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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re N.L. et al., Persons  
Coming Under the Juvenile  
Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Plaintiff and Respondent,

v.

S.H.,

Defendant and Appellant.

B294242

(Los Angeles County  
Super. Ct. Nos. 18LJJP00666A-B)

APPEAL from orders of the Superior Court of Los Angeles County. Steven Ipson, Juvenile Court Referee. Affirmed.

Jamie A. Moran, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, Kim Nemoy, Principal Deputy County Counsel, for Plaintiff and Respondent.

\* \* \* \* \*

This is father S.H.'s appeal from jurisdiction findings that he abused substances, and disposition orders requiring that he participate in substance abuse treatment. Father does not challenge the sustained jurisdiction findings that he and mother P.L.-M. engaged in domestic violence. The court sustained the petition against both mother and father, and mother did not appeal. Father's appeal is not justiciable. We affirm.

### **BACKGROUND**

On September 14, 2018, the Los Angeles County Department of Children and Family Services (Department) received a referral on the child abuse hotline that mother was arrested for domestic violence against father in the presence of their children N.L., then age 13, and R.L., then age six. We focus our background discussion on father since this is his appeal.

Mother and father have extensive child welfare histories with referrals beginning in 1998. In 2010 and 2013, two previous dependency cases had been filed against both mother and father due to their domestic violence. The 2013 case was terminated in April 2015 with father having custody of the children.

Both parents have criminal histories. Father had numerous juvenile detentions for vehicle theft offenses and burglary offenses. As an adult, between 1976 and 2013, father had more arrests for robbery, vehicle theft, burglary, assault, and domestic violence; and he was convicted of drug sales, assault, and driving under the influence.

A Department social worker met with father, mother, and the children after the latest domestic violence incident that led to this case. Father downplayed the domestic violence. He said mother was visiting and did not live there, though he later admitted mother had been staying in the family home about eight

months because she had no place to live. (Mother said she had been living there about a year.) Father had an open 40-ounce beer on the floor. He told the social worker he was disabled and showed her his severely injured right arm, which caused chronic pain, and a bottle of 30 milligram morphine tablets. He also showed her prescriptions for Ambien, Oxycodone, and Gabapentin. He admitted drinking alcohol while taking his prescription medications.

Mother told a Department investigator that father “takes a lot of narcotics and I can tell you that at times, he has abused his prescription medication.” The younger son, R.L., said “his mother and father ‘drink things’ that make them ‘act different.’” He said his father drank beer every day. The older son, N.L., also said his father drinks 40-ounce beers every night, and that father often fell asleep after drinking beer and taking his pain medications.

In the 18 months before the call that led to mother’s arrest in September 2018, police received eight other calls about this family, including two calls from father to report problems with mother, one call from mother to report father was passed out on medication, two calls for a child welfare check because father takes multiple medications and is known to sleep all day without watching the children, and three calls from father to report N.L. had run away. N.L. told the Department social worker “he only runs away from home when his parents are fighting. [N.L.] reported that this stresses him out and he can’t help but want to leave the home.”

At the adjudication hearing, father testified he had been taking pain medication for 13 to 14 years, and is presently taking morphine sulfate, Oxycontin and Zolpidem three to four times

daily, plus Ambien to sleep. He said he drank one beer a week, and it was not a 40-ounce beer. He admitted sometimes taking more than the prescribed amount of medications.

The juvenile court sustained these allegations concerning father:

“[Father] has a history of alcohol abuse and is a current abuser of alcohol and prescription medication which renders the father unable to provide regular care of the children. The father had a positive toxicology screen for morphine on 09/25/2018. On prior occasions, the father was under the influence of alcohol and prescription medication while the children were in the father’s care and supervision. The child [R.L.] is of such a young age as to require constant care and supervision and the father’s substance abuse interferes with providing regular care of the child. On prior occasions, the child [N.L.] ran away from the family home, during the night-time hours, due to the father’s substance abuse. The children’s mother, [P.L.-M.], knew of the father’s substance abuse and the mother failed to protect the children. The father has a criminal history including convictions for Possession of Marijuana for Sale, Transport/Sell Narcotic/Controlled Substance, Possession of a Narcotic Controlled Substance, and Driving Under the Influence of Alcohol, 0.08 Percent. The father’s substance abuse, and the mother’s failure to protect the children endanger the children’s physical health and safety, create a detrimental home environment and place the children at risk of serious physical harm, damage, danger and failure to protect.”

The juvenile court also sustained allegations concerning mother’s and father’s history of violent altercations, and mother’s substance abuse.

At the disposition hearing, the court released the children to father with services, and ordered that father complete a full drug/alcohol program with aftercare, weekly random or on demand drug/alcohol testing, and a 12-step program with court card and sponsor.

Father filed this timely appeal.

### **DISCUSSION**

The focus of dependency proceedings is on the protection of children. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491-1492.) To acquire jurisdiction over a child, a juvenile court need only “find that one parent’s conduct has created circumstances triggering section 300.” (*Id.* at p. 1491.) “[I]t is commonly said that a jurisdictional finding involving one parent is ‘good against both. More accurately, the minor is a dependent if the actions of either parent bring [the minor] within one of the statutory definitions of a dependent.’” [Citation.]” (*Id.* at p. 1492.)

Even if we considered reversing the jurisdictional finding as to father, the juvenile court would retain jurisdiction over the children based on the sustained, and unchallenged, allegations against mother. Therefore, father’s attack on the jurisdictional finding relative to his conduct alone is nonjusticiable. (*In re I.A.*, *supra*, 201 Cal.App.4th at pp. 1490-1491 [“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.”].)

We also need not consider father’s appeal from the substance abuse findings because father does not challenge the domestic violence findings against him. Father will remain subject to the jurisdiction of the court based on the domestic violence findings even if we were to reverse the findings

concerning father's substance abuse. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 ["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."].)

Father has failed to persuade us there is a valid reason to exercise our discretion to review his appeal. We are satisfied that the facts summarized above support the court's decision that substance abuse counseling would serve and protect the children's interests. "The court has broad discretion to determine what would best serve and protect the child's interest and to fashion a dispositional order in accord with this discretion. [Citations.] We cannot reverse the court's determination in this regard absent a clear abuse of discretion. [Citation.]" (*In re Alexis E.*, *supra*, 171 Cal.App.4th at p. 454.) We find no abuse of discretion in the disposition orders of the court.

### **DISPOSITION**

The jurisdiction and disposition orders are affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.