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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B288201

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. 17CCJP02293)

Plaintiff and Respondent,

v.

TERESA T.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Marguerite D. Downing, Judge. Affirmed in part; dismissed in part.

Darlene Azevedo Kelly, under appointment of the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

Teresa T. (Mother) appeals from jurisdictional findings and dispositional orders of the juvenile court under subdivision (b)(1) of Welfare and Institutions Code section 300¹ with respect to her children Andrew M. (born in December 2004) and Mathew M. (born in July 2006). Mother contends the evidence is insufficient to support the jurisdictional findings that her children were at risk of harm based on domestic violence between her and Allan M. (Father) and Father's alleged substance abuse.² She also contends the evidence was insufficient to support the court's order to remove the children from her custody and further contends the court abused its discretion in ordering her to submit to drug testing and in denying her attorney's request for a continuance. Because the children have been returned to Mother's custody, the appeal is moot with respect to the order removing the children from Mother. In all other respects, however, we affirm.

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

² Father is not a party to this appeal.

FACTUAL AND PROCEDURAL BACKGROUND

A. *The Initial Referral and Investigation*

On November 12, 2017, the Department of Children and Family Services (Department) received a referral alleging domestic violence between Mother and Father. According to the reporting party, at about 3:00 a.m. that day, Father was upset because Mother had come home so late, and they got into an argument. Father grabbed Mother by the hair, threw her to the ground, and then hit her in the back of her head with her heavy purse and struck her 10 more times with his fist.

According to the referral, although Mother claimed the children were asleep, they were in the bedroom of the small home and “were aware” of the incident; there had been another domestic violence incident before this one. Mother reported that Father is a drug addict (who uses methadone and “[c]rystal [m]eth”), a thief, and a “very violent man.” She complained of pain to her head but declined medical treatment and was described as uncooperative. She said Father worked as an armed security guard and had two firearms but would not allow law enforcement to search for them. Father “fled the scene” before officers arrived; Mother was granted an emergency protective order.

Two days later a social worker with the Department visited the family’s home, but no one was there and neither parent could be reached by phone. Neighbors who wished to remain anonymous told the social worker they had concerns of domestic violence in the family’s home. The neighbors reported hearing yelling, fighting and “hitting sounds” and said the last time was a year ago when police responded and Mother said Father had hit her.

Mother later agreed to meet the social worker the following afternoon (November 15, 2017). When the social worker arrived early for the appointment, she saw a work vehicle pull up with two men inside. One went into the home and when he returned, the two men left quickly before the social worker could approach them. When Mother arrived, she told the social worker she knew “it looks bad,” but Father was probably just getting his things; he was no longer living in the home, and she had not seen him since 3:00 a.m. on November 12. She said she had an emergency protective order, and Father could not be around her.

Asked about the referral, Mother told the social worker she and Father had plans to go out that night, and her sister was there to watch the children, but Father “gets jealous a lot” and did not want to go somewhere to have other men looking at Mother.³ They argued, and she decided to go out alone. When she got home, she got in the shower. Father wanted to know why. He took her purse and “‘got aggressive’ with her.” Mother said the children were asleep in their bedroom. She said she called the police because “she did not want [F]ather to do anything he should not do.”

The police arrived, talked to Father and let him leave, but she was “really upset” they had let him go because he had hit her in the head with his fist and “could have come back and killed her”

After she called the police station to speak with a supervisor, two other officers arrived, and she told them Father “used to use [m]eth.” She told the social worker she did not think he was “using” now because he was not acting the way he used to

³ She told the social worker she and Father had been together for 18 years.

act when he was using, but she was “not sure.” She said he used methamphetamine two or three years before and “went to rehab.” Mother denied ever using drugs and agreed to drug test for the Department the following day (November 16).

Mother told the social worker there had been another domestic violence incident before the current referral. She said she had called the police and Father had been arrested because he was using drugs and threw something at her. The children were there at the time, but the Department was not involved. Mother said it was “not violent,” and the “charges were dropped.” Mother said she was too busy to go to court; her “plan” was to “[keep] doing what she is doing.” She said she had gotten the emergency protective order because she was “hurt and afraid at the time,” but “this is not something that happens all the time or every day.” She just wanted Father out of the house and not to come back for at least a week.

When the social worker explained the Department’s concern was that the children were present when Father hit Mother in the head with his fist 10 times and asked how she intended to protect the children, Mother said she would go to court and get the restraining order continued and would keep Father away. If he came to the house or around her or the children, she would call the police. She said the children were her priority and told the social worker: “I would do anything to keep them with me.”

The social worker explained the concept of the Children and Family Team (CFT) and gave Mother a CFT brochure, but she said she did not feel she needed to participate because she is very family-oriented, she talks to her sons, and the family “does [its] own thing.” The social worker also reviewed information

regarding the Family Preservation Program (FPP) Partnership for Families (PFF) and provided a referral packet of community resources for the family.

The social worker spoke with Andrew (then 12) and Mathew (11) individually. Both boys reported that no one yells, hits, or fights in their home; both denied any physical abuse or corporal punishment. Both denied seeing any drug use. Andrew said he did not know where Father was, but he had not seen him and did not know why; he said he did not ask Mother “because he is just a kid and should not ask about adult things.” Mathew said he had not seen Father for a few days but thought he was at work “doing a lot of overtime.”

The social worker obtained the police report underlying the referral and interviewed one of the officers involved in the second police response to the incident; he had recommended charging Father with inflicting corporal injury to a spouse (Pen. Code, § 273.5, subd. (a)) and said Father would have been arrested if officers had been able to locate him. In addition to speaking with Mother, responding officers had also interviewed the maternal aunt who confirmed that Father had grabbed Mother by the hair, pulled her to the floor and struck her about 10 times, and she was willing to testify to the events she had witnessed. Mother had also told officers Father was a habitual drug user who stole to support his habit.

Mother failed to appear for her November 16, 2017 drug test. When she did appear on November 20, that test was positive for alcohol. Mother denied drinking the day before or the day of the test; she said the last time she had been drinking was the night of the incident (November 12) and suggested her diet pills were the cause. The social worker contacted the drug

testing facility and confirmed with the lab technician that Mother's positive result meant that Mother had consumed alcohol within 12 hours of the test; her diet pills would not cause a positive result for alcohol. Mother said she knew for a fact the test was wrong, and the last time she had a drink was on November 18.

On November 21, Mother told the social worker she had not filed for a restraining order and the emergency protective order had expired on November 17. She said she was waiting to see what the Department would do. She said she was extremely busy and had not enrolled in domestic violence counseling or classes. When the social worker said Father had not responded to her contacts, Mother told her "he came back." She said she had followed the order and it had been "tough." He had nowhere else to stay and had moved back home. She said the home belonged to both of them and his belongings were there.

The Department obtained the April 3, 2016 police report pertaining to the prior domestic violence incident. At that time, Father was under the influence of an unknown substance (possibly Xanax). Mother told officers Father was "being aggressive" and she was afraid Father was going to hit her once they left. She said he had hit her with a pot and other objects in the house and had pulled her arm; he denied doing so. She described Father's drug use in detail and said he had destroyed their room searching for her purse because she had hidden it from him, believing he wanted money to buy drugs. When he could not find it, he grabbed and punched her, telling her, "I am going to kick your ass if you don't give me money." Mother said she needed to leave for work but did not feel safe leaving the children alone with Father. Mother told the officers Father had

pushed and punched her in the past, but she had never reported it. She said the children were not in the room at the time of the incident; Father said they were in their bedroom. Mother refused medical attention, and an emergency protective order. Father was arrested for domestic violence (Pen. Code, § 273.5). He had an assortment of pills including Xanax in his pocket; his gun was taken for safekeeping.

When the social worker was able to reach Father, he told her the November 2017 incident was “just an argument” and so was the April 2016 incident. He denied hitting Mother and denied any history of drug use, apart from a Xanax prescription two years earlier.

The Department obtained a warrant and removed the children from Mother’s and Father’s custody on December 4, 2017.

B. The Petition and Detention Hearing

On December 6, 2017, the Department filed a petition alleging two counts under section 300, subdivision (b)(1).⁴ In the first count, the Department alleged the children were at risk of serious physical harm because Mother and Father had a “history of engaging in violent altercations in the children’s presence,” including the incidents of November 12, 2017 and April 3, 2016 in addition to instances of Father pushing and punching Mother in the past. In the second count, the Department alleged risk to the children based on Father’s history of substance abuse and current drug abuse.

At the detention hearing on December 7, the juvenile court found there was prima facie evidence that Andrew and Mathew

⁴ An additional count under subdivision (a) of section 300 was later dismissed.

were persons described by section 300, and ordered that the children be detained from Mother and Father and remain placed with their maternal grandmother, with monitored visitation and reunification services for Mother and Father. Mother was granted a restraining order against Father.

The court advised Mother and Father: “I want you to understand that the court has the authority to make decisions in your absence. I want you to understand the court has the authority to make decisions about these children’s welfare. So it’s critical we have an address for you, we send you notice, you come on the date and time of the notice You understand that?” Mother and Father both answered, “Yes.”

The court set the matter for adjudication on January 31, 2018, and February 8, 2018. “Parents are going to be ordered back for the 8th of February and the 31st of January. [¶] I want to advise you that if you fail to appear on this date, at that time, the court has the authority to make decisions about your children’s welfare that could result in the removal of these children from your care. [¶] So it’s critical that we have an address for you, we send you notice, you come on the date and the time of the notice. You both understand that?” Again both Mother and Father said, “Yes.”

C. The Jurisdiction and Disposition Report

In its jurisdiction and disposition report, the Department summarized its further interviews with the family regarding the allegations in the petition.

Andrew and Mathew were living with the maternal grandmother and again denied ever seeing violence between their parents or drug or alcohol use by their Father. The social worker noted that the boys appeared to have been coached and did not

believe their statements to be genuine. The maternal grandmother also denied having any concerns about Mother and Father and said they seemed happy together. She also denied knowledge of father's history of drug use.

Regarding the domestic violence allegations, Mother told the social worker: "There's no history of engaging in violent altercations. The kids were not there, they were asleep. [Father] did hit me in the head, but not repeatedly, it was 2 to 3 times. The kids were in the house. [Father] threw my purse in the 2016 incident. He left a red mark from pulling the purse from me. [I] did pinch him but it wasn't in front of the kids. [Father] hasn't pushed and punched me in the past." Regarding Father's substance abuse, Mother said Father "used to have an addiction to . . . opiates, methadone, and pills. He went to rehab for it. [H]e is not currently using drugs. I did know that he had that drug problem when he went to rehab. I did fail to protect because he was on drugs, this was two years ago."

Mother said she and Father had a good relationship and she wanted to "work it out" with him but "only" if he got help. She enrolled in a 52-week domestic violence program on December 21, 2017, and said she was now willing to participate in "CFT."

Father told the social worker Mother had a history of calling the cops. He said he never dragged her; he only tapped her on the head. He did not remember the 2016 incident because he was under the influence of Xanax. He denied punching her, pulling her arm or throwing objects at her in the past. He said he had a substance abuse problem with prescription drugs (Xanax and Norco) for two years and had gone to an inpatient

rehabilitation program for a month and a half but said he had not used drugs since 2016.⁵

D. The Jurisdiction and Disposition Hearing

Mother failed to appear at the adjudication and disposition hearing on January 31, 2018. Without further explanation, her counsel requested a continuance, which the juvenile court denied.⁶

After admitting the Department's reports into evidence and hearing argument, the juvenile court sustained (as amended) both counts alleged under subdivision (b)(1) of section 300, finding that Mother and Father have a history of engaging in violent altercations while the children were present in the home. On November 12, 2017, Father grabbed Mother by the hair, pulled her toward the floor, repeatedly struck the back of her head with his fists and dragged her outside the residence in the children's presence. On April 3, 2016, Father threw household objects at Mother, striking her arm. He grabbed and pulled her arm, causing marks. She pinched his neck and body in the children's presence. He pushed and punched Mother in the past. Mother allowed Father to reside in the children's home and have unlimited access to the children. Father's violent conduct against Mother and Mother's failure to protect the children placed them at risk of serious physical harm.

In addition, the juvenile court found that Father's history of substance abuse and current drug abuse rendered Father

⁵ He had one negative drug test on December 7, 2017, but failed to appear for one scheduled on January 2, 2018.

⁶ Father also failed to appear and his attorney's request for a continuance was denied as well.

incapable of providing the children with regular care and supervision. Mother knew of Father's substance abuse but allowed Father to reside in the children's home and to have unlimited access to them. Father's substance abuse and Mother's failure to protect the children placed them at risk of serious physical harm.

While acknowledging for disposition purposes Mother's enrollment in and progress letter from a domestic violence program, the court removed the children from both parents' custody: "[T]he factual basis is that this father's drug use and the d[omestic] v[iolence] in this home is ongoing. Both parents appear to be somewhat in denial. And so return, at this time, even though these children are not small children, would be premature"

Mother was ordered to participate in individual counseling to address case issues and to provide eight consecutive random or on demand drug tests, with a further order to complete a full drug treatment program upon any missed or dirty test. The court ordered monitored visitation for both parents.

Mother filed a timely notice of appeal.⁷

⁷ Pursuant to Evidence Code sections 452, subdivision (d) and 459, subdivision (a), we take judicial notice of the juvenile court's July 31, 2018 minute order (§ 366.21, subd. (e)). At that time, the court found the extent of Mother's progress toward alleviating or mitigating the causes necessitating the children's placement to be substantial and ordered the children's return to Mother. A judicial review hearing (§ 364, subd. (c)) is set for January 28, 2019.

DISCUSSION

A. *Justiciability*

We first consider whether Mother's appeal is properly before us. Andrew and Mathew will remain under the juvenile court's jurisdiction regardless of the outcome of Mother's appeal because Father has not challenged the court's orders.

“When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing 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. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.’ [Citation.]” (*In re I.J.* (2013) 56 Cal.4th 766, 773; *In re Madison S.* (2017) 15 Cal.App.5th 308, 328–329 [same]; see also *In re I.A.* (2011) 201 Cal.App.4th 1484, 1492 [because the focus is on the child, “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”].)

Because the exercise of dependency jurisdiction is proper based on the conduct of only one parent, an appellate court need not consider jurisdictional findings based on the other parent's conduct. (*In re Briana V.* (2015) 236 Cal.App.4th 297, 308 [“the general rule [is] that we need not address jurisdictional findings involving one parent where there are unchallenged findings involving the other parent”]; *In re M.W.* (2015) 238 Cal.App.4th 1444, 1452 [“[a]s a general rule, a single jurisdictional finding supported by substantial evidence is sufficient to support jurisdiction and render moot a challenge to the other findings”].)

In such circumstances, any challenge to the additional findings raises only ““abstract or academic questions of law”” because jurisdiction would remain regardless of the reviewing court’s conclusions (*In re Briana V.*, *supra*, at p. 308; *In re I.A.*, *supra*, 201 Cal.App.4th at p. 1492 [same]), and thus no effective relief could be granted. (See *In re Madison S.*, *supra*, 15 Cal.App.4th at p. 329 [“An important requirement for justiciability is the availability of “effective” relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties’ conduct or legal status”].)

Nevertheless an appellate court may exercise its discretion to address the merits of a jurisdictional finding against one parent where “the finding (1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citations]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction’ [citation].” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763; accord, *In re Briana V.*, *supra*, 236 Cal.App.4th at p. 309; compare *In re I.A.*, *supra*, 201 Cal.App.4th at p. 1493 [declining to reach merits of alleged father’s appeal as he “ha[d] not suggested a single specific legal or practical consequence from [jurisdictional] finding, either within or outside the dependency proceedings”].) Simply stated, we may exercise our discretion to reach the merits of any jurisdictional challenge “when the finding may be prejudicial to the appellant.” (*In re Jonathan B.* (2015) 235 Cal.App.4th 115, 119 [reaching merits of appeal because finding that mother intentionally hurt and neglected her children may be used against her in future dependency proceedings].)

B. Substantial Evidence Supports the Juvenile Court’s Exercise of Jurisdiction.

In reviewing the juvenile court’s jurisdictional findings and dispositional orders, we look to see if substantial evidence—contradicted or uncontradicted—supports them. (*In re R.T.* (2017) 3 Cal.5th 622, 633; *In re E.B.* (2010) 184 Cal.App.4th 568, 575 [“substantial evidence’ means such relevant evidence as a reasonable mind would accept as adequate to support a conclusion”].) We review the evidence in the light most favorable to the juvenile court’s determinations, drawing all reasonable inferences. (*In re R.T.*, *supra*, at p. 633.)

Section 300, subdivision (b)(1) authorizes a juvenile court’s exercise of dependency jurisdiction over a child if “[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 or inability of his or her parent . . . to adequately supervise or protect the child.*” (See *In re R.T.*, *supra*, 3 Cal.5th at p. 624 [§ 300, subd. (b)(1) authorizes dependency jurisdiction “without a finding that a parent is at fault or blameworthy for her failure or inability to supervise or protect her child”]; *In re D.L.* (2018) 22 Cal.App.5th 1142, 1146 [same].)

Numerous courts have held that exposing children to domestic violence can support a finding of detriment to the children sufficient to support a jurisdictional finding. (See, e.g., *In re T.V.* (2013) 217 Cal.App.4th 126, 134; *In re R.C.* (2012) 210 Cal.App.4th 930, 941; *In re E.B.* (2010) 184 Cal.App.4th 568, 576; *In re S.O.* (2002) 103 Cal.App.4th 453, 460–461; *In re Heather A.* (1996) 52 Cal.App.4th 183, 194.) Domestic violence in the household is a failure to protect the children from the substantial risk of encountering the violence and suffering serious physical

harm while it is occurring. (*In re E.B.*, *supra*, at p. 576].) Moreover, “children of these relationships appear more likely to experience physical harm from both parents than children of relationships without . . . abuse.” (*Ibid.*) “[E]ven if they are not physically harmed, children suffer enormously from simply witnessing the violence between their parents. . . . [¶] [And] children of [a parent who abuses the other parent] are likely to be physically abused themselves.” (*Ibid.*; and see *In re T.V.*, *supra*, at p. 134 [even if they are not the ones being physically abused, domestic violence impacts children because they see and hear the violence].)

Here, the evidence established two domestic violence incidents involving police intervention and warranting Father’s arrest, but by Mother’s own account to police, there were many more instances of physical abuse she did not report. The November 2017 incident precipitating the Department’s involvement was particularly violent. Although Mother later minimized Father’s conduct, both she and the maternal aunt told police Father had pulled Mother down by her hair and punched her in the head 10 times with his fist, and Mother said she was afraid Father could come back and kill her. One of the responding officers emphasized the children’s proximity to the violence in the family’s small home that night, expressing disbelief that they could be unaware of what had happened. The children were also present in the home during the April 2016 incident, and on that occasion, mother told police she was afraid to leave the children alone with Father. Yet both boys denied anyone ever even yelled or fought in the home or that Father used drugs.

Mother acknowledged Father had a substance abuse problem at the time of the April 2016 incident and conceded she had failed to protect the children then. Although Mother again reported Father’s drug use to police and initially told the social worker she would make sure Father stayed away from her and the children in November 2017, she then allowed the protective order to expire and Father—who described both incidents as “just an argument”—moved back into the home. (See *In re D.L.*, *supra*, 22 Cal.App.5th at p. 1146 [to establish a defined risk of harm at the time of the jurisdiction hearing, there must be reason to believe the alleged conduct will recur, and evidence of past conduct may be probative of current conditions]; *In re T.V.*, *supra*, 217 Cal.App.4th at p. 135 [past violent behavior in a relationship is the best predictor of future violence].) “[D]enial is a factor often relevant to determining whether persons are likely to modify their behavior in the future without court supervision.” (*In re A.F.* (2016) 3 Cal.App.5th 283, 293; and see *In re Gabriel K.* (2012) 203 Cal.App.4th 188, 197 [“One cannot correct a problem one fails to acknowledge”].) In light of Mother’s failure to recognize and address the risks to which she was exposing her sons, substantial evidence supports the juvenile court’s conclusion that the domestic violence between Mother and Father was “ongoing” and placed the children at substantial risk of harm.⁸

⁸ A single jurisdictional finding supported by substantial evidence suffices and renders moot any challenge to remaining findings. (*In re M.W.*, *supra*, 238 Cal.App.4th at p. 1452.) Accordingly, we need not address the additional finding based on Father’s substance abuse.

C. Mother's Challenge to the Order Removing the Children From her Custody Is Moot.

Mother challenges the juvenile court's dispositional order removing the children from her custody. As noted in the factual summary, however, the children were returned to Mother's custody on July 31, 2018. As we can grant no effective relief in this respect, Mother's appeal from the dispositional order is moot to the extent it compelled the children's removal from Mother's custody. (*In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315–1316 [generally “[w]hen no effective relief can be granted, an appeal is moot and will be dismissed”]; *In re Yvonne W.* (2008) 165 Cal.App.4th 1394, 1404 “[w]e decide on a case-by-case basis whether subsequent events in a juvenile dependency matter make a case moot and whether our decision would affect the outcome in a subsequent proceeding”].)

D. The Juvenile Court Did Not Abuse its Discretion in Ordering Mother to Drug Test.

Once a dependency court finds jurisdiction under section 300, it has authority to “make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child, including medical treatment, subject to further order of the court.” (§ 362, subd. (a).) The 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. [Citations.] The court's determination in this regard will not be reversed absent a clear abuse of discretion.” [Citation.]” (*In re Corrine W.* (2009) 45 Cal.4th 522, 532.)

When the court removes a child from parental care, it is typically required to order the Department to create a

reunification plan and provide reunification services to the parent or parents. (§ 361.5, subd. (a).) The reunification plan must be appropriate to address the unique facts of the individual family and the services offered must be designed to eliminate the conditions that led to the court sustaining a petition and detaining the child in the first instance. (§ 361.5, subd. (a); *In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006 (*Christopher H.*)) When the court is aware of deficiencies that impede a parent's ability to reunify with the child, even if they have not yet affected the parent's ability to care for the child, the court may address those deficiencies in the reunification plan. (*Christopher H.*, *supra*, at p. 1008.)

Here, although the jurisdictional findings involved domestic violence and Father's substance abuse, we find no abuse of discretion in the juvenile court's order for Mother to drug test. Before the court entered this order, Mother had agreed to drug test voluntarily on November 16, 2017, but then failed to appear for that test, and when she appeared later on November 20, 2017, the test was positive for alcohol. According to the testing facility, the positive result meant Mother had consumed alcohol within 12 hours of the test. While the result was .02 percent, Mother insisted the test was wrong because she said she had not been drinking since the incident prompting the Department's involvement although she could not remember the date (November 12, 2017). Later she suggested her diet pills as the explanation and then said the last time she had had a drink was on November 18, 2017. The juvenile court believed Mother to be in denial regarding the risks of domestic violence and substance abuse. We find no error.

E. The Juvenile Court Did Not Abuse Its Discretion in Denying Mother's Request for a Continuance.

Continuances are discouraged in dependency cases. (*In re Elizabeth M.* (2018) 19 Cal.App.5th 768, 779; *In re Emily D.* (2015) 234 Cal.App.4th 438, 448.) “[N]o continuance shall be granted that is contrary to the interest of the minor. In considering the minor’s interests, the court shall give substantial weight to a minor’s need for prompt resolution of his or her custody status, the need to provide children with stable environments, and the damage to a minor of prolonged temporary placements. [¶] Continuances shall be granted only upon a showing of good cause and only for that period of time shown to be necessary” (§ 352, subd. (a).) Absent “exceptional circumstances,” if a child is detained, the dispositional hearing must be completed within 60 days of the detention hearing. (§ 352, subd. (b).)

We review an order denying a request for a continuance for abuse of discretion. (*In re Elizabeth M.*, *supra*, 19 Cal.App.5th at p. 780 [“To show abuse of discretion, the appellant must demonstrate the juvenile court exercised its discretion in an arbitrary, capricious or patently absurd manner that resulted in a miscarriage of justice”]; *In re Joey G.* (2012) 206 Cal.App.4th 343, 346 [same].)

In her opening brief, Mother concedes she received notice of the hearing dates but speculates that there could have been a number of reasons for her absence. On her notice of appeal, however, Mother wrote that she was in the building on the day of the hearing but was misdirected by the information desk. In any event, at the jurisdiction and disposition hearing, Mother’s attorney had no explanation for Mother’s failure to appear and

did not identify any basis for her request for a continuance beyond Mother's apparent absence. Because there was no showing of good cause, we find no abuse of discretion.

DISPOSITION

The appeal is dismissed as moot with respect to the dispositional order removing the children from Mother's custody. In all other respects, the jurisdictional findings and dispositional order are affirmed.

MICON, J.*

We concur:

MANELLA, P. J.

WILLHITE, J.

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