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IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re X.D., a Person Coming Under
the Juvenile Court Law.

B276844
(Los Angeles County
Super. Ct. No. DK15799)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

H.D.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los
Angeles County, Julie Fox Blackshaw, Judge. Affirmed.

David A. Hamilton, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, Peter Ferrera, Principal Deputy County Counsel, for Plaintiff and Respondent.

H.D. (father) appeals from jurisdictional findings declaring his son, X.D., a dependent under Welfare and Institutions Code section 300, subdivisions (a) and (b),¹ and the disposition order removing X.D. from father's custody under section 361, subdivision (c)(1). Father contends there is insufficient evidence to support the jurisdictional findings and removal order. He further contends there is no evidence to support the court's finding that the Los Angeles County Department of Children and Family Services (Department) made reasonable efforts to prevent removal. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Father has a 16-year-old son, X.D., and a 10-year-old daughter, Amaya D.² His current wife, M.D. (stepmother), is

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² X.D. and Amaya have different mothers. The Department commenced distinct dependency proceedings concerning the two children on February 29, 2016. The

not biologically related to either child. During the time frame relevant to this appeal, X.D. lived with father and stepmother, and the whereabouts of his mother were not known. Beginning in 2014, father shared joint custody of Amaya with A.P. (mother). Amaya's time was divided between mother's house and father's house.

The family has a lengthy history of child welfare referrals. In 2008, the Department substantiated allegations that Amaya's mother was doing drugs and not providing adequate care for Amaya. Maternal great-grandmother was Amaya's legal guardian from 2008 to 2014. According to X.D.'s paternal grandmother, she raised X.D. from infancy to age seven. In April 2009, the Department deemed unfounded a referral claiming that X.D. was being physically abused by father. In June 2010, an allegation of sexual abuse by father against X.D. was also deemed unfounded. In October 2010, X.D. complained his arms were sore from holding weights with his arms out. Father made X.D. hold the weights for an hour due to poor behavior in school. The Department closed the referral with the situation stabilized. In June 2015, the Department investigated an allegation of physical abuse after X.D. pushed Amaya into a gate, but closed the matter as

current appeal only concerns X.D., but father also filed a separate appeal in Amaya's case. The second appeal is case number B275576, and we have taken judicial notice of the record from that appeal. (*In re X.D.* (Jan. 11, 2017, B276844) [nonpub. order].)

unfounded. Also in June 2015, the Department investigated allegations that X.D. was being physically abused and generally neglected by father. X.D.'s high school reported that his tardiness, absenteeism, incidents of verbal and physical altercations, and improper behavior had been addressed, and X.D.'s parents had appropriately met with school personnel. The Department closed the referral as inconclusive. The Department found inconclusive a July 2015 referral alleging that mother would hit Amaya with a hairbrush for not following directions, and deemed unfounded allegations in September 2015 that mother referred to Amaya as a "B."

In late 2015 and early 2016, mother became concerned about Amaya's welfare. The exact timing of various incidents is not entirely clear from the record, but the following summary demonstrates that father and stepmother believed in demonic possession, and believed Amaya's mother was practicing witchcraft.

On the way to school one morning in December 2015, father was scolding the children for not reading the proverb they were supposed to read that morning, and Amaya suddenly started pulling at her knee, saying it was hurting her, and would not stop pulling at it. They noticed a blister between Amaya's fingers. Father considered this a spiritual attack on Amaya, and when they started praying for her, the behavior stopped. Mother observed the family circled around Amaya, and they told her that it was the spirit trying

to pull Amaya's knee off. Mother took Amaya to the doctor, who convinced Amaya there were no demons inside her.

In a separate incident, X.D. was frustrated because he felt the spirit was holding him back from studying, and was pointing to where he saw the spirit. When Amaya came home, X.D. asked them³ to keep her away from him, and became afraid once Amaya entered the room. According to stepmother, Amaya looked at them and started cursing, and when she looked at X.D., who is six feet four inches tall, he started to fly across the room. After that, both children were cursing for about 30 minutes, and when stepmother asked the children who they were, they said "Python and Jezebell." X.D.'s spirit told stepmother and father that they were there because Amaya's mother worships the devil and Python comes from X.D.'s mother. Stepmother "reported they prayed that the angels help the children; they believe the angels can help see things they cannot see. [Stepmother] reported she felt the intervention that the angels said something touching [Amaya] with God[s] presence." X.D. reported he was three feet away from Amaya and "the demons starting smacking him and tossing him around the room." He also reported when the spirit enters him, he blacks out and does not remember what happened. In a later interview, stepmother attributed Amaya's behavior to a combination of mental health and supernatural causes. Stepmother stated she was a former children's social worker

³ From the reports, it is unclear who is being referred to as "them" or "they" during this incident.

and human services aid for the Department, and she is aware of how behavioral problems and mental health issues appear.

The week before Christmas 2015, father discovered Amaya had two self-inflicted knots on her head. The family had been in church, and Amaya went to the bathroom because her stomach was hurting. When she did not emerge after more than 30 minutes, father sent X.D. to check on her and also checked on her himself. When she eventually came out, father noticed the two knots on her head and questioned her about them. She initially claimed they were accidental, but then admitted she had hit herself because she was mad at herself for an incident where father punished her for cleaning shoes with a toothbrush.

Around January 14, 2016, stepmother left mother a voicemail in which Amaya was yelling obscenities in the background, and stepmother stated she wanted mother to hear the child yelling as evidence that she was telling the truth about Amaya manifesting a demonic spirit. Mother attempted to reach Amaya by phone, but when the child did not answer, she asked the police to do a welfare check. Amaya's mother finally heard back from Amaya around 9:30 in the evening, and Amaya later explained she had been in church.

Another incident took place in the car, where the family believed the spirit moved from Amaya to X.D. and was so strong it moved X.D. across the back seat of the car. Amaya reported the family had picked stepmother up from

work and was going swimming. Amaya did not want to go in the pool, so the spirit came over her inside the car, and she was cursing and banging on the inside of the car. The spirit then jumped from her to X.D., who was trying to punch his father and yelling, "Get out the car." The family drove home, started praying and putting holy water on the children, and then went to church. Father claimed he has seen this in his child before and knows it is a spirit being manifested. X.D. reported he did not know what happened. He could not move but he could speak. He is never hurt when the spirit enters or leaves his body.

On January 15, 2016, the Department generated a five-day referral based on allegations of emotional abuse and general neglect by father and stepmother. The Department's investigation gathered the information summarized above. Social workers also spoke with a therapist who had treated Amaya for ten visits over 11 months, with treatment goals focused on Amaya controlling her anger when she is upset and working on the parent-child relationship between Amaya and mother. Father was not willing to bring Amaya into therapy, and Amaya did not disclose to the therapist the incident where Amaya hit herself and caused two knots on her head. When mother disclosed the incident to the therapist, Amaya did not want to discuss it. The therapist reported that Amaya had disclosed that father and stepmother believed she had demons inside her and wanted to know if the therapist believed the same. The therapist responded she did not.

A social worker also met with father, stepmother, and their pastor. Father and stepmother believed mother was practicing witchcraft and worshipping the devil, but the only evidence they could point to was statements made by X.D. when the spirit was inside him, and Amaya reporting that she hears mother at night listening to weird music and talking to herself.

On February 29, 2016, the Department filed a petition alleging X.D. was a minor described under section 300, subdivision (b), based on father's mental and emotional problems and his belief that Amaya was possessed by demons. Despite filing a report that did not recommend that X.D. be detained from father, the Department concurrently filed an Addendum Report recommending X.D.'s detention in the home of his paternal grandmother and monitored visits for father. The Department cited father's mental and emotional problems as the reason for the detention recommendation.

The detention hearing took place on February 29, 2016, and March 1, 2016. Father's counsel argued that detention was not necessary because X.D. had already moved to paternal grandmother's home. Nevertheless, the court ordered him detained from father's custody and for father to have monitored visits.

On March 8, 2016, a social worker asked X.D. if he felt safe with father. X.D. responded "Now I do, but he changed. He used to hit me and slammed my head against the wall." He explained that when father learned X.D. had gone to the

liquor store without asking, father became angry and slammed his head into the wall, leaving a dent in the wall. Father's explanation in an interview on March 14, 2016 was, "It did happen. He is a big kid. He was upset about something and he pushed my wife against the wall. I refrained him from moving. I was not trying to slam his head in the wall. I can't let him harm his [step]mother." Father pointed out that X.D. is physically able to oppose father, so he restrained X.D. against the wall. "[H]e wanted me to let him go, and I wouldn't because he was aggressive." The police came to the home, and according to father, the police officer told father, "I wouldn't let my son buck up to me either. So you did the right thing, [father]. And I agree." No police report was written, and father was not arrested. Stepmother explained that X.D. was being defiant and provoking his father. When she tried to intervene, X.D. pushed her out of the way, and then father grabbed X.D. and "restrained him on the wall. He used the wall to keep him still." Stepmother acknowledged the altercation left a mark on the wall, but said it came from X.D. fighting to be let go.

Stepmother showed the social worker a video of Amaya in the backseat of a car. Amaya was yelling as if throwing a tantrum, but not using any words and yelling in a monotone voice. Stepmother also claimed that in prior episodes, Amaya identified herself as "Levithan, Jezabel and Python," and during earlier possessions, Amaya told the family that mother was practicing witchcraft and had told Amaya to hurt herself. Father also played a recording in which father

and stepmother asked Amaya questions about her behavior. The Department's report noted that father and stepmother stated the date at the beginning of the recording, and Amaya's voice sounded small and faint, giving the social worker the impression that Amaya knew she was being recorded and was uncomfortable or uninterested. In the recording, Amaya states her mother told her to run away and hit herself.

The Department interviewed a number of individuals close to the family. On March 8, 2016, a social worker spoke with X.D.'s paternal grandmother. She was unaware of the Department's intervention. She had raised father to be religious, but not to talk about demons and witchcraft. At one point, stepmother told paternal grandmother that Amaya's mother was practicing voodoo and influencing Amaya's bad behavior, but paternal grandmother did not believe in such things, and neither father nor stepmother mentioned it since. She speaks to father all the time and has not noticed anything wrong. Paternal grandmother wanted X.D. to go to school in her area, and she believed parents had agreed. She was not willing to drive long distances, transport X.D. to court, or deal with the Department. Paternal grandfather denied suspecting any abuse and denied any knowledge of father's beliefs about possessions or witchcraft. A social worker interviewed the special education teacher at X.D.'s new school. The teacher said she had met parents, who were very polite. Father seemed more educated than many other parents she works

with. She had noted X.D. was manipulative, and she had already caught him telling lies. She could foresee X.D. trying to take advantage of his grandmother. The family's pastor has known them a long time and has no concern about abuse or father's mental health. He witnessed episodes with Amaya and X.D. cursing and acting belligerent, but says the behavior is out of character and a surprise. When asked about dealing with Amaya's episodes, he said, "We are a Baptist church. There is no holding down or beating. We are just praying. Nothing else." Amaya's maternal great-grandmother does not believe father is abusive to Amaya, but does believe father is abusive to X.D., based on reports from Amaya. She thinks father must be mentally unstable to believe Amaya is possessed. Maternal great-grandmother had no problems while raising Amaya, but she believed father's restrictive approach turned Amaya into "an angry little person." She regrets not fighting to keep her guardianship over Amaya.

The Department filed a first amended petition on March 18, 2016, alleging under section 300, subdivisions (a) and (b), that father physically abused X.D. by hitting X.D.'s head against the wall, and that X.D. reported father striking him on prior occasions.

The adjudication hearing took place on March 30, 2016. The court conducted a combined hearing for the cases involving X.D. and Amaya. The Department's reports were received into evidence and the court heard testimony from father. Father testified that X.D. had a diagnosis of ADHD

(attention deficit hyperactivity disorder) when he was younger, but more recently he was diagnosed with opposition disorder. When asked if he had altered his parenting style in light of X.D.'s diagnosis, father responded "Well, yes. That's why -- you know, because when he was younger, of course, I used to whoop his butt. But as he's gotten older, I had to change things up as far as taking things away, making him go to bed early. You know, just things like that."

The court sustained counts a-1 and b-2 relating to father's physical abuse, and dismissed count b-1 concerning father's mental and emotional problems. The court explained its decision to dismiss count b-1 by stating that there was no evidence father has any serious mental or emotional problems. It recognized that father's religious beliefs were extreme, but did not see any causation between his beliefs and Amaya hurting herself in the bathroom. The court deferred disposition for X.D. until the Department could demonstrate due diligence in its attempts to locate X.D.'s mother, but it also ordered a cooling-off period during which father and X.D. would not have visits until the next hearing.

The court held a disposition hearing on May 26, 2016. Father entered into evidence documentation showing he had completed five weeks of a 10-week parenting program, and had completed six sessions of individual counseling. The letter confirming his participation in individual counseling stated, "The focus of treatment included his addressing those

issues leading to the detention of his children, and specifically physical abuse and neglect. Over the course of his treatment, he identified how a show of anger and frustration can disrupt a family, and acknowledged his role in the removal of his children. Since enrolled in treatment, he has addressed responses to angry situations, and learned alternatives to acting out, emotionally. [Father] took full responsibility for missteps with his children, and was receptive to feedback on how he might better manage their acting out behaviors, as well as his responses to behavioral compromise. [¶] Over the course of treatment (6 sessions) [father] was on time, engaged, and fully committed to learning processes.”

Father asked the court to enter a home-of-parent father order, with a plan for X.D. to continue living with paternal grandmother. Father’s counsel pointed out that father had already started on the case plan and was halfway through parenting classes. He alternatively requested unmonitored visits with X.D. X.D.’s counsel explained that X.D. was ready to resume visits with father and wanted paternal grandmother to monitor the visits. “He would like to look towards perhaps going back with his father at some point.” X.D.’s counsel also argued that father had not made an appropriate plan, and there was conflicting argument about whether father or paternal grandmother held X.D.’s educational rights. The court was not prepared to make a home-of-parent father order, and wanted to start with visits

first to see how those went. The court ordered monitored visits and reunification services for father. Father appealed.

DISCUSSION

Father contends the court's jurisdictional findings and removal order are not supported by substantial evidence. He also contends the removal order should be reversed because the Department did not provide reasonable services to prevent removal. We reject each of father's contentions.

Standard of review

“On appeal, the ‘substantial evidence’ test is the appropriate standard of review for both the jurisdictional and dispositional findings. [Citations.]” (*In re J.K.* (2009) 174 Cal.App.4th 1426, 1433.) We resolve all conflicts in support of the determination, examine the record in a light most favorable to the dependency court's findings and conclusions, and indulge all legitimate inferences to uphold the court's order. (*In re Brison C.* (2000) 81 Cal.App.4th 1373, 1379; *In re Tania S.* (1992) 5 Cal.App.4th 728, 733–734.) “[I]ssues of fact and credibility are the province of the trial court. [Citation.]” (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) “We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court.” (*In re Matthew S.* (1988) 201 Cal.App.3d 315, 321.)

If supported by substantial evidence, the judgment or finding must be upheld, even though substantial evidence may also exist that would support a contrary judgment and the dependency court might have reached a different conclusion had it determined the facts and weighed credibility differently. (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 228 (*Dakota H.*)) Thus, the pertinent inquiry is whether substantial evidence supports the finding, not whether a contrary finding might have been made. (*Ibid.*)

Jurisdictional findings

Father contends there was not substantial evidence to support the court's jurisdictional findings under subdivision (a) or (b) of section 300. "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 [trial] 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." (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451.) For our discussion, we focus on the evidence supporting the court's finding under section 300, subdivision (b), which gives the court jurisdiction when a "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 or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left”

In order to establish jurisdiction under subdivision (b) of section 300, there must be evidence of (1) neglectful conduct by the parent; (2) causation; and (3) serious physical harm or illness to the minor, or a substantial risk of such harm or illness. (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 820.) In determining whether a minor is at risk of harm, the court may consider past conduct as well as steps taken by a parent to address past problematic conduct. (*In re J.N.* (2010) 181 Cal.App.4th 1010, 1025–1026.) “The paramount purpose underlying dependency proceedings is the protection of the child. [Citations.] ‘The parents do not represent a competing interest in this respect.’ [Citation.]” (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1214.)

In the case before us, there is substantial evidence that X.D. is a minor described by section 300, subdivision (b), because father's past conduct, when considered in light of the family's past and current circumstances, demonstrate that X.D. is at substantial risk of serious harm. X.D. told a social worker that on one occasion, X.D. “was tired of not being able to do anything and that he went to the liquor store without asking. When his father found out, he became

angry and slammed [X.D.'s] head into the wall and that this incident left a dent in the wall.” Father admitted the incident, but explained, “There is no abuse. It’s discipline.” According to father and stepmother, X.D. pushed stepmother when she tried to intervene during an argument between X.D. and father. Father was restraining X.D. when X.D.’s head hit the wall. Father testified that a police officer who came to investigate agreed with father’s approach. Father argues that this was an isolated incident that taken alone cannot support dependency jurisdiction.

The incident cannot be considered in isolation. Father has a history of resorting to physical discipline as a means to control X.D. Father testified during the contested adjudication hearing, “. . . when he was younger, of course, I used to whoop his butt. But as he’s gotten older, I had to change things up as far as taking things away, making him go to bed early. You know, just things like that.” Responding to questioning from his own attorney, father explained, “you can see his size, I can’t spank him on his butt. So I just take things away. I take away electronics, restrict him from going places.” When X.D. was nine years old, father disciplined him for poor behavior in school by making him hold weights in outstretched arms for an hour. The record also contains evidence that X.D. was diagnosed with ADHD when he was younger, and at some point the diagnosis changed to opposition disorder. X.D. had an individualized education program (IEP) that identified negative behaviors that impeded his learning, including

lying, not following directions, and negative attention seeking. Even though father had enrolled in a parenting class, there was no indication he had any understanding of how to parent a teenager with problems significant enough to warrant a mental health diagnosis and an IEP. It was reasonable for a court to infer, based on these facts, that there was a substantial risk X.D. would suffer serious physical or emotional harm.

Removal order

In order to remove a child from parental custody, the dependency court must find, by clear and convincing evidence, that the child would be at substantial risk of harm if returned home and there are no reasonable means by which the child can be protected without removal. (§ 361, subd. (c)(1); *In re T.V.* (2013) 217 Cal.App.4th 126, 135–136.) “A removal order is proper if it is based on proof of (1) parental inability to provide proper care for the minor and (2) potential detriment to the minor if he or she remains with the parent.” (*In re T.W.* (2013) 214 Cal.App.4th 1154, 1163.) Upon satisfying these prongs, the removal is appropriate even if the parent is not dangerous and the minor at issue has not yet been harmed. (*Ibid.*) “The focus of the statute is on averting harm to the child.” (*Ibid.*) The jurisdictional findings are prima facie evidence the minor cannot safely remain in the home. (§ 361, subd. (c)(1); *In re Cole C.* (2009) 174 Cal.App.4th 900, 917.)

Here, Department interviews documenting a family history where at least some of the children's behaviors were attributed to demonic possession provide substantial evidence showing a substantial risk of serious harm to X.D.'s physical or emotional well-being if he returned to father's home. Our discussion of the court's jurisdictional findings summarized father's approach to physical discipline and how it placed X.D. at risk of harm. Father and stepmother's unfailing belief in demonic possession as the reason for the children cursing and acting strangely, and father's instruction to X.D. to lie about having been possessed, raised legitimate concerns about their general judgment and increased the risk that both children would suffer significant physical and emotional harm if they continued living with father. When a social worker initially questioned X.D. about reports that father and stepmother believed that Amaya was possessed, he responded that if the social worker did not believe in a higher power, she would not understand what was going on. "[X.D.] reported he know[s] it sounds fake but it's all real." After the petition had been filed alleging that father's mental and emotional problems placed X.D. at risk of harm, X.D. told social workers, "My Dad is definitely not crazy. He is a very smart man and very intelligent. Right now, I want to live with my grandmother. I don't think he should have that on him. Just because you believe in something doesn't mean you are crazy." Later during the same interview, X.D. admitted he was not really possessed, admitting father told him "to say that stuff, but he is not

crazy.” He explained that father asked X.D. to say he was also possessed because father “was worried about people doubting his belief that [Amaya] was possessed” The record also demonstrates that father and stepmother were more concerned with documenting incidents where Amaya was possessed than in ensuring she was enrolled in therapy.

The removal order is supported by substantial evidence. Under the appropriate standard of review, the judgment or finding must be upheld, even if substantial evidence may also support a contrary judgment and the dependency court might have reached a different conclusion had it determined the facts and weighed credibility differently. (*Dakota H.*, *supra*, 132 Cal.App.4th at p. 228.)

Reasonable efforts to prevent X.D.’s removal

Father separately contends there was insufficient evidence to support the court’s determination that the Department had made reasonable efforts to prevent X.D.’s removal. Father argues that without specific facts, the Department’s conclusory statements that there were no reasonable means to protect X.D.’s physical or emotional health without removing him from father’s custody, were insufficient to support X.D.’s removal. Father forfeited this argument by failing to ask the court to specify the factual basis for its determination, and even if there was no forfeiture, father has not demonstrated prejudicial error.

When a court orders a child removed from parental custody at disposition, it must find that “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 or guardian’s physical custody.” (§ 361, subd. (c)(1).)

Father argues that rule 5.690(a)(1)(B)(i) of the California Rules of Court requires the Department to include a discussion of the reasonable efforts made to prevent or eliminate removal, and section 361, subdivision (d) requires the court to state the facts supporting removal. (*In re Ashly F.* (2014) 225 Cal.App.4th 803, 809–811 (*Ashly F.*)). In *Ashly F.*, Division One of this court reversed the trial court’s order removing minors from parental custody after holding that the Department had failed to provide any evidence to support its assertion that reasonable efforts had been made to prevent the removal, and the court had committed prejudicial error in deciding to remove. (*Ibid.*) According to the appellate opinion, “[a]mple evidence existed of ‘reasonable means’ to protect [minors] in their home.” (*Id.* at p. 810.) Father argues the court erred because there was no evidence the Department offered reasonable alternatives to removal, such as holding a team decision meeting or counseling and parent training. Father claims he suffered prejudice “because had the juvenile court inquired of [the Department] as to the basis for its claims, it is reasonably probable that the juvenile court would have found that [the Department’s] claim was not supported by clear and convincing evidence.”

A claim of error is forfeited on appeal if it is not raised in the trial court. (See *In re S.B.* (2004) 32 Cal.4th 1287, 1293.) “The purpose of this rule is to encourage parties to bring errors to the attention of the trial court, so that they may be corrected.” (*Ibid.*) The rationale behind the forfeiture rule is that it would be “inappropriate to allow a party not to object to an error of which the party is or should be aware” (*In re Dakota S.* (2000) 85 Cal.App.4th 494, 501.)

At the disposition hearing, father’s counsel did not point out that the court had failed to state the facts supporting its conclusion that the Department had made reasonable efforts to prevent removal. Instead, counsel focused on the fact that father was progressing in services and was willing to keep X.D. with his paternal grandmother. The court and other counsel then focused on whether father had made an appropriate plan relating to X.D.’s educational rights. By failing to object to the absence of a recital of facts on which the court relied to conclude that reasonable efforts had been made to prevent X.D.’s removal, father forfeited any claim of error relating to the court’s failure to specify the factual basis for its conclusion.⁴

Even if father had not forfeited this argument, it fails because there is substantial evidence to support the court’s

⁴ Father’s brief also points to the court’s order removing X.D. at the detention hearing, but he offers no law requiring the Department to demonstrate reasonable efforts before an initial detention.

finding that there were no reasonable means by which the Department could protect X.D. without removing him from father's custody. Although father had agreed to move X.D. to paternal grandmother's home, without a removal order, nothing would have prevented father from bringing X.D. back home whenever he wished. Under these circumstances, the evidence supports the court's finding that there were no reasonable means to protect X.D. without removing him from father's custody.

DISPOSITION

The jurisdictional findings and dispositional order removing X.D. from father's custody are affirmed.

KRIEGLER, Acting P.J.

We concur:

BAKER, J.

KUMAR, J.*

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