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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

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

B280746

(Los Angeles County
Super. Ct. No. DK19353)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

JESUS B.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County, Steff R. Padilla, Juvenile Court Referee. Affirmed.

John M. Kennedy, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and William D. Thetford, Principal Deputy County Counsel for Plaintiff and Respondent.

Jesus B. (“Father”), the father of dependent children N.B. and Jesus B., Jr., appeals from one jurisdictional finding of the juvenile court under Welfare and Institutions Code¹ section 300, subdivision (b). We reject Father’s claim that he was prejudiced by the court’s amendment of the dependency petition to conform to proof at the jurisdiction hearing, and we decline to address his appeal of one finding because the court also took jurisdiction over the children based on other jurisdictional findings that have not been appealed. Accordingly, we affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

In December 2016 the Department of Children and Family Services filed a first amended dependency petition alleging that minors N.B. (age 13) and Jesus B., Jr. (age eight) were dependent children of the juvenile court under section 300, subdivisions (a) (serious physical harm), (b) (failure to protect), and (j) (abuse of sibling). N.B. was also alleged to be a dependent under section 300, subdivision (c) (emotional abuse). All counts of the petition concerned the children’s mother, F.B. (“Mother”); Father was included only in the emotional abuse allegation. The parents shared custody of the children.

At the jurisdiction hearing, after the presentation of evidence, the juvenile court amended the petition to conform to proof by converting the emotional abuse allegation to a failure to protect allegation under section 300, subdivision (b). As amended, the allegation read, “The children N[B.] and Jesus [B.]’s mother, F[B.] emotionally abused the children. Such

¹ All further statutory references are to the Welfare and Institutions Code.

emotional abuse[] consisted of forcing the children to watch YouTube videos containing detrimental situation[s] including suicides and people hurting themselves. The videos also contained situations of abandonment, which the mother would tell the children [] would happen to them when she dies. The mother forced the children to stay outside the front door as a form of discipline and would constantly make threats to the children. As a result of mother's constant threats and emotional abuse, the child, N[B.] has had suicidal thoughts and engaged in self[-]harming behavior by cutting her hands with scissors. N[B.] expressed that she does this to decrease the emotional pain triggered by her mother's actions. Further both mother and father have exposed the children to their constant conflictive relationship and custody battle. Such emotional abuse on the part of the mother, places the children at substantial risk of suffering serious emotional damage as evidenced by severe anxiety, depression, withdrawal, and self[-]harming behavior exhibited by N[B.] and aggressive behavior towards her brother."

Father objected to the amendment, but when the court offered him the opportunity to reopen his case and present additional evidence, he declined. The court told both parents that their conduct was abusive, sustained the four section 300, subdivision (b) allegations as to both children, dismissed the remaining allegations of the petition in the interest of justice, and declared the children dependents of the juvenile court. The children were ordered placed in Father's home. Father appeals.

DISCUSSION

I. Deprivation of Notice

Father contends that the juvenile court denied him notice of the allegations against him when at the jurisdiction hearing it amended the petition to conform to proof by converting the section 300, subdivision (c) emotional abuse allegation into a section 300, subdivision (b) failure to protect allegation.

“‘[A]mendments to conform to proof are favored, and should not be denied unless the pleading as drafted prior to the proposed amendment would have misled the adversarial party to its prejudice.’ [Citation.] Only if the variance between the petition and the proof offered at the jurisdictional hearing is so great that the parent is denied constitutionally adequate notice of the allegations against him or her should a juvenile court properly refuse to allow an amendment to conform to proof or should a reviewing court entertain a challenge to the sufficiency of the petition that was not raised below.” (*In re David H.* (2008) 165 Cal.App.4th 1626, 1640.)

Father contends that the amendment worked “a fundamental change in the type of harm alleged” and created “an entirely new allegation that the parents’ custody battle and the attempts of [Father] to deal directly with [Mother] about these issues could be the basis for an entirely new count.” But the allegation that the children were harmed by the parents’ constant conflict and custody battle predated the amendment of the petition, and the original allegations of serious emotional damage also included physical harm: N.B. was engaging in self-harm by cutting her hands with scissors, and she was also aggressive toward Jesus B. Because the factual content of the allegation

was unchanged by the statutory re-designation and both the conduct of the parents and the risk of serious physical harm had been pleaded in the original allegation, Father could not have been surprised or misled to his detriment by the amendment of the petition.

Nonetheless, because of the amendment, the juvenile court offered Father the opportunity to present additional evidence as to that count. Father expressly declined the court's invitation and simply made what he termed "a general objection" to the amendment. He did not argue prejudice or surprise. Having rejected the opportunity to redress any possible prejudice from the amendment of the petition, Father cannot now claim to have been prejudiced by a lack of notice of the amendment to conform to proof.

II. Challenge to Jurisdictional Findings

Father does not contest the court's jurisdiction over the children, but he contends that the record lacks substantial evidence to support the finding under section 300, subdivision (b) that he failed to protect them when he and Mother subjected them to their extreme conflict and custody battle. The children, however, were also found to be dependents of the juvenile court based on three other sustained section 300, subdivision (b) allegations, and those findings have not been challenged on appeal. Because the juvenile court's other uncontested findings offer an independent basis for affirming the exercise of jurisdiction over the children, we need not consider Father's challenges to the sufficiency of the evidence to support one allegation under section 300, subdivision (b). (*In re Dirk S.* (1993) 14 Cal.App.4th 1037, 1045 [single basis for jurisdiction is

sufficient to uphold juvenile court's order]; *In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875 [when one jurisdictional finding is supported by substantial evidence, appellate court need not consider sufficiency of evidence to support other findings].)

Father acknowledges a reviewing court may decline to address allegations of insufficient evidence to support a jurisdictional finding when, as here, jurisdiction will continue regardless of that analysis because other findings afford a basis for jurisdiction. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1492.) He argues that this court should exercise its discretion to reach the merits of his challenge to a single finding because the allegedly erroneous finding was prejudicial to him. (See, e.g., *In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763.)

Father claims the jurisdictional finding "has a significant potential for prejudicial impact" for the rest of his life, in this case, and in "likely future matters." General allegations that the findings could impact future court orders are insufficient; the parent must identify specific legal or practical consequences arising from the dependency findings. (*In re I.A., supra*, 201 Cal.App.4th at p. 1493.) Father does make the specific contention that the jurisdictional finding precluded the juvenile court from terminating dependency jurisdiction with a family law exit order giving him full custody of the children; however, not only does Father not identify any instance in the record in which he sought and was denied a family law exit order, but also he provides no authority to support his contention that the finding he challenges prevented the court from issuing such an order. "To demonstrate error, appellant must present meaningful legal analysis supported by citations to authority and citations to facts

in the record that support the claim of error.” (*In re S.C.* (2006) 138 Cal.App.4th 396, 408.)

Father also alleges that Mother’s behavior “shows why it is necessary to vindicate [him] and examine whether the count against him should stand.” He asserts that he was trying to protect the children and denies he ever “lifted a hand to hurt the children, either physically or emotionally.” Father does not explain why, nor can we envision how, Mother’s conduct demonstrates that he would be prejudiced by this court declining to review the merits of his challenge to an individual jurisdictional finding. Father’s denial of personally physically or emotionally abusing the children is also irrelevant, as the court took jurisdiction of the children under section 300, subdivision (b) based on his failure to protect them. Because Father has not established any prejudice from the jurisdictional finding he seeks to challenge, we decline to exercise our jurisdiction to review it.²

² Father also contends on appeal that there was no evidence of serious emotional damage attributable to his conduct to support the exercise of dependency jurisdiction under section 300, subdivision (c). The court, however, took jurisdiction over the children based on the four sustained allegations under section 300, subdivision (b), not under section 300, subdivision (c).

DISPOSITION

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.