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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re John S., A Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

D.V.,

Defendant and Appellant.

B297459

(Los Angeles County
Super. Ct. No. 18CCJP05218)

APPEAL from orders of the Superior Court of Los Angeles County. Philip L. Soto, Judge. Affirmed.

Andrea R. St. Julian, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel, for Defendant and Respondent.

D.V. (mother) appeals from the juvenile court's exit orders granting sole physical custody of her eight-year-old son (son) to P.S. (father), joint legal custody and limiting mother to monitored visits. She argues the court abused its discretion because these orders were not in son's best interests. We disagree and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In May 2018, mother attempted to burn down the family home. In August 2018, the Department of Children and Family Services (Department) filed a petition alleging son was at risk of harm due to mother's mental illness and arson of the home. The following month, the juvenile court sustained the petition. Son was removed from mother's custody and placed with father. Mother was allowed monitored visits and ordered to participate in therapy and parenting classes as well as undergo a psychiatric assessment.

Six months later, in March 2019, the Department reported that son was still residing with father and was stable and well-cared-for. Mother regularly visited son, but mainly stared at him rather than interacting with him. Mother had not taken responsibility for the trauma she caused to son when she set fire to the family home. Lastly, she was only in partial compliance with her case plan: she had completed a parenting class but had not enrolled in therapy.

The following month, in April 2019, the Department reported that mother had been diagnosed with psychosis based on the following symptoms: she heard voices, hallucinated, and felt paranoid. Mother was prescribed medication but discontinued taking it because of the side effects. After receiving her diagnosis, she was scheduled to attend a follow-up appointment at a medical clinic but did not do so.

The juvenile court held a review hearing and subsequently terminated jurisdiction, awarding sole physical custody to father and joint legal custody. Mother was granted monitored visits. She timely appealed.

DISCUSSION

“When the juvenile court terminates its jurisdiction, it issues an exit order ‘determining the custody of, or visitation with, the child’ that becomes part of an existing family law case or the basis for opening a family law file (Welf. & Inst. Code, § 362.4); the exit order ‘shall be a final judgment and shall remain in effect after [the juvenile court’s] jurisdiction is terminated.’ (Welf. & Inst. Code, § 302, subd. (d).)” (*Heidi S. v. David H.* (2016) 1 Cal.App.5th 1150, 1165.)

“When making a custody determination in any dependency case, the court’s focus and primary consideration must always be the best interests of the child. [Citations.]” (*In re Nicholas H.* (2003) 112 Cal.App.4th 251, 268.)

“We normally review the juvenile court’s decision to terminate dependency jurisdiction and to issue a custody (or ‘exit’) order pursuant to section 362.4 for abuse of discretion [citation] and may not disturb the order unless the court ‘ “ ‘exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination [citations].’ ” ’ [Citations.]” (*Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 300–301.)

We first address mother’s contention that the court abused its discretion by granting sole physical custody to father. Mother argues she never harmed son, regularly visited him, and son wanted to live with her. According to mother, the record shows

she was a loving mother who helped son with his homework “all the time.”

Mother’s characterization of the record is incomplete. The Department reported that prior to son’s detention from mother at the initiation of this case, she assisted him “with his homework all the time.” However, six months after the petition was sustained, a Department social worker observed that mother did not interact or communicate “much” with son during visits, and “doesn’t assist him with his homework.” Further, although son reported that he enjoyed going on outings with mother, he also said he “likes residing” with father.

Mother has also not addressed portions of the record that show she was diagnosed with psychosis, did not take responsibility for setting the family home on fire, and behaved bizarrely during visits with son. Based on the evidence of mother’s unresolved mental illness and son’s stability living with father, the court did not act arbitrarily in finding that it was in son’s best interests to remain in father’s physical custody.

Mother also contends the monitored visitation order was an abuse of the court’s discretion because it is not in son’s best interests to have his visits under surveillance. However, based on evidence that mother was experiencing symptoms of psychosis and did not recognize the risk of trauma caused to son by her arson of the family home, the trial court could have reasonably concluded that son would be at risk of harm if mother’s visits were unsupervised. We find no abuse of discretion.

DISPOSITION

The orders are affirmed.

RUBIN, P. J.

WE CONCUR:

MOOR, J.

KIM, J.