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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

B278317

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

(Los Angeles County  
Super. Ct. No. DK19471)

Plaintiff and Respondent,

v.

D.N., Sr.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles  
County. Frank Menetrez, Judge. Affirmed.

Daniel G. Rooney, under appointment by the Court of  
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis,  
Assistant County Counsel, David Michael Miller, Deputy County  
Counsel, for Plaintiff and Respondent.

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Appellant D.N., Sr. (father) appeals from the juvenile court's October 3, 2016 jurisdiction and disposition orders adjudging his young sons (D.N., Jr., and J.N.) dependents of the court. Father challenges only the jurisdictional finding pursuant to Welfare and Institutions Code section 300, subdivision (b)<sup>1</sup> as it relates to him, but not as to A.S. (mother). Father contends the jurisdictional findings as to him are not supported by substantial evidence and asks us to reverse the judgment. Father's briefs are silent regarding the court's disposition orders.

Father does not contend there is no substantial evidence that mother's methamphetamine addiction and abuse put the very young children at substantial risk of harm. To the contrary, he acknowledges in his opening brief, "Nearly everyone involved in the case agreed [m]other had a serious methamphetamine problem and acted aggressively when under the influence. Though she had not previously injured a baby, it was reasonable to view her actions as posing risk to the boys. But that was [m]other's issue. Father's problem was to protect the children, which the evidence demonstrated he was ready, willing, and able to do."

Father's arguments are unavailing. The jurisdictional allegations are supported by substantial evidence. We therefore affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

The sustained petition includes allegations that mother has a history of, and is a current abuser of, amphetamine and methamphetamine, which renders her incapable of providing

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<sup>1</sup> All further undesignated section references are to the Welfare and Institutions Code.

regular care for the young children, and that father failed to protect the children despite knowledge of mother's illicit drug abuse.

The Los Angeles County Department of Children and Family Services (Department) received a referral from a reporting party who had seen mother walking on the street at 3:00 a.m. with then one-year-old D.N., Jr., without a sweater. The reporting party said mother was probably under the influence of methamphetamine because she had abused it since she was 18 and she was "always" on it. The reporting party said when mother and father had resided together, mother abused methamphetamine in the presence of the children. Father kept leaving the children with mother when he went to work, placing the children in danger due to her constant drug use.

During the Department's initial investigation, both mother and father denied any history of drug abuse or mental health issues, although mother later admitted to a history of, and current use of, methamphetamine, and that she also suffered from depression. Mother told father she was clean even when she tested positive for the Department. Mother and father agreed to a voluntary family maintenance plan by which mother would enroll in a substance abuse program. The children were not to be left alone with her. However, father continued to leave the children alone with mother for extended periods of time, mother tested dirty twice and missed several drug tests. Father acknowledged mother had a drug problem and needed to go to rehab while at the same time he claimed he believed mother was clean because she told him she was. When asked why father believed mother was clean, he said, "Because she sleeps a lot and eats a lot." Father also told a social worker that "mother is very

aggressive as she bangs on the doors and windows and says she is sober and that she is being monitored.” The police “had to come out but mother didn’t get arrested.”

The Department detained the children, after which mother had minimal contact with the Department and continued to miss drug tests. The children were released to father on the condition they reside in the home of paternal grandmother, that mother not be allowed in the home, and paternal grandmother provide childcare when father was working. Mother became homeless, staying with friends. The Department reported to the court that “father appears to now understand that he cannot allow the mother to have unmonitored contact with the children.” But, it appeared to the social worker that “father is naïve and minimized [mother’s] history of substance abuse,” believing she mostly needed mental health counseling as opposed to substance abuse treatment.

After sustaining an amended petition, the court ordered the children to be placed with father under the supervision of the Department, which was ordered to provide family maintenance/preservation services. The court ordered that father participate in individual counseling to address substance abuse awareness.

This appeal followed.

## **DISCUSSION**

The focus of dependency proceedings is on the protection of minor 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.) “‘This accords with the purpose of a dependency proceeding, which is to protect the child, rather than prosecute the parent.’ [Citation.]” (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.) As a result, “an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence.” (*In re I.A.*, *supra*, at p. 1492.)

Father’s attack on the jurisdictional findings does not contest the findings as to mother. Instead, father’s brief acknowledges the substantial evidence of mother’s serious methamphetamine problem and aggressive behavior when under the influence, and of the risk of harm she posed to their very young children. Even if we considered reversing the jurisdictional findings 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 findings relative to his conduct alone is nonjusticiable. (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1490 [“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 recognize that some appellate courts have addressed the merits of a jurisdictional challenge by one parent despite the absence of any challenge to the jurisdictional findings as to the other parent. The usual reason given by the courts is that the jurisdictional findings served as the basis for a challenged

dispositional order removing a child from an allegedly non-offending, custodial parent. Here, however, the children remain in father's custody, and father does not challenge any dispositional order of the court.

We briefly note the record contains sufficient evidence supporting the court's jurisdictional finding as to father. " 'On appeal from an order making jurisdictional findings, we must uphold the court's findings unless, after reviewing the entire record and resolving all conflicts in favor of the respondent and drawing all reasonable inferences in support of the judgment, we determine there is no substantial evidence to support the findings. [Citation.]' [Citation.]" (*In re Christopher C.* (2010) 182 Cal.App.4th 73, 84.)

The basic facts in the record summarized above are substantial evidence supporting the court's findings that father failed to protect his young sons and that dependency jurisdiction was necessary to protect them from substantial danger.

#### **DISPOSITION**

The juvenile court's orders of October 3, 2016 are affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

FLIER, J.