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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re TROY L., a Person Coming
Under the Juvenile Court Law.

B285509

(Los Angeles County
Super. Ct. No. DK22867)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

JEYA L.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Steff R. Padilla, Commissioner. 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, and Brian Mahler, Deputy County Counsel, for Plaintiff and Respondent.

INTRODUCTION

Jeya L. appeals from the juvenile court's dispositional order giving custody of her son Troy L. to his father and ordering her to undergo reunification services. Jeya contends the court erred in failing instead to terminate its jurisdiction under Welfare and Institutions Code section 361.2.¹ We affirm the order.

FACTUAL AND PROCEDURAL

When mother was arrested for loitering, she and then 10-year-old Troy had been homeless for about a year. Mother's mental state was a concern. She refused to cooperate with the police and the social worker from the Department of Children and Family Services (the Department), refused homeless placement resources, and refused to cooperate with members of the Department's Mental Health Assessment Team.

Mother's friend Kim, who had not seen mother in a while, explained that " 'this all started when [mother] got sick' " and " 'may have had some sort of break' from reality." The maternal grandmother in Pennsylvania explained that mother had been diagnosed with stage-four breast cancer, which took a "financial toll" on her. The grandmother had been providing mother with financial assistance through cash cards so she could track mother. Recently, the grandmother had been unable to reach mother. She was concerned about mother's lack of housing and that Troy had not been to school for a year.

¹ All references are to the Welfare and Institutions Code.

Troy appeared to the social worker to be “parentified” and very protective of mother. He declared that mother was “‘the best mom in the world’” and they “‘look out for each other’” by taking turns sleeping. He repeatedly stated he wanted to live with mother. The Department believed that Troy could benefit from counseling.

Father suspected that mother was struggling with mental illness. He and mother had a family court order under which father had visitation rights, but lately he had been unable to locate mother and Troy. Father was willing to take custody of Troy.

The juvenile court sustained a petition finding true: “The child[s] . . . mother . . . has demonstrated numerous mental and emotional problems which limit the child’s mother’s ability to provide care and supervision of the child as evidenced by, but not limited to, the following: a consistent pattern of concern for mother and child’s well-being as indicated by calls to police for welfare checks; mother’s obstruction of law enforcement’s child welfare investigation on May 8, 2017; law enforcement’s subsequent request for a Mental Health Evaluation team to assess mother; mother’s family[s] and friend’s repeated failed attempts to locate and contact mother and child, and their explicit concerns regarding mother’s stability; and mother’s failure to enroll the child in school since approximately [six months earlier]. Such conduct on the part of the child’s mother endangers the child’s” health and safety and places him at risk of serious harm. (§ 300, subd. (b).)

At the dispositional hearing, the juvenile court removed Troy from mother's custody and placed him with father. (§ 361, subd. (c).) The court then ordered maintenance services for the family and continued the matter for a judicial review six months later. Mother's appeal ensued.

DISCUSSION

Mother contends that the juvenile court abused its discretion in failing to terminate its jurisdiction at the close of the disposition hearing.²

Upon placing the child with a previously noncustodial parent, the juvenile court may: (1) order that parent to become the legal and physical custodian of the child and terminate jurisdiction; (2) require a home visit within three months; or (3) order that parent to assume custody, subject to the court's

² The Department argues that we lack jurisdiction to review the order continuing jurisdiction because mother's notice of appeal did not refer to that specific portion of the disposition order. We must liberally construe the notice of appeal. (Cal. Rules of Court, rule 8.100(a)(2); *In re F.A.* (2015) 241 Cal.App.4th 107, 116, fn. 7.) Mother's notice indicated she was appealing from "All . . . dispositional findings made on June 23, 2017." Among the issues discussed at that hearing was when to schedule the next review hearing. When reunification services are ordered, the dependency necessarily continues for up to 24 months. (*San Joaquin Human Services Agency v. Superior Court* (2014) 227 Cal.App.4th 215, 222-223.) Mother's appeal from the findings made at the disposition hearing fixing a case plan inescapably included within its sweep the continuation of jurisdiction after ordering the dispositional service plan. Thus, mother's appeal challenges the portion of the disposition order continuing jurisdiction over Troy.

jurisdiction, and order that reunification services be provided to the offending parent, and postpone determination of which parent will have custody of the child. (§ 361.2, subd. (b).)

The juvenile court's decision is guided by the facts and its jurisdiction may not be terminated unless it determines that services and ongoing supervision are not necessary to protect the child. (*In re Austin P.* (2004) 118 Cal.App.4th 1124, 1134.) We review the factual determination for sufficient evidence (see *ibid*) and the decision whether supervision continues to be needed for abuse of discretion. (*Id.* at p. 1135.) Although the court is statutorily authorized to terminate dependency jurisdiction at the close of a disposition hearing, that result should not be "the norm. To the contrary, it will be an unusual case when protections imposed at disposition will be sufficient to permit the conclusion that termination is appropriate." (*In re Destiny D.* (2017) 15 Cal.App.5th 197, 211.)

Here, the juvenile court has already determined that there is a substantial risk of danger to Troy's physical health, safety, protection, or physical or emotional well-being if he remained in mother's care (§ 361). Mother does not challenge that finding which is necessary before a court fashions a services plan. Nor did mother ask the trial court to terminate its jurisdiction. More important, the record contains substantial evidence that continuing supervision is necessary. Mother is homeless. Her paranoia and delusions are unaddressed and unresolved and Troy could benefit from psychological counseling. Troy wants to resume living with mother and believes he needs to protect her. Under these circumstances, the court properly exercised its discretion in continuing its jurisdiction because the record supports the implicit finding that mother and son continued to

need supervision before it would be safe for Troy to return to mother's care.

Mother's reliance on *In re J.S.* (2011) 196 Cal.App.4th 1069, is unavailing. There, the juvenile court did not abuse its discretion in terminating jurisdiction over the son because the mother would obtain all the assistance she needed to preserve her relationship with her son in a parallel proceeding involving her daughter. (*Id.* at p. 1082.) No parallel proceeding exists here in which mother could obtain the services needed to help her regain custody of Troy.

Finally, mother asserts that she does not want to participate in reunification services and access to services is not a proper basis for exercising jurisdiction.³ But, jurisdiction over Troy is predicated on the risk to his health and safety from mother's neglect (§ 300, subd. (b)), not as a vehicle to justify services for her. Consequently, this case is unlike *In re Isabella F.* (2014) 226 Cal.App.4th 128, cited by mother, where the appellate court held that the provision of reunification services was not a justification for maintaining jurisdiction in the absence of any statutory basis for jurisdiction over the child. (*Id.* at p. 139

³ Mother did not forfeit this argument for failure to cite a specific place in the record in which mother declined services, the Department's assertion to the contrary notwithstanding. Mother turned down housing assistance and other resources available for the homeless, rejected housing referrals, resisted a psychiatric assessment, and refused to cooperate with the Mental Health Assessment Team, for example.

& 141.)⁴ Mother and Troy want to reunify. To do that, mother must participate regularly and make substantive progress in the court-ordered treatment plan that was designed to eliminate the risks Troy faces in mother's custody. (Cf. *Fabian L. v. Superior Court* (2013) 214 Cal.App.4th 1018, 1027.)

The juvenile court's determination that services were necessary and continuing its jurisdiction for a review of the case was a proper exercise of judicial discretion.

⁴ None of the other cases cited by mother for this proposition is helpful to her. (*Patricia W. v. Superior Court* (2016) 244 Cal.App.4th 397, 429 [father's perceived " 'inactive' " parenting style not a reason to deny father and child reunification]; *In re Jasmin C.* (2003) 106 Cal.App.4th 177, 181–182 [juvenile court erred in requiring parenting class, among other services, for the mother without making any findings or giving any explanation]; *In re Robert L.* (1998) 68 Cal.App.4th 789, 797 [no statutory basis for extending jurisdiction over dependents older than 18 years solely to afford them assistance to complete college].)

DISPOSITION

The order is affirmed.

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DHANIDINA, J.*

We concur:

EDMON, P. J.

EGERTON, J.

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