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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B237634

(Los Angeles County
Super. Ct. No. CK88507)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

D.L.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County,
Jacqueline Lewis, Juvenile Court Referee. Affirmed.

Michael A. Salazar, under appointment by the Court of Appeal, for Defendant and
Appellant.

John F. Krattli, Acting County Counsel, James M. Owens, Assistant County
Counsel, Tracey F. Dodds, Principal Deputy County Counsel, for Plaintiff and
Respondent.

Appellant D.L. appeals from a juvenile court order limiting her right to make educational decisions for her two children. Appellant contends the court abused its discretion when it appointed the children's foster mother the responsible adult for their education. We conclude that the order was not an abuse of discretion and affirm the ruling.

FACTUAL AND PROCEDURAL SUMMARY

Appellant is the mother of Angel L., born December 2000, and L.O., born July 2002 (collectively, the children). The children lived with appellant from birth until 2005 when their father was awarded full custody.¹ Since that time, the family has been involved in numerous family court proceedings. The children lived with father until February 2010, when appellant was granted sole custody after father moved the children out of state in violation of a court order. The children moved in with appellant and her current husband. In May 2011, father abducted the children from their school. Law enforcement officers retrieved the children and arrested father. Officers and a representative of the Los Angeles County Department of Children and Family Services (DCFS) interviewed the children, father, appellant, and appellant's husband. The children reported physical abuse by appellant and her husband and, as a result, DCFS determined that the safety of the children could not be assured and placed them into protective custody.

DCFS filed a petition alleging the children came within the jurisdiction of the juvenile court under Welfare and Institutions Code section 300, subdivisions (a), (b), and (j),² claiming the children were subjected to abuse by appellant and were at risk of further serious physical harm. The court found that continued placement of the minors in the home of appellant was contrary to their welfare; temporary placement was made with DCFS. (§ 319.) At the adjudication hearing, the children testified that appellant and her husband hit them repeatedly, abused drugs, and that they were afraid for their safety. The

¹ Father is not a party to this appeal.

² All further statutory citations are to the Welfare and Institutions Code.

juvenile court concluded there would be a substantial danger to the children's physical health, safety, protection, and emotional well-being if they were returned to appellant. The court ordered reunification services, including drug rehabilitation, a 52-week child abuse treatment program, and individual and conjoint (with the children) counseling for appellant. They also limited the educational authority of the parents, appointing the foster mother as the responsible adult "for the time being." The court cited the inability of the parents to agree on anything as support for the order. The court also reasoned that allowing the foster mother to make the educational decisions was appropriate since she was providing day-to-day care for the children. Relying on the jurisdiction/disposition report, the court concluded that the educational limitation was necessary to prevent further suffering by the children. This appeal followed.

DISCUSSION

Appellant contends the juvenile court abused its discretion by limiting her right to make educational decisions for the children. She argues the limitation exceeded what was necessary for the protection of the children and should be reversed.

Parents have a constitutionally protected right to control their children's education. (*Troxel v. Granville* (2000) 530 U.S. 57, 65.) However, when the court declares a child a dependent under section 300 the court may limit that control. (§ 361; Cal. Rules of Court, rule 5.650(a).) The court has broad discretion to make reasonable orders for the care and support of a child, but any limitations on a parent's control over educational decisions under section 361 must not exceed "those necessary to protect the child."³ (§ 362; *Jonathan L. v. Superior Court* (2008) 165 Cal.App.4th 1074, 1087, fn. 12.) We review the court's order limiting appellant's educational rights for abuse of discretion. (*In re R.W.* (2009) 172 Cal.App.4th 1268, 1277.) Under that standard, we must not disturb the ruling unless we find the juvenile court "exceeded the bounds of reason" and

³ Section 361 also requires the court to specifically address any limitations on the right of the parent to make educational decisions for the child and to appoint a responsible adult to make those decisions.

find the order ““an arbitrary, capricious, or patently absurd determination [citations].””
(*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

Appellant contends there was no reasonable basis to limit her control over the children’s education. She argues that she is capable and committed to directing the children’s education. She cites the DCFS jurisdictional report finding that appellant had demonstrated “a commitment to the minor[s’] educational needs as minors appeared to have been high academic achievers while under the care of [appellant].” There was evidence that appellant continued to show concern about the children’s educational needs and that the foster mother found appellant to be cooperative and genuinely concerned for the children’s well-being. While we agree that there are many positive findings in the record that could support a decision granting appellant continued control over the children’s education, our review in this case is limited. Even though there is more than one reasonable inference that may be drawn from the record before us, we have no authority to displace a rational decision of the trial court. (*In re Stephanie M., supra*, 7 Cal.4th at p. 319.) We find sufficient basis for the court’s decision in this case.

The record reflects a long history of conflict between appellant and father, with accompanying detrimental effect on the children. The most recent example occurred at trial, when appellant and father could not agree on the proper dental treatment for the children. By withholding their authorization, they delayed urgent treatment necessary to alleviate the children’s pain. Appellant and father have expressed and shown deep disagreement about the type of upbringing the children should have. In 2005, the conflict escalated to the point of physical violence by appellant against father, resulting in a restraining order against appellant and a court order that she not have contact with the children until further notice. This conflict affected the children’s education, causing instability in their lives. Appellant has objected to father’s “anything goes” parenting style and his decision to homeschool the children. She stated that the children needed more structure and that her style allowed them to succeed, while father’s approach caused them to be “brainwashed” into wanting to live with him.

The interim review report indicates conflict between appellant and the foster mother as well. Appellant has alleged the foster mother is failing to provide adequate care and proper supervision for the children. Appellant already has directly confronted the foster mother and told her that she needs to be “stricter with rules and expectations in order to help keep the children on the right track.” If the court allowed appellant to continue to make the educational decisions, cooperation between appellant and the foster mother would be necessary to avoid further instability in the children’s lives. This additional evidence of appellant’s inability to agree on how best to handle the children supports the court’s order to place educational control in the foster mother’s hands alone.

The court found that the foster mother, who is providing the children day-to-day support, is in the best position to make educational decisions. The record shows the children have had a tumultuous history of schooling. Although they were only in third and fourth grade at the time of the hearing, they already had attended four different schools, in addition to being intermittently homeschooled by their father. The multidisciplinary assessment team (MAT) report stated that one of the greatest needs for the younger boy is to feel safe and stable, and that both children need “a stable school environment.” Addressing the older child’s educational functioning, the MAT report specifically stated that this child has had an “unstable school environment” causing an array of emotional issues.

In addition to this instability, the children also were subjected to appellant’s strict approach to their education and activities, often involving physical abuse by appellant and her husband. A frequent catalyst for this abuse was school-related. The children would be hit with open hands or belts if they got into trouble at school or failed to do their homework. As a result, they reported being afraid of appellant and asked that they not be forced to live with her.⁴

⁴ The court noted the exceptional nature of the children’s testimony concerning their mother: “[I]t is rare, very, very rare that children, when they testify, really fear and don’t want to return to a parent”

Based on the record before us, we find no abuse of discretion in the court's decision to take control over the children's education from the parents and vest it, for the time being, in the children's caretaker. The evidence before the court provides a reasonable basis for its finding that the order was necessary to protect their emotional and psychological safety and to provide them a level of stability in their education that has been missing from their lives.

DISPOSITION

The order of the juvenile court is affirmed.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.