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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**SECOND APPELLATE DISTRICT**

**DIVISION FIVE**

In re E.A., A Minor Coming Under  
the Juvenile Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

A.R.,

Defendant and Appellant.

B297280

(Los Angeles County  
Super. Ct. No. 19CCJP00084A)

APPEAL from order of the Superior Court of Los Angeles  
County. Rashida Adams, Judge. Affirmed.

Vincent W. Davis, under appointment by the Court of  
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,  
Assistant County Counsel and William D. Thetford, Deputy  
County Counsel for Plaintiff and Respondent.

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Mother appeals from the dispositional order removing her seven-month-old son from her care. Mother and father have a history of domestic violence in which both were the aggressors. After the Department of Children and Family Services (Department) began investigating the family, mother obtained a restraining order against father. The juvenile court sustained allegations of domestic violence against both parents.

At the disposition hearing, the juvenile court found that mother was not credible when she denied the significant history of domestic violence between the parents, and the court removed the child. On appeal, mother argues that son was not endangered by this violent behavior because father was no longer involved her in life. We conclude that the court's decision to remove son from mother's custody is supported by substantial evidence, and affirm.

#### ***FACTUAL AND PROCEDURAL BACKGROUND***

In December 2018, the Department received a referral alleging domestic violence between mother and father and a suicide attempt by mother. Mother and father were both 17 years old at the time and lived with their four-month-old son and maternal relatives at maternal grandmother's home. Maternal grandmother said that father had choked mother until she lost consciousness. Two days later, mother had attempted to cut her forearm. When maternal relatives intervened, mother attempted to drink bleach. She was committed to a psychiatric facility temporarily.

Mother told a social worker that father had choked her multiple times, and had physically abused her while she was pregnant. Mother acknowledged she had physically attacked father as well, jumping on his back and biting him. Mother

refused to file a restraining order against father. Maternal grandmother also said she would continue to allow father into the house despite the choking incident.

Father said mother had kicked him and punched him while he had been holding the baby, and that he had three bite marks on his back due to mother. He said there were at least 15 incidents of domestic violence between him and mother. He had reported to the police that mother hit him with a bat and attempted to strangle him six times.

On January 2, 2019, mother obtained a temporary restraining order protecting herself and son from father. The following day a social worker arrived at maternal grandmother's house with police officers and a warrant to remove son from mother's custody. Mother cursed at the worker, and maternal grandmother refused to hand over the infant to police officers. After the officers took the child, maternal grandmother attempted to punch the social worker.

The Department filed a petition alleging that the domestic violence between the parents placed son at risk. The petition further alleged that mother's mental and emotional problems, including a diagnosis of bipolar disorder and her suicide attempt, endangered the child. At the detention hearing, the court found prima facie evidence supporting son's removal, and ordered monitored visits for the parents.

The jurisdiction and disposition hearing took place in March 2019. The Department reported that mother had been arrested for assault and battery, had spent time in juvenile hall for domestic violence, and was currently on probation for resisting arrest. Paternal grandmother informed the social worker there had been repeated domestic violence between

mother and father, and that mother had inflicted scratch marks and bruises on father.

Father, who had moved to Nevada, said he was willing to relinquish his parental rights to son. Mother said she had not had any contact with father since she obtained a permanent restraining order against him.

At the hearing, mother testified she was diagnosed with bipolar disorder, was seeing a therapist and a psychiatrist, and had been prescribed medication which she took as needed. She had recently enrolled in parenting classes and had completed six classes. In addition, she was compliant with the terms of her probation.

As to the domestic violence, mother testified about two incidents the past December in which father had choked her. She denied any prior incidents of domestic violence. She was not participating in a domestic violence program, and did not think she needed to because she did not intend to reunite with father. She did not think she would benefit from anger management counseling. Maternal aunt and uncle also took the stand and denied their prior statements to the Department that mother and father had hit each other.

The trial court expressly found the testimony of mother and her siblings not credible, and concluded there was overwhelming evidence in the reports that both parents were perpetrators of domestic violence. The court sustained the allegations about domestic violence between the parents and mother's mental and emotional problems. The court found an ongoing risk to the child due to the parents' domestic violence and mother's mental problems, and removed son from their custody. Mother was

granted monitored visits and ordered to participate in a domestic violence program. She timely appealed.

### ***DISCUSSION***

Mother argues there was no substantial evidence to support son's removal from her custody because there was no longer any risk of domestic violence between her and father. According to mother, father's move to Nevada and the permanent restraining order she obtained against him guaranteed there would be no further domestic violence. In addition, mother was compliant with her mental health treatment and the terms of her probation, and had enrolled in parenting classes. Mother argues this evidence showed she had "resolved" her mental health and domestic violence issues at the time of the disposition hearing. We disagree and conclude substantial evidence supports the juvenile court's removal order.

After an adjudication of dependency, a "dependent child shall not be taken from the physical custody of his or her parents . . . with whom the child resides at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence . . . . [¶] There is or would be a substantial danger to the health, safety, protection or physical or emotional well-being of the minor if the minor were returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parent's . . . physical custody." (Welf. & Inst. Code, § 361, subd. (c)(1).) We review the juvenile court's dispositional finding for substantial evidence. (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1216, fn. 4.)

The trial court found that mother was not credible at the disposition hearing when mother denied the extensive domestic

violence between her and father. Instead, the trial court relied on the Department's reports which contained evidence of over a dozen domestic violence incidents between the parents, including multiple incidents in which mother attacked father. The reports presented additional evidence of mother's aggressive behavior: she had a juvenile record of resisting the police and domestic violence.

Mother's denial of her violent behavior and minimization of father's violent behavior supported the juvenile court's finding that the child remained at risk of harm, and there were no reasonable alternatives to removal. Mother was not willing to address the problem—she had not enrolled in any domestic violence or anger management programs and did not see the value of learning to control her anger. Mother also continued to live with maternal relatives including her siblings who had recanted their prior statements about mother's and father's violent behavior. Although mother argues that sending the child home with her was a reasonable alternative, maternal relatives' refusal to acknowledge the domestic violence suggested they could not be relied upon to report further incidents to the Department.

“One cannot correct a problem one fails to acknowledge.” (*In re Gabriel K.* (2012) 203 Cal.App.4th 188, 197.) Mother's refusal to take responsibility for her violent behavior toward father suggested the pattern of domestic abuse would continue. This was substantial evidence that the child remained at risk due to the domestic violence between the parents, at least some of which the juvenile court could properly find mother instigated.<sup>1</sup>

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<sup>1</sup> We need not reach mother's argument regarding whether her emotional and mental problems posed a risk to son, because

As mother was unwilling to address her own domestic violence past or attend anger management classes, the trial court reasonably could have concluded that domestic violence was likely to recur in mother's relationships.

***DISPOSITION***

The March 4, 2019 dispositional order is affirmed.

RUBIN, P. J.

WE CONCUR:

BAKER, J.

KIM, J.

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we conclude the domestic violence was sufficient to support the removal order.