvenile

court is “very broad,” and the question is whether there is a need for continued court supervision. (*In re Sarah M.* (1991) 233 Cal.App.3d 1486, 1496, disapproved on another ground by *In re Chantal S.* (1996) 13 Cal.4th 196, 204; see also *In re Austin P.* (2004) 118 Cal.App.4th 1124, 1129 (*Austin P.*) [court may not terminate jurisdiction “until it analyzes whether ongoing supervision of the child is necessary”].) We review the court’s decision for abuse of discretion, reversing only if the decision “ ‘ “has exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination.” ’ ” (*In re Jaden E.* (2014) 229 Cal.App.4th 1277, 1288; see *Austin P.*, *supra*, at p. 1135.)

## **2. Continuing Supervision Order**

Here, the juvenile court acted within its discretion in continuing supervision pursuant to section 361.2. The girls had been living with mother for the prior 10 years. Father had visited them irregularly, and there was no indication he was a significant presence in their life. As the court noted, the girls came to the attention of the court due to serious abuse allegations against mother. There was evidence father knew of mother’s abuse, but did not intervene to protect the girls. Mother and father also had a history of domestic violence, and father had allegedly struck mother in the girls’ presence. According to mother, her relationship with father was “very difficult” and they could not communicate. Yet father would likely have some role in facilitating mother’s monitored visitation and conjoint counseling with the girls. Against this backdrop, the court was legitimately concerned about placing the girls with father without continued court supervision.

The court in *Austin P.* affirmed the continuation of supervision under similar facts. (*Austin P., supra*, 118 Cal.App.4th at p. 1134.) The child in that case was detained from mother due to her substance abuse and placed with his noncustodial father pursuant to section 361.2. (*Austin P.*, at p. 1128.) The court maintained supervision over the child, and the appellate court found substantial evidence supported that decision.<sup>4</sup> (*Id.* at p. 1134.) As in the case before us, that evidence included a need to monitor the child’s transition into the father’s home because they had only “sporadic contact over the past 10 years”; a need to “monitor the conflict among the adults”; concern that the father had been aware of the mother’s abuse and neglect but had not protected the child; concern about ensuring the child was adequately protected in the father’s care; and concern about the relationships among the parents. (*Ibid.*) There was also evidence that the child needed therapy and concern that the child was more bonded with the mother than the father, the mother was the only parental figure the child had known, and mother had been making good progress in her reunification plan. (*Ibid.*)

As in *Austin P.*, we find the record here amply supported the court’s decision to continue supervision.

### **3. Parenting Class**

Father also challenges the court’s order that he attend a parenting class. Again, the court enjoys broad discretion in fashioning a dispositional order, which we will not disturb absent

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<sup>4</sup> The court in *Austin P.* applied both substantial evidence and abuse of discretion standards of review. (*Austin P., supra*, 118 Cal.App.4th at pp. 1134, 1135.) To the extent this creates some ambiguity, we would affirm the juvenile court’s order in this case under either standard.

a clear abuse of discretion. (*In re Baby Boy H.* (1998) 63 Cal.App.4th 470, 474.)

Father argues the court should not have ordered him to take a parenting class because “there was no indication of any concern regarding his parenting abilities.” That is not accurate. As we have explained, the record reflected his prior relationship with mother was abusive, it was alleged he had struck her with the girls present, he knew about mother’s abuse and did not protect the girls, and he had not parented the girls in a significant way in 10 years. The court reasonably concluded that ordering him to attend a parenting class would protect the girls and facilitate their transition into father’s home pursuant to section 361.2.

To argue otherwise, father cites *In re Jasmin C.* (2003) 106 Cal.App.4th 177 and *In re Basilio T.* (1992) 4 Cal.App.4th 155, but both cases are distinguishable. In *Jasmin C.*, the court found no evidence supported an order that mother attend parenting classes after father physically attacked and threatened the children. The court noted mother had immediately interceded in the isolated attack, had not abused the children, had not failed to protect them, and had not engaged in any other inappropriate behavior. (*In re Jasmin C.*, *supra*, at p. 181.) Likewise, in *Basilio T.*, the court found insufficient evidence supported ordering drug testing and therapy, given that the order was based on only vague assertions that the mother “behaved somewhat out of the usual and was obsessed with discussing a fortune-making invention.” (*In re Basilio T.*, *supra*, at pp. 172-173.) As we have explained, the juvenile court was presented with a far more substantial record and properly



exercised its discretion to order father to attend a parenting class.

**DISPOSITION**

The order is affirmed.

ROGAN, J.\*

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.

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