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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re S.T.-C., a Person Coming Under
the Juvenile Court Law.

B277619

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. CK97357)

Plaintiff and Respondent,

v.

LEROY C.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Teresa Sullivan, Judge. Affirmed.

Joseph D. MacKenzie, for Defendant and Appellant.

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

Leroy C. (Father) challenges a juvenile court order asserting dependency jurisdiction over his daughter, S.T.-C. Father contends the evidence was insufficient to support a finding that S.T.-C. was suffering, or is at substantial risk of suffering serious emotional damage, within the meaning of Welfare and Institutions Code section 300, subdivision (c).¹ We affirm the juvenile court order.

FACTUAL AND PROCEDURAL BACKGROUND

DCFS Referrals

Sarah T. (Mother) and Father are unmarried and separated, and have been involved in a prolonged and contentious custody dispute related to their daughter, S.T.-C. On October 16, 2012, Mother filed a petition in family law court seeking full custody of S.T.-C., which Father contested. On October 28, 2012, the Los Angeles County Department of Children and Family Services (DCFS) received a referral regarding then four-year-old S.T.-C. According to the referral, on September 29, 2012, Father inserted his fingers into S.T.-C.'s vagina while assisting her in the bathroom. Mother reported this to the police, and S.T.-C. underwent an interview and examination. The examination revealed no evidence of abuse.

On January 16, 2013, DCFS filed a dependency petition under section 300, subdivisions (a), (b), and (c). At DCFS's request, the juvenile court dismissed the petition without prejudice on June 7, 2013.

¹ All future undesignated statutory references are to the Welfare and Institutions Code.

The parents' custody dispute continued over the next several years. At some point, Father was granted visits with S.T.-C. on Wednesday evenings and overnight visits approximately every other weekend. On October 13, 2015, Father filed a request in the family law court for increased visitation during the holidays.

Approximately two weeks later, on October 29, 2015, DCFS received an emergency referral asserting then seven-year-old S.T.-C. was acting-out sexually at school. According to the caller, S.T.-C. put candy in her vaginal area and told another student to do the same. The caller had also learned from Mother that S.T.-C. acted out sexually after visits with Father, and did not like going to Father's home.

DCFS received a second emergency referral on November 11, 2015. The caller stated S.T.-C. often comes to school anxious, and S.T.-C. reported Father rubbed her private parts until they hurt and put medicine in her yogurt.

Interviews and Observation

DCFS social workers conducted numerous interviews in connection with the referrals. During an October 29, 2015 interview, S.T.-C. told a social worker that another student suggested they "poke our fingers deep down in each other [*sic*] privates." S.T.-C. said she and the other student did this about a year ago.

S.T.-C. reported gagging when she eats at Father's home, but not when she eats at Mother's home. She said Father is mean to Mother, and when asked how she knew this, S.T.-C. implied she learned it from Mother. S.T.-C. told the social worker Father once raised his voice when she told him not to look at her while naked. When the social worker asked for

clarification, S.T.-C. stated, “Mom and other people are not trying to put things in her mind that aren’t true. No one has put things in her mind. Not one person.” S.T.-C. said she does not feel safe at Father’s home because “he gives me bad dreams and mom says dad is trying to take me away from her. I won’t be able to see her forever. I don’t want that.”

S.T.-C. was interviewed again on November 11, 2015. S.T.-C. stated she is scared of Father and he rubs her private parts until they hurt. She reported throwing up, gagging, and crying at Father’s home. S.T.-C. also stated Father questioned her about what she tells other people.

On December 9, 2015, the social worker interviewed S.T.-C. during a visit with Father. S.T.-C. reported things were “good” at Father’s home, she enjoyed spending time with him, and she would miss overnight visits with Father. S.T.-C. denied anyone was hurting her, and stated no one has told her to say certain things about other people. The social worker observed S.T.-C. was affectionate with Father.

Mother expressed concerns that “something bad is happening” when S.T.-C. goes to Father’s house. According to Mother, S.T.-C. begged not to go on visits with Father, and it would take two days for her to return to normal after such visits. S.T.-C. reportedly suffered from horrible nightmares, and on several occasions cried hysterically.

Mother told the social worker S.T.-C. spoke to eight or nine people, including Los Angeles Police Department (LADP) officers, in connection with the 2012 sexual abuse allegations. S.T.-C. also underwent a medical examination, which, according to Mother, “traumatized” the child. Thereafter, S.T.-C. would have anxiety when going to the doctor’s office.

According to Mother, S.T.-C. was diagnosed with an anxiety disorder in January 2013, and had been angry, acting out, and highly emotional and anxious. Mother also reported S.T.-C. suffered from panic attacks and depression, and was exhibiting odd bathroom behavior, distress, feelings of abandonment, introversion, sadness, and passive-aggressiveness. S.T.-C. had also been biting her hands and toes for several months.

Mother reported S.T.-C. complained several times of vaginal and anal pain after returning home from visits with Father. According to Mother, on at least three occasions, S.T.-C. returned home with vaginal cuts, a rash, or an inflamed and irritated vaginal area.

Mother showed the social worker numerous photographs apparently evidencing Father's abuse. However, none of the photos were time-stamped or showed a face, making it difficult to determine when they were taken and if S.T.-C. was the child in the photos.

Mother also showed the social worker several videos in which S.T.-C. stated she did not want to go to Father's home, she hated Father, Father was mean to her, and she was concerned Father was trying to look at her privates. In one video, S.T.-C. stated Father told her Mother was trying to put bad thoughts in her head and take her away from Father forever. S.T.-C. stated she did not believe Father, and thought he was the one trying to put bad thoughts in her head.

Mother reported she recently received a phone call to pick up S.T.-C. from school. When Mother arrived, she found S.T.-C. terrified and begging not to go to Father's house. S.T.-C. became so upset she vomited. S.T.-C. eventually went on the visit, but

when she returned home, she started screaming and crying, and prayed that she would not have to see Father again.

Father denied abusing S.T.-C. in “any form or fashion.” He stated Mother had been coaching and manipulating S.T.-C., and he believed Mother was making allegations against Father to try to affect the custody dispute. Father stated he does not talk negatively about Mother to S.T.-C., but he admitted there was animosity between him and Mother with respect to S.T.-C.

S.T.-C.’s maternal grandmother told the social worker S.T.-C. was happy and very bright, and got along well with Mother. According to the grandmother, Father started hurting S.T.-C. when she was around four years old. Since then, S.T.-C. would bite her toes and fingers, and scratch herself. S.T.-C. would also throw up and cry on Wednesdays and Fridays because she had to go to Father’s house.

S.T.-C.’s pediatrician, Dr. Sandra Baik, reported she recently saw S.T.-C. for a complaint of a vaginal rash. When Dr. Baik examined S.T.-C., she did not find any redness and there was no pain with urination. Dr. Baik had previously examined S.T.-C.’s genital area on at least three occasions at Mother’s request, but had not seen any signs of trauma. Dr. Baik thought the candy incident was a “red flag,” and recommended therapy.

Kelly Rasmussen, a counselor at S.T.-C.’s school, reported S.T.-C. told her she was fearful of Father and did not want to visit him. S.T.-C. reported she feels “funny in her tummy” when she sees Father, and dislikes that Father watches her undress and helps her dress. S.T.-C. also told Ms. Rasmussen that Father rubs her privates until they hurt. S.T.-C. stated that Father’s privates sometimes “feels little and sometimes [] feels bigger.”

According to Ms. Rasmussen, before a recent visit with Father, S.T.-C. “made a scene and a half,” was crying, and threw up in the trash.

S.T.-C.’s elementary school principal, Roland Rasmussen, reported that, on a recent Friday afternoon, S.T.-C. started crying and stated she did not want to go with Father. He heard Mother tell S.T.-C. “if you don’t go with your father we can do all kinds of things.” Mr. Rasmussen did not detect any fear when S.T.-C. interacted with Father.

LAPD Officer Arvin Buenaventura told the social worker he interviewed S.T.-C. twice regarding the most recent abuse allegations. At the first interview, S.T.-C. stated Father looks at her privates while she is dressing, but does not touch her. The next day, the officer received a phone call from Ms. Rasmussen, stating S.T.-C. forgot to tell him that Father rubs her privates. In response, Officer Buenaventura interviewed S.T.-C. for a second time. At the second interview, S.T.-C. told the officer Father rubs her breasts and privates, but does not use his hands. On November 10, 2015, Sandra Wilkinson conducted a forensic interview of S.T.-C. in connection with LAPD’s investigation. The District Attorney did not pursue the case, citing a lack of evidence.

The social worker spoke with Dr. Ian Russ, a children’s therapist, who had a few therapy sessions with Mother, Father, and S.T.-C. in connection with the family law case. S.T.-C. told Dr. Russ Father touches her privates when they sleep together, and reported seeing what might be Father’s erection through his pants. S.T.-C. denied that Mother talks to or questions her about Father. S.T.-C. also reported that Father questions her about

what she says to people. Mother told Dr. Russ she is upset that S.T.-C. will not say what is happening with Father.

The social worker observed Father and S.T.-C. at a restaurant during one of their visits. Father and S.T.-C. did not know they were being observed. The social worker reported a normal relationship between Father and S.T.-C. S.T.-C. did not appear uncomfortable around Father and seemed to be having fun.

Initial Dependency Petition and Detention Report

On December 21, 2015, DCFS filed a dependency petition asserting S.T.-C. was a person described by section 300, subdivision (b). The petition alleged Mother and Father were “engaged in a custody dispute . . . in which [Mother] made numerous allegations of the sexual abuse of the child by [Father], resulting in medical, forensic, law enforcement, and DCFS examinations and interviews of the child.” In addition, Mother “frequently spoke to the child regarding the child’s vagina and [Father] touching the child’s vagina. The parents’ custody dispute and [Mother’s] frequent conversations with the child regarding the child’s genitals endangers the child’s physical health and safety and places the child at risk of serious physical harm, damage, and danger.”

Jurisdiction and Disposition Report

On February 16, 2016, DCFS filed a jurisdiction and disposition report. A dependency investigator conducted numerous interviews in connection with the report.

In one of those interviews, S.T.-C. reiterated earlier statements that Father rubbed her vagina, but she did not know whether he used his hands or another body part. She also

reported having conversations with Mother about Father, but did not provide details about the content of the conversations.

Father indicated he believed the allegations in the petition were true, but emphatically denied having physically or sexually abused S.T.-C. Father accused Mother of using the abuse allegations as a way to obtain full custody of S.T.-C., and indicated he believed strongly that Mother was coercing S.T.-C. into making false statements.

Mother denied the allegations in the petition. She reiterated that S.T.-C. has demonstrated extreme anxiety connected to visits with Father, and reported S.T.-C. has a prescription medication for her nausea.

Dr. Baik indicated she had no concerns that S.T.-C. was being sexually abused, but did not know whether Mother was coercing S.T.-C. into making false accusations.

Dr. Russ likewise stated he did not believe S.T.-C. was being sexually abused. Although S.T.-C. reported Father touching her privates, Dr. Russ believed she was describing normal “cuddling” behavior.

Dr. Russ reported that, during his conjoint sessions with Mother and Father, there was a lot of conflict between the parents. He noted there was a “big war going on” between them. Dr. Russ stated Father became very angry at Mother during their sessions, which he felt was somewhat outside the normal range considering the situation. Dr. Russ believed Mother and Father discussed their disputes with S.T.-C.

DCFS attached to the jurisdiction and disposition report Father’s notes and journal entries regarding his visits with S.T.-C. According to the notes, S.T.-C. stated Mother told her Father was trying to take her away, does bad things, abandoned her, is a

liar, and does not love her. S.T.-C. also indicated Mother offered alternatives to spending time with Father, such as a trip to Disneyland, watching a television show, painting her nails, and attending a party.

In a January 2014 journal entry, Father indicated S.T.-C. informed him she recently had a doctor's appointment at which a male physician inserted a finger in her "privates," which she did not like. S.T.-C. stated Mother told her not to tell Father about the doctor's appointment.

DCFS noted that, although S.T.-C. made "vague accusations of sexual abuse, or at the very least inappropriate touching," the "allegations and accusations have not been found to be true during investigations by DCFS in 2012 and 2013 and more recent investigations in 2015 and 2016. . . . Additionally therapists, doctors and law enforcement have also indicated . . . that they do not have any direct proof that this child is being sexually abused by her father." DCFS determined there was "not enough information at this time to clearly indicate whether or not mother is negatively affecting the child's emotional and physical well-being intentionally, or whether mother truly believes that her child is in danger at the hands of her father and mother is doing everything in her power to protect her daughter." DCFS recommended all parties "participate in further counseling and evaluations so that a clearer picture of the current situation can be obtained."

First Amended Petition

On February 29, 2016, DCFS filed a first amended petition. The amended petition deleted the section 300, subdivision (b) count, and instead asserted S.T.-C. was a person described by section 300, subdivision (c). The amended petition specifically

alleged S.T.-C. is “suffering, 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.” The remaining allegations substantially mirrored the allegations in the original subdivision (b) count, but added that S.T.-C. was “exhibiting severe emotional issues including anxiety, vomiting and sexually acting out which can be attributed to mother’s interaction and conversations with the child regarding alleged sexual abuse by father.”

Monitor Notes

On March 25, 2016, DCFS filed a last minute information for the court, which included notes from Yemiserach Robinson, who had monitored S.T.-C.’s recent visits with Father. According to the notes, S.T.-C. was generally happy and affectionate with Father during the visits.

Ms. Robison reported that, during a visit on March 6, 2016, S.T.-C. made comments indicating she was aware of a recent minute order in which the juvenile court altered Father’s visitation schedule to allow for unmonitored visits. Ms. Robison noted Father had not discussed the visitation order with S.T.-C.

Ms. Robinson also noted that, on March 10, 2016, S.T.-C. started crying and vomiting after Father dropped her off with Mother. Mother stated S.T.-C. was upset that her future visits with Father might be unmonitored, which, according to Mother, S.T.-C. learned from a DCFS social worker. The social worker and Ms. Robinson, however, denied discussing the case with S.T.-C.

Ms. Robison indicated that, since the March 10, 2016 incident, S.T.-C. was a “yo-yo” of emotions. Although S.T.-C. would previously engage with Father without hesitation, S.T.-C. became focused on having a monitor present during visits.

Jurisdiction Hearing

The juvenile court conducted the jurisdiction hearing on April 5, 6, 8, 13, and 14, 2016. At the hearing, S.T.-C. testified Father hurt her by rubbing her privates while he bathes her, although she could not remember the last time it happened. S.T.-C. stated she felt very scared when it was time for Father to take her on a visit, particularly because one time Father “snatched” her out of Mother’s hands, locked her in the car, and drove away. S.T.-C. asserted she would sometimes gag or throw up from thinking about Father. S.T.-C. testified she used to tell Mother when her privates hurt. However, she stopped doing so because Father told her she was not allowed, and S.T.-C. was worried Father would get angry if she told Mother. S.T.-C. also testified that Father told her he was going to take her to live in Africa, but she wanted to stay with Mother.

Ms. Rasmussen testified that she personally observed S.T.-C. interact with Father on two occasions. On the most recent occasion, S.T.-C. was in Ms. Rasmussen’s office when Father came to take her on a visit. S.T.-C. whispered to Ms. Rasmussen, “I don’t want to go.” On the other occasion, Ms. Rasmussen saw S.T.-C. throw up in a trash can, and could hear her crying and screaming from about 20 feet away.

Dr. Russ testified that he has been a licensed children’s therapist since 1976, and has performed custody evaluations for approximately 15 years. Dr. Russ began seeing S.T.-C. for therapy in October 2015. Dr. Russ stated S.T.-C. told him Father

would question her about what she told other people. S.T.-C. expressed fear of Father, stating she did not want to be alone with him. She also told Dr. Russ Father had touched her private parts, and when he cuddled with her, she could feel something getting big and hard and pressing against her. Dr. Russ believed S.T.-C. was describing normal cuddling behavior with Father, and not sexual abuse.

Dr. Russ further testified that, during a March 1, 2016 therapy session with both Mother and S.T.-C., Mother informed S.T.-C. the juvenile court had removed the monitor from her visits. S.T.-C. was very upset, stating she did not want to see Father and did not feel safe without a monitor.

Dr. Russ diagnosed S.T.-C. with situational anxiety with issues related to Father. He noted S.T.-C. has “considerable anxiety” when talking about Father or visiting Father. Dr. Russ’s diagnosis was based in part on information he received from Mother, and he was not suspicious that Mother was coaching S.T.-C.

Closing Arguments

After the close of evidence, DCFS, Mother, and S.T.-C.’s counsel asked the court to sustain the petition with some amendments, and find S.T.-C. to be a person described by section 300, subdivision (c).

Father asked the court to consider an amended version of his supplemental trial brief, which he filed earlier that day, in lieu of an oral closing argument. In his brief, Father maintained there was no evidence he inappropriately touched or sexually abused S.T.-C. However, he conceded there was substantial evidence that, because of Mother’s conduct, S.T.-C. was suffering, or was at substantial risk of suffering serious emotional damage,

evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.

Jurisdiction and Disposition Orders

On April 14, 2016, the juvenile court found S.T.-C. to be a person described by section 300, subdivision (c). The court sustained the first amended petition with some modification, finding by a preponderance of the evidence that Mother and Father “are engaged in a custody dispute regarding the child in which the mother made allegations of the sexual abuse of the child by the father resulting in medical, forensic, law enforcement, and DCFS examinations and interviews of the child. The mother frequently spoke to the child regarding the father touching the child. The child is exhibiting severe emotional issues including anxiety and vomiting which can be attributed to the parents’ ongoing custody dispute which endangers the child’s physical health and safety and places her at risk of serious physical harm, damage, and danger.”

The court found a causal link between the parents’ conduct and S.T.-C.’s emotional damage, stating it was persuaded by “the evidence of ongoing particularized accusations by the mother, the evidence of the mother providing the child with alternatives to visitation that involved favor and treats, and an overall dynamic in which the child appeared to this court to assume the role of taking care of the mother’s feelings.” The court found Mother vigorously advocated on behalf of S.T.-C.’s safety, but ultimately crossed a line, causing S.T.-C. to suffer. Although Mother “perhaps initially was motivated by a normal and appropriate desire to protect her child,” she “has created a dynamic between the father and the mother in which the child seems to be absorbing all the emotional tension between the

parties.” Moreover, “neither Mother or Father seemed capable of placing the interest of their child first and establishing a therapeutic resolution to her anxiety.”

The court also noted that, despite “investigations by a variety of individuals at a variety of agencies, there has resulted in no evidence at all that the [sexual abuse] allegation of the child are supported in any way by the evidence.” In addition, there was no evidence S.T.-C. was uncomfortable with Father while outside Mother’s presence. To the contrary, S.T.-C. stated she enjoys spending time with Father, jumped in his arms, and was very playful with him.

On June 1, 2016, the juvenile court declared S.T.-C. a dependent of the court, but ordered Mother and Father to retain physical custody of the child. The court further ordered Mother and Father to participate in conjoint counseling with S.T.-C., and individual counseling to address co-parenting case issues. The court ordered Father’s visitation schedule to remain unchanged, but noted it would reconsider the issue after the parties had an opportunity to attend mediation.

Father timely appealed.

DISCUSSION

I. Father Is Not Barred From Challenging the Juvenile Court’s Jurisdiction

DCFS argues Father is barred from raising any challenge to the juvenile court’s assumption of jurisdiction over S.T.-C. because he asked the court to sustain the petition in his supplemental trial brief and closing argument. We disagree.

DCFS is correct that Father appeared to concede that the juvenile court could exercise dependency jurisdiction based on Mother’s conduct. Further, because dependency law is primarily

concerned with the protection of children, “it is necessary only for the court to find that one parent’s conduct has created circumstances triggering section 300 for the court to assert jurisdiction over the child.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491.) Nevertheless, because Father’s argument was based solely on Mother’s conduct, and because the juvenile court arguably exercised jurisdiction based on both parents’ conduct, we find Father did not forfeit his challenge to the court’s jurisdiction. (See *In re Isabella F.* (2014) 226 Cal.App.4th 128, 136–137 [a mother did not forfeit challenge to jurisdictional findings despite arguing the court should take jurisdiction based solely on allegations related to the father].) Accordingly, we will consider Father’s arguments and determine whether substantial evidence supported the juvenile court’s jurisdictional order.

II. Substantial Evidence Supported a Finding of Jurisdiction Under Section 300, Subdivision (c)

Father contends the record does not contain substantial evidence that the child is suffering serious emotional damage, or is at substantial risk of suffering such damage, as specified and mandated by section 300, subdivision (c). We disagree.

“ ‘In reviewing the sufficiency of the evidence, our review requires that all reasonable inferences be given to support the findings and orders of the juvenile court and the record must be viewed in the light most favorable to those orders. [Citation.]’ ” [Citations.] ‘Evidence sufficient to support the court’s finding must be reasonable in nature, credible, and of solid value; it must actually be substantial proof of the essentials that the law requires in a particular case. [Citation.] [Citation.] [W]e . . . must uphold the trial court’s findings unless it can be said that no rational factfinder could reach the same conclusion.

[Citation.]’ [Citation.]” (*In re Athena P.* (2002) 103 Cal.App.4th 617, 628–629.)

Under section 300, subdivision (c), the juvenile court may assert dependency jurisdiction over a child when “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.” “In a situation involving parental ‘fault,’ the petitioner must prove three things: (1) the offending parental conduct; (2) causation; and (3) serious emotional harm or the risk thereof, as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior.” (*In re Alexander K.* (1993) 14 Cal.App.4th 549, 557.)

There was substantial evidence that S.T.-C. was suffering serious emotional damage evidenced by severe anxiety. Dr. Russ, who is a child therapist with 40 years of experience, diagnosed S.T.-C. with situational anxiety connected to issues with Father. Although it may be normal for a child to experience some anxiety when going from one household to another, the evidence showed S.T.-C.’s anxiety was so severe that it manifested itself physically, causing S.T.-C. to feel ill, vomit, cry hysterically, and express extreme fear directly before and after visits with Father and when thinking about Father. There was also evidence S.T.-C. experienced horrible nightmares related to Father, which can be a sign of emotional distress. (See *In re A.J.* (2011) 197 Cal.App.4th 1095, 1104 [nightmares, fear of a parent, and belief a parent was crazy were evidence of severe anxiety and emotional damage].)

There was also substantial evidence that the parents' ongoing custody dispute, which Dr. Russ described as a "big war," caused S.T.-C.'s severe anxiety.² There was evidence that both parents expressed to S.T.-C. animosity for one another, and attempted to influence her relationship and interactions with the other parent. Mother, for example, told S.T.-C. that Father was trying to take her away, does bad things, abandoned her, is a liar, and does not love her. Mother also offered S.T.-C. favors and treats as alternatives to visiting and interacting with Father, such as taking her on a trip to Disneyland, painting her nails, allowing her to watch television, and allowing her to attend a party. In addition, Mother told S.T.-C. that, during visits with Father, she should "cry and kick and scream and go crazy" and say she wants to go home. Father, in turn, told S.T.-C. Mother was trying to put bad thoughts in her head and take her away from him forever. Father also told S.T.-C. he was going to take her to live in Africa. The court could have found such statements worsened S.T.-C.'s anxiety by leading her to believe each parent was trying to permanently separate her from the other. This

² Father implies the juvenile court was required to find a causal nexus between his conduct and S.T.-C.'s emotional damage. As discussed above, "it is necessary only for the court to find that one parent's conduct has created circumstances triggering section 300 for the court to assert jurisdiction over the child." (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1491.) Accordingly, the juvenile court could have asserted jurisdiction based solely on findings related to Mother. Regardless, as we discuss, there was substantial evidence showing a causal connection between both parents' conduct and S.T.-C.'s emotional damage.

would explain why her anxiety was most pronounced directly before and after visits with Father.

There was also substantial evidence that Mother's continued insistence that Father was sexually abusive, despite the lack of physical evidence, caused emotional damage. Regardless of whether Mother's accusations were sincere, S.T.-C. was forced to endure numerous and intrusive examinations and interviews. Mother described one of these medical examinations as traumatic, and stated it caused S.T.-C. to have anxiety about future visits to the doctor. Despite this, Mother continued to take S.T.-C. to her pediatrician with complaints related to her vaginal and anal areas, which Mother apparently attributed to Father's sexual abuse. The juvenile court could reasonably conclude these frequent and intrusive interviews and examinations caused S.T.-C. to suffer emotional damage, or, at the very least, created a substantial risk of such damage. (See *In re Christopher C.* (2010) 182 Cal.App.4th 73, 84 [noting the "daunting task" of frequent sexual abuse interviews and examinations can cause emotional suffering].)

The evidence also suggested S.T.-C. connected these negative experiences to her visits with Father. Indeed, the evidence showed S.T.-C. experienced severe anxiety after such visits, when she might be subjected to additional interviews and intrusive examinations.³ Such distress was presumably made

³ The juvenile court also could have properly concluded S.T.-C.'s anxiety about unmonitored visits with Father was related to these interviews and examinations. The court could have inferred from the evidence that, rather than just a fear that Father would harm her, S.T.-C. was concerned that the lack of a monitor would mean additional questions and scrutiny after the visit.

worse by Father telling her he was upset that she would talk to other people about him, and telling her not to talk to Mother about her privates. Mother expressed a conflicting message, and was upset with S.T.-C. for not saying what was happening with Father.

Alternatively, the court could have inferred from the evidence that S.T.-C. internalized Mother's concerns and sincerely believed Father was abusing her. Although her statements were often inconsistent, S.T.-C. did not necessarily fabricate allegations against Father. Instead, as Dr. Russ observed, she may have been reporting normal and innocent behavior, yet was confused as to whether it was improper, due to Mother's hypervigilance about sexual abuse. The juvenile court could reasonably conclude this confusion caused S.T.-C.'s extreme fear of Father and severe anxiety connected to visits with him. Indeed, Father made a similar argument before the juvenile court.

Father argues the juvenile court's findings that " 'the parents' ongoing custody dispute endangers the child's physical health and safety and places the child at risk of serious physical harm, damage, and danger,' " are not supported by substantial evidence. Alternatively, he asserts such findings are insufficient as a matter of law to support dependency jurisdiction under subdivision (c) of section 300, because they concern physical, rather than emotional, damage.⁴ Father is correct that, by its

⁴ DCFS characterizes Father's arguments as challenges to the facial sufficiency of the first amended petition. We disagree. Father does not directly challenge the sufficiency of the allegations or argue the petition failed to state a cause of action under section 300, subdivision (c). Nor does he assert the

plain terms, section 300, subdivision (c), requires evidence indicating the child is suffering, or is at substantial risk of suffering, serious *emotional* damage. Accordingly, findings that S.T.-C. suffered, or is at substantial risk of suffering, serious *physical* harm or injury, are not sufficient to sustain the petition. (Cf. *In re Rocco M.* (1991) 1 Cal.App.4th 814, 823, disapproved on another ground in *In re R.T.* (2017) 3 Cal.5th 622 [“[s]ubdivision (b) means what it says. Before courts and agencies can exert jurisdiction under section 300, subdivision (b), there must be evidence indicating that the child is exposed to a *substantial* risk of *serious physical* harm or illness”]; *In re Jesus M.* (2015) 235 Cal.App.4th 104, 111 [same].)

Father, however, overlooks the fact that the juvenile court also made findings specifically related to S.T.-C.’s emotional damage. Indeed, the court sustained allegations that S.T.-C. is “exhibiting severe emotional issues including anxiety and vomiting” Father does not contend that such findings are, as a matter of law, insufficient to support jurisdiction under section 300, subdivision (c). As discussed above, there was sufficient evidence to support these findings. The fact the juvenile court made additional findings related to S.T.-C.’s physical well-being is irrelevant, because “[a]s long as there is one unassailable jurisdictional finding, it is immaterial that another might be inappropriate.” (*In re Ashley B.* (2011) 202 Cal.App.4th 968, 979; see *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 [“a reviewing

allegations provided inadequate notice. Rather, he explicitly challenges the juvenile court’s *findings*, which he argues are not supported by substantial evidence and insufficient as a matter of law. Accordingly, we construe his arguments as a challenge to the sufficiency of the evidence supporting the juvenile court’s order.

court can affirm the juvenile court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence"].)

DISPOSITION

The juvenile court order is affirmed.

BIGELOW, P.J.

We concur:

FLIER, J.

GRIMES, J.