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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re N.R.H., a Person Coming Under the
Juvenile Court Law.

B256726
(Los Angeles County
Super. Ct. No. CK91439)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

N.R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Connie R. Quinones, Judge. Affirmed.

Jesse F. Rodriguez, under appointment by the Court of Appeal, for Defendant and Appellant.

Richard D. Weiss, Acting County Counsel, Dawyn Harrison, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

I. INTRODUCTION

The mother, N.R., appeals from the juvenile court's May 7, 2014 order terminating jurisdiction over the child, N.R.H. The mother argues terminating dependency jurisdiction was not in the child's best interest. The mother contends continued jurisdiction was necessary to provide the family with housing assistance to ensure they were not rendered homeless. We affirm the order.

II. PROCEDURAL HISTORY

On January 13, 2012, the Los Angeles County Department of Children and Family Services (the department) filed a section 300 petition on behalf of the seven-month-old child. The petition alleges the mother suffered daily seizures but failed to take medication and attend neurology appointments. As a result, the mother's conduct endangered the child and placed the infant at risk of physical harm, damage and danger. At the January 13, 2012 detention hearing, the juvenile court detained the child and then released the youngster to the mother pending the jurisdictional hearing.

At the July 30, 2012 jurisdiction and disposition hearing, the juvenile court sustained the petition under section 300, subdivision (b). The juvenile court declared the child a dependent. The child was placed with the mother under the department's supervision. The juvenile court ordered the mother to: participate in a counseling program; comply with all appropriate treatment for her medical condition; and to take all prescribed medication. The juvenile court continued the matter for a review hearing under section 364.

At the February 6, 2013 section 364 review hearing, the juvenile court found the conditions that justify the assumption of jurisdiction under section 300 were likely to exist if supervision was withdrawn. The juvenile court ordered the department to continue providing the child and mother with family maintenance services. At the July

31, 2013 section 364 hearing, the juvenile court continued jurisdiction under section 364, subdivision (c). At the October 30, 2013 section 364 hearing, the department recommended termination of jurisdiction. The mother requested continued jurisdiction so she would receive help from the department. The juvenile court continued the matter for another section 364 review hearing. At the January 29, 2014 section 364 review hearing, the juvenile court ordered the department to continue assisting the mother to find housing. The juvenile court continued jurisdiction and set another section 364 review hearing for April 30, 2014. At the April 30, 2014 section 364 review hearing, the department recommended termination of jurisdiction with a family law order giving sole legal and physical custody to the mother. The juvenile court found the conditions which would justify initial assumption of jurisdiction under section 300 no longer existed, and would not likely exist if supervision was withdrawn. The juvenile court terminated jurisdiction over the mother's objection. The juvenile court stayed the jurisdiction termination order pending receipt of the family law order. On May 7, 2014, the juvenile court signed the custody order and terminated jurisdiction over the mother's objection.

III. EVIDENCE

A. Detention Report

The January 13, 2012 detention report states the department received a referral on October 9, 2011 alleging general neglect of the five-month old child by the mother. The caller reported the mother had a seizure a few months ago. The mother, who was then 16 years old, spoke to children's social worker, Grace Chen. The mother related: she had seizures three to four times a week that lasted for 30 seconds; she started having seizures when she was three years old; and she took two types of seizure medication but stopped taking them when she got pregnant. The mother was not taking any seizure medication because she was breastfeeding the child. The mother had not seen a doctor in

approximately three months. There was always someone else at home in the event of seizures. The mother stated she had both “grand mal” and “blackout” seizures and could often tell when a seizure was about to occur.

B. Jurisdiction and Disposition Report

The February 10, 2012 jurisdiction and disposition report states the mother resided with the child at the home of the maternal grandmother, M.M. The maternal grandmother provided care, supervision and support for the child. The mother stated the maternal grandmother took care of the child most of the time. This was necessitated because the mother attended school. The mother reported she was now taking seizure medication. This change occurred when the mother stopped breastfeeding the child. However, the mother still had not seen a neurologist.

C. Status Review Reports

The February 6, 2013 status review report states the child was well cared for by the mother and maternal grandmother, and meeting developmental milestones. The maternal grandmother cared for the child while the mother attended 12th grade. The mother said she was taking seizure medication. The mother had received a referral to see a neurologist, but there was a four to six week waiting period before the mother could schedule an appointment. The department recommended the matter be continued for three more months because the mother’s treatment for her seizure disorder has been inconsistent for the past six months.

The May 8, 2013 progress hearing report states the mother had been attending therapy twice a month to address her case issues since December 31, 2012. Claudia Holguin was the mother’s therapist. Ms. Holguin stated the mother engaged well in therapy and wanted to comply with the juvenile court’s counseling order. The mother

wanted to do so to have her case closed. According to Ms. Holguin, the mother had not had a seizure for at least a year now. But the mother was stressed about her living situation, which was causing symptoms of depression. Ms. Holguin stated the mother's symptoms could decrease substantially if the mother was able to move out of the maternal great grandmother's house.

The July 31, 2013 status review report states the mother was attending Southwest Community College for her general education and prerequisite classes for nursing school. The child loved the mother and they were closely bonded. The child, now age two, met all developmental milestones, was active and personable, and was able to speak in short phrases and follow commands. The maternal grandmother provided childcare while the mother was at school or appointments. The mother continued to regularly attend counseling with Ms. Holguin. The mother stated she was taking medication and had not experienced any recent seizures. The mother was in the process of scheduling an appointment with a neurologist. The mother wore a wristband indicating she had epilepsy. The mother's main stress was her housing situation. The mother's current residence belonged to a family member who constantly pestered her and her family to move out. Since June 10, 2013, the mother had been working with IHOC Bambi Blitz from El Centro Del Pueblo to apply for housing assistance, including the Upward Bound Housing Program. Sema Syed, the social worker, recommended the mother continue receiving family maintenance services for 90 days. This would ensure the mother and the child receive housing assistance.

The October 30, 2013 status review report states the mother was under the care of a neurologist. The mother was compliant with her medical appointments and seizure medication. The mother no longer needed individual counseling because of her progress. In addition, El Centro Del Pueblo terminated family preservation services on September 12, 2013, because the mother was successfully linked to the Upward Bound Housing Program. The mother had identified a home she would like to rent. The mother had spoken with the owner to finalize the leasing agreement. According to Ms. Syed: "Once

[the] mother receives the lease agreement the program, Upward Bound, can begin processing her initial payments to move in. [The m]other plans to move in with her family, including [the] child, [the maternal grandmother], and [the] mother's siblings." The mother also had a meeting in connection with other federal funding assistance to help her with furniture and move-in expenses not covered by the Upward Bound Housing Program. Ms. Syed recommended termination of jurisdiction with a family court order granting the mother full physical and legal custody of the child.

The January 29, 2014 status review report states the mother received the additional funds for furniture and a monthly bus pass. The mother continued to live with the child in the maternal grandmother's home. The mother's siblings also reside with her. The mother had been unable to find new housing. The rental assistance program that the mother was approved for through Upward Bound Housing Program was terminated due to lack of funds. On January 15, 2014, Ms. Syed called HOPICS, a rental assistance program, to assist the mother with housing. The mother was advised that she needed to submit an application and criminal background check. Once the mother was approved, she would need to find a home to rent and rental assistance would be determined based on her monthly income. On January 16, 2014, Ms. Syed contacted House of Ruth, a shelter program that is only available to the mother and child. Ms. Syed provided the mother with contact information for House of Ruth. Ms. Syed again recommended termination of court jurisdiction with a family law order granting mother full physical and legal custody of the child.

The April 30, 2014 status review report indicated the mother continued to live with the child and maternal grandmother in the maternal great-grandmother's house. Ms. Syed worked with the mother to apply for the HOPICS housing program, which provides housing assistance to families who are homeless or in need of housing. Ms. Syed stated the mother could proceed with HOPICS housing assistance even after the dependency case terminated. Ms. Syed spoke with program coordinator Renata Pastrana, who stated the HOPICS program was open to all homeless families. Ms. Pastrana asked for the

mother to come to the HOPICS office to fill out the application. On April 11, 2014, Ms. Syed met with the mother at the HOPICS office. Ms. Syed assisted the mother with the application process. After passing a criminal background check, the mother would be given an appointment to see a case manager. The case manager then would collect the necessary paperwork for the HOPICS housing program. Once the mother's documents were approved, it would take one month for housing to become available for the family.

Ms. Syed continued to recommend termination of jurisdiction. There were no safety concerns as to the child's health and well-being while in the mother's custody. Ms. Syed stated the mother had completed individual counseling and received family preservation services. In addition, the mother was under the care of a neurologist. And the mother had gone to all her medical appointments. The mother continued to regularly take her seizure medication. Also, the maternal grandmother was fully capable of caring for the mother and child when the mother had a seizure.

D. May 7, 2014 Hearing

At the May 7, 2014 hearing, the mother and maternal grandmother appeared in the juvenile court to express their displeasure with the case closing. The mother was upset because the department did not provide her with housing assistance as promised. The mother stated she had not been provided housing, and her housing funds would be cancelled if she did not get housing before the case closed. The juvenile court responded, "Termination of jurisdiction is over the child and so the court is terminating jurisdiction over the child and the case is closed." An unnamed member of the audience stated: "There's no home. There's no home. The house is gone. . . . [¶] There is [nowhere] to live. She is in danger. There's no home. The house has been foreclosed on and sold. [¶] The report is a lie."

IV. DISCUSSION

Welfare and Institutions Code section 364, subdivision (a) provides in part, “Every hearing in which an order is made placing a child under the supervision of the juvenile court pursuant to Section 300 and in which the child is not removed from the physical custody of his or her parent or guardian shall be continued to a specific future date not to exceed six months after the date of the original dispositional hearing.” At a section 364 hearing, the issue is whether continued supervision is necessary. (*Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 304; *In re N.S.* (2002) 97 Cal.App.4th 167, 172.) Section 364, subdivision (c) states: “After hearing any evidence presented by the social worker, the parent, the guardian, or the child, the court shall determine whether continued supervision is necessary. The court shall terminate its jurisdiction unless the social worker or his or her department establishes by a preponderance of evidence that the conditions still exists which would justify initial assumption of jurisdiction under Section 300, or that those conditions are likely to exist if supervision is withdrawn.”

We review an order made pursuant to section 364 for substantial evidence. (*In re J.F.* (2014) 228 Cal.App.4th 202, 209; *In re N.S., supra*, 97 Cal.App.4th at p.172.) Substantial evidence is relevant evidence which adequately supports a conclusion. It is evidence which is reasonable in nature, credible, and of solid value. (*In re J.F., supra*, 228 Cal.App.4th at p. 209; *In re R.C.* (2012) 210 Cal.App.4th 930, 940-941.) We draw all reasonable inferences from the evidence to support the findings and orders of the juvenile court. Issues of fact, weight and credibility are the provinces of the juvenile court. (*Id.* at p. 941; *In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1393.)

The mother argues the juvenile court erred in terminating jurisdiction. The mother contends continued jurisdiction is necessary to ensure the child is not in danger of being rendered homeless. The mother asserts the juvenile court should have inquired about the family’s housing situation before terminating jurisdiction. The mother’s arguments are meritless.

Under section 364, subdivision (c), the juvenile court was required to terminate jurisdiction because conditions do not exist that would justify an initial assumption of jurisdiction, and they are not likely to exist if supervision is withdrawn. (*In re J.F.*, *supra*, 228 Cal.App.4th at pp. 209-210.) The child became a dependent of the juvenile court because of the mother's failure to take seizure medication and attend neurology appointments. By the time jurisdiction was terminated, the mother had fully complied with the juvenile court orders. At the July 30, 2012 jurisdiction and disposition hearing, the juvenile court ordered the mother to: participate in a counseling program; comply with all appropriate treatment for her medical condition; and take all prescribed medication. The February 6, 2013 status review report states the mother was taking seizure medication. The May 8, 2013 progress hearing report indicates the mother attended therapy twice a month to address her case issues beginning on December 31, 2012. By October 30, 2013, the mother was under the care of a neurologist. The mother was compliant with her medical appointments and seizure medication. In addition, the mother no longer needed individual counseling because of her progress. Furthermore, the child was safe and well cared for in the mother's custody. The child met all developmental milestones and was closely bonded with the mother. Also, the maternal grandmother was fully capable of caring for the mother and child when the mother had a seizure. Substantial evidence supports termination of dependency jurisdiction under section 364, subdivision (c).

Further, there is substantial evidence the child will continue to have adequate housing. On June 10, 2013, the mother was provided family preservation services to help her find new housing. The mother continued receiving family preservation services for another 90 days after that date. On September 12, 2013, El Centro Del Pueblo terminated family preservation services because the mother was successfully linked to the Upward Bound Housing Program. However, the rental assistance program that the mother was approved for through the Upward Bound Housing Program later was terminated due to lack of funds. On January 15, 2014, Ms. Syed called the HOPICS program to assist the

mother with housing. Ms. Syed worked with the mother to apply for the HOPICS housing program. This program provides housing assistance to families who are homeless or in need of housing. On April 11, 2014, Ms. Syed met with the mother at the HOPICS office. The social worker assisted the mother with the application process.

The mother could proceed with the HOPICS program housing assistance even after the dependency case terminated. Once the mother's documents were approved, it would take one month for housing to become available for the family. Ms. Syed also provided the mother with contact information for House of Ruth, a shelter program available to the mother and child. Ms. Syed already provided the mother with housing assistance. Finally, the April 30, 2014 status review report indicates the mother continued to live with the child in the maternal great-grandmother's home. The evidence does not support the mother's contention that the child was at risk of being homeless.

V. DISPOSITION

The order terminating jurisdiction is affirmed.

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TURNER, P. J.

WE CONCUR:

MOSK, J.

GOODMAN, J.*

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