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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re ISAAC K.,

a Person Coming Under the Juvenile Court Law.

B246304
(Los Angeles County
Super. Ct. No. CK95322)

LOS ANGELES COUNTY DEPARTMENT
OF CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

HEE K. and SUNG K.,

Defendants and Appellants.

APPEAL from a judgment of the Superior Court of Los Angeles County,
Sherri S. Sobel, Referee. Affirmed in part, reversed in part.

Megan Turkat Schirn, under appointment by the Court of Appeal, for
Defendant and Appellant Hee K.

Mitchell Keiter, under appointment by the Court of Appeal, for Defendant and
Appellant Sung K.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel,
and Kim Nemoy, Principal Deputy County Counsel, for Plaintiff and Respondent.

Hee K. (Mother) and Sung K. (Father) appeal from an order of the dependency court finding jurisdiction under Welfare and Institutions Code¹ section 300, subdivision (b) and removing their son Isaac under section 361, subdivision (c)(1). We affirm the finding of jurisdiction based on the allegations in counts b-1 and b-4 of the dependency petition but reverse as to counts b-2 and b-3. We decline to review the challenge to the order of removal because Isaac has been returned to his parents' custody.

FACTUAL AND PROCEDURAL BACKGROUND

Isaac came to the attention of the Los Angeles County Department of Children and Family Services (DCFS) on August 30, 2012, when DCFS received a report that Isaac (then one year old)² had been placed in protective custody at the North Hollywood Police Station. Father was being held for psychiatric hallucinations, and Mother did not appear “willing or able” to protect Isaac. According to the detention report, Father and Mother admitted having used ecstasy and marijuana.

When the caseworker arrived at the police station, Father and Mother stated that “they see the devil from the officers’ eyes,” and Father appeared unkempt and dirty. They had been living with Father’s sister, Aunt, and her husband for about a year and a half, but they “left a few days ago because they saw evil from the aunt’s eyes.” They slept in their car, but after their car was towed away, they begged for money at a Buddhist temple and slept in the parking lot of the temple. Isaac was fed crackers for three days because Mother and Father had no other food for him.

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

² The detention report incorrectly describes Isaac as three years old at the time.

The car contained the child's supply of food, diaper, and clothes. Father and Mother then went to the grandparents' home, where the police arrived.

Mother and Father admitted that they had used ecstasy two weeks previously. Mother told the caseworker that they began to use ecstasy in 2001 and used both ecstasy and marijuana heavily in 2001 and 2002.

Aunt stated that her brother had become unstable mentally and emotionally. She believed that Father and Mother used ecstasy heavily. She said that after Father and Mother called the grandparents to pick them up, she went with the grandparents to pick them up at a bus stop. Father and Mother ran away when they saw Aunt, carrying the child precariously under Mother's arm. The child was "almost naked."

After Father became agitated and threatened to kill himself, he was placed on a 72-hour hold and sent for psychiatric hospitalization.

Neither Father nor Mother had any prior history with DCFS. Mother had no prior law enforcement history, and Father had some, including an arrest in 1995 for driving under the influence.

A section 300 petition was filed on September 5, 2012, alleging that Isaac came within the provision of subdivision (b). In count b-1, the petition alleged that Mother and Father endangered Isaac by having him sleep on the street and failing to ensure he had adequate food. Counts b-2 and b-3 alleged that Mother and Father both had an 11-year history of illicit drug use and were current abusers of ecstasy, rendering them incapable of providing Isaac with regular care and supervision. Count b-4 alleged that Father had mental and emotional problems, including hallucinations and suicidal ideation.

At the September 5, 2012 detention hearing, the juvenile court found that a prima facie showing had been made that Isaac was a person described by section 300, subdivision (b), and ordered him detained.

On September 19, 2012, the caseworker visited Isaac at his placement. The caregiver stated that Isaac was very sad when he first arrived but now appeared to be adjusting well. The caseworker interviewed Mother, who disputed Aunt's statements. According to Mother, Aunt suddenly asked them to leave her home on August 27, 2012 and told them to go to the paternal grandparents' home, so they left Aunt's home around 10:00 a.m. When Mother and Father arrived, the grandparents refused to give them money, so they left the house and stayed in their car overnight.

On August 28, 2012, Mother and Father drove to the mall and Target, where people gave them food and organic baby food. They returned to the grandparents' home, but they left because they thought the grandparents called the police. They slept in their car in the Buddhist temple's parking lot, but the temple called the police, so they returned to the grandparents' house, where the police arrived.

Mother stated that they had not been using drugs constantly for 11 years. She explained that they used ecstasy when they first met but stopped after they married. They used it again at a club five years previously and again in August 2012, so she had used it only three times. She stated that Father had a medical marijuana card and that he was trying to stop using it, but Aunt wanted him to buy it for her.

According to Mother, Aunt created the situation by telling lies to Grandmother about them. She further stated that Father was not suicidal but was frustrated and angry because no one would listen to him.

Father also stated that they were “kicked out” of Aunt’s house, describing Aunt as “a lonely and psychotic person [who] makes lies out of the blue.” He said that Aunt “did crack for 8 years” and turned Grandmother against him by telling her lies about him. According to Father, Aunt had been paying him and Mother for doing all her housework, but she did not give them any money when she kicked them out. Father also stated that Aunt was “crazy,” stating that she had abandoned her three children and wielded a gun against her husband’s brother. He said that his parents assaulted him and Mother, which was why they went to the Buddhist temple for help. He described them as the devil because he thought they did not love him and Mother any more.

Father also denied regular use of ecstasy, stating that they had used it about four times. He also stated that he had a medical marijuana license and that he smoked it with his sister and wife. He did not have a history of mental problems. He said that his parents are in their 80s, so he takes care of everything in their home for them.

The social worker interviewed Paternal Grandfather, who stated that “this is a big misunderstanding between siblings.” He asked for leniency for Father, describing Father as a good son. Paternal Step-Grandmother said that she did not call the police because she does not speak English.

Father and Mother were born in Korea. After Father lost his job as a copier technician three years ago, he and Mother could no longer afford the rent on the apartment where they had lived for 10 years. Aunt asked them to move in with her and paid Father for working around the house and running her errands. The caseworker described Father and Mother as “emotionally supportive of each other” and as working well together “in attempting to rectify their current situation.” Isaac was described as healthy, active, and adjusting well to his placement.

Father's drug test on September 14, 2012 was negative. Mother was not tested due to a logistical error. Father and Mother initially stated that they wanted Isaac to be placed with paternal grandparents, but they subsequently changed their mind because the grandparents are in their 80s.

In October 2012, the court ordered psychological evaluations and drug testing of Mother and Father. The matter was continued, and Isaac remained detained in foster placement.

In a December 2012 interim review report, DCFS reported that it was unable to find an agency to provide a low-cost psychological evaluation to Mother and Father. Father was enrolled in a drug program and had been in compliance with the program since his admission in October 2012. Father was participating in parenting classes and Alcoholics Anonymous and Narcotics Anonymous meetings. His case manager at the drug program stated that Father was "making a positive change in his behavior" and was "highly motivated to reunite with his son." Mother enrolled in the Asian American Drug Abuse Program in October and was participating in 12-step meetings, individual sessions, and parenting classes offered in Korean. Father and Mother received random drug tests and tested negative on October 11, October 24, November 5, November 28, and December 11, 2012. Paternal grandparents were not able to care for Isaac because Mother and Father were living with them.

Father and Mother participated in consistent, appropriate visitation. Isaac was happy, well-adjusted, and resilient. Aunt and paternal grandparents expressed interest in having Isaac placed with them, but DCFS objected on the basis that they would be unable to "enforce appropriate boundaries for Isaac's safety."

In an affidavit, Paternal Grandfather stated that Aunt was a "trouble maker from her youth." He stated that she was addicted to cocaine for six years, divorced

her first husband and abandoned her three children from that marriage. He stated that Father took care of Paternal Grandfather and Paternal Step-Grandmother, managing their household because they could not speak English.

Mother stated in an affidavit that Aunt gave false statements to the police and DCFS because she wants to adopt Isaac. She also stated that Sam Youn, the DCFS social worker, was angry and rude to her. He allegedly told Mother and Father they were bad people because they took drugs and did not work.

A December 20, 2012 interim report stated that Mother and Father continued to participate in random drug testing and tested negative for all substances. Mother was compliant and making excellent progress in her substance abuse program. Father also was participating in numerous classes and a substance abuse program and was compliant with his program guidelines. Mother and Father were very appropriate during their visits with Isaac.

At the December 20, 2012 hearing, Paternal Grandfather testified that Father and Mother were doing a good job caring for Isaac. Father testified that they slept in their car only one night and that they were forced to because Aunt kicked them out and made a false report to the police. He said they always provided Isaac with adequate food, and he denied Aunt's statement that Isaac was almost naked when he saw her. He testified that he had a medical recommendation for marijuana and never used it in Isaac's presence. He smoked marijuana to help with his lack of appetite and lack of sleep. He smoked it at night after Isaac went to sleep. He said that his wife cared for Isaac when he smoked marijuana.

Father denied threatening to kill himself or anyone else. He testified that, while the police were questioning him, they did not allow him to get up or drink water for two hours, so he told them, "You guys are almost treating me like you want to kill me," and they misunderstood.

Mother testified that they slept in their car only one night, and she said that Isaac was not naked but was wearing a “onesie.” She admitted having used ecstasy, but she denied being under the influence of any illegal substances around Isaac. She denied using marijuana herself and said that she cared for Isaac when Father used marijuana.

The court stated that it did not find Mother or Father credible. The court found that Isaac was a child described under section 300 and sustained the allegations of the petition. The court struck the allegation that Mother had mental and emotional problems, stating that her only emotional problems were being under the influence of ecstasy. The court found that returning Isaac to his parents would create a substantial risk of danger to his physical or emotional well-being, declared him a dependent under section 300, subdivision (b), and placed him under DCFS’ custody.

At that point in the hearing, Father’s counsel asked if the court would allow her to address disposition, and the court replied, “No. In what manner would you want to address disposition. Closing argument.” Counsel replied, “Just to make requests to the court.” The court allowed her to do so, and she stated that Father requested that the child be returned. The court said, “That’s not going to happen. [¶] Anything else?” Counsel replied that “The parents have been doing extremely well.” The court stated, “Yes, they have, for 90 days.” Counsel asked the court to consider liberalizing their visits, but the court denied the request for unmonitored visits. The court also denied requests to place Isaac with the paternal grandparents or to have them monitor parental visits.

The court ordered reunification services, drug treatment programs, parenting classes, and individual counseling. Counsel stated that the parents were already enrolled in those programs and were doing well, but the court replied that it had

been only 90 days. The court ordered monitored visits twice a week for two hours each. Mother and Father appealed the jurisdictional and disposition orders.

DISCUSSION

Mother contends that the evidence is insufficient to sustain jurisdiction under section 300, subdivision (b) based on her single incident of drug use. She also contends that the evidence is insufficient to support the allegations that she had an 11-year history of illicit drug use or that she was a current abuser of drugs. She contends that there was not clear and convincing evidence to support the court's decision to remove Isaac from her custody. Father also challenges the jurisdictional findings and the removal order. In addition, Father contends that the court erred in failing to hold a disposition hearing pursuant to section 358. Mother joins in his argument.

After this appeal was filed, we granted DCFS' motion for judicial notice of post-judgment evidence, which indicated that, on June 4, 2013, the juvenile court terminated the suitable placement order and placed Isaac in the home of his parents. DCFS thus contends that we need not review the removal order because it has been rendered moot. We agree.

"It is a fundamental principle of appellate practice that an appeal will not be entertained unless it presents a justiciable issue. [Citation.]" (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1489.) Isaac already has been returned to the custody of his parents; therefore, any ruling regarding the propriety of the order removing him from their custody can have no practical impact or grant the parties effective relief from the removal order. (*Id.* at p. 1490.) Similarly, Father's challenge to the constitutionality of the proceeding ordering Isaac's removal has been rendered moot by the return of Isaac to his parents' custody. We therefore decline to

address the parents' challenge to the disposition proceeding and to the disposition order.³

However, the court's jurisdictional findings could affect the outcome in a subsequent proceeding. (Cf. *In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498 [concluding that the court could not grant effective relief because its review of a detention order would not affect the outcome in a subsequent proceeding].) We therefore address Mother's and Father's challenges to the jurisdictional findings.

To assert jurisdiction over a minor the juvenile court must find that he or she falls within one or more of the categories specified in section 300. (*In re Veronica G.* (2007) 157 Cal.App.4th 179, 185.) DCFS bears the burden of proving by a preponderance of the evidence that the minor comes under the juvenile court's jurisdiction. (*Ibid.*) "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.] Substantial evidence is evidence that is reasonable, credible, and of solid value." (*Ibid.*) "In dependency proceedings, a trial court's determination will not be disturbed unless it exceeds the bounds of reason. [Citation.] [Citation.]" (*In re E.B.* (2010) 184 Cal.App.4th 568, 575.)

"Substantial evidence . . . is not synonymous with any evidence. [Citation.] 'A decision supported by a mere scintilla of evidence need not be affirmed on appeal.' [Citation.] Although substantial evidence may consist of inferences,

³ Mother concedes that we can no longer grant effective relief regarding the order of removal, but she argues that we should review the orders requiring her to attend a 12-step program, individual counseling, and parenting classes. The record supports the court's order requiring her participation in these programs.

those inferences must be products of logic and reason and must be based on the evidence. Inferences that are the result of mere speculation or conjecture cannot support a finding. The ultimate test is whether a reasonable trier of fact would make the challenged ruling considering the whole record. [Citations.]” (*In re James R.* (2009) 176 Cal.App.4th 129, 135.)

Jurisdiction is appropriate under section 300, subdivision (b) where the court finds that “The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child’s parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent’s or guardian’s mental illness, developmental disability, or substance abuse.”

“[T]hree elements must exist for a jurisdictional finding under section 300, subdivision (b): ‘(1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) “serious physical harm or illness” to the minor, or a “substantial risk” of such harm or illness.’ [Citation.] ‘The third element “effectively requires a showing that at the time of the jurisdiction hearing the child is at substantial risk of serious physical harm in the future (e.g., evidence showing a substantial risk that past physical harm will reoccur). [Citations.]”’ [Citation.]” (*In re J.O.* (2009) 178 Cal.App.4th 139, 152 (*J.O.*)).

An appellate court can affirm a juvenile court judgment based on any one of the enumerated statutory bases which, if supported by the evidence, can suffice to establish jurisdiction. (*In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875.) The

juvenile court found true the allegations that Mother and Father placed Isaac in a dangerous situation when they slept on the streets; Mother and Father had an 11-year history of illicit drug use and were current abusers of ecstasy; and Father had mental and emotional problems. We conclude that substantial evidence supports the allegation that Mother and Father placed Isaac at risk of harm when they slept on the streets and failed to ensure he had adequate food. Although the evidence supports the allegation that Mother and Father had an 11-year history of illicit drug use, there is insufficient evidence to sustain the finding that they were current abusers of ecstasy, for purposes of the definition of “substance abuse” as it is used in section 300, subdivision (b).⁴

The detention report indicates that Mother told the caseworker that she and Father used ecstasy and marijuana heavily in 2001 and 2002 and that they had since used them occasionally. In the October 2012 jurisdiction/disposition report, Mother denied that they had used drugs constantly for 11 years, stating instead that she had used it only three times, once in 2001, once five years prior to the interview with the caseworker, and the last time in August 2012. At the jurisdiction hearing, Mother testified that she had only used ecstasy once, and she denied telling the police she had used ecstasy. After hearing the testimony, the court stated that it had considered all the reports and concluded, “Things look a lot different when you’re sober. I didn’t find either the mother or the father credible in the least.”

“It is the [juvenile] court’s role to assess the credibility of the various witnesses, to weigh the evidence to resolve the conflicts in the evidence. We have no power to judge the effect or value of the evidence, to weigh the evidence, to

⁴ Father does not address in his brief the true finding regarding allegation b-4, that he has mental and emotional problems. We therefore do not address this allegation. (See *Medrazo v. Honda of North Hollywood* (2012) 205 Cal.App.4th 1, 15.)

consider the credibility of witnesses or to resolve conflicts in the evidence or the reasonable inferences which may be drawn from that evidence. [Citation.]’ [Citation.]” (*In re Mickel O.* (2011) 197 Cal.App.4th 586, 615.)

It was reasonable for the juvenile court to infer from Mother’s changing story that Mother and Father used ecstasy not merely once in 2001, once in approximately 2007, and once in August 2012, but on other occasions as well. In addition to Mother’s lack of credibility because of her changing story, her testimony that she did not tell the police she used ecstasy is belied by the police report. According to the police report, Father and Mother admitted using ecstasy two weeks prior, and they stated that they were still feeling the effects of it. When asked what they meant by that, Father said that he was “seeing things” and Mother said that “she feels like she has lost control of her mind.”

Mother and Father rely on *In re J.N.* (2010) 181 Cal.App.4th 1010 (*J.N.*), in which the juvenile court found jurisdiction under section 300, subdivision (b), on the basis of a car accident in which both parents were intoxicated, and the children were injured and were not properly fastened in their car seats. On appeal, the court held that dependency jurisdiction could not be based on a single episode of parental conduct where there was no evidence of current risk to the child. (*Id.* at pp. 1023-1024.)

J.N. is distinguishable. There, the mother expressed regret for drinking over her limit and not stopping the father from driving under the influence with the children in the car. She gave reassurances it would not happen again, and there was no evidence that either parent had ever engaged in such behavior before or since. The “father was remorseful and he was ‘able to recognize that drinking and driving is dangerous and against the law.’” (*J.N.*, *supra*, 181 Cal.App.4th at p. 1019.)

Here, by contrast, Mother and Father never acknowledged that their ecstasy use placed Isaac at risk of harm. At the jurisdiction hearing, Mother denied being under the influence of any illegal substances around Isaac. Father did not acknowledge any role his ecstasy use played in the August 2012 incident that placed Isaac in danger, stating that they slept in the car only because his sister kicked them out and made a false report to the police. There was no acknowledgement of the problems noted in the police report, which indicated that the parents were hallucinating and unable to care for Isaac because of their use of ecstasy. The juvenile court thus reasoned that Father blamed the police and “everybody.” The court also reasoned that, although Mother and Father were following their drug treatment programs, they “remain[ed] in denial about having drug issues.”

We conclude that there is substantial evidence that all three elements exist for a jurisdictional finding under section 300, subdivision (b). (See *J.O.*, *supra*, 178 Cal.App.4th at p. 152 [listing the requisite elements].) During the August 2012 incident, Mother and Father were under the influence of ecstasy, which caused them both to have hallucinations and to not think clearly. This led to their sleeping in the car with Isaac for several days and then on the ground outside after their car was towed. They did not have proper food for Isaac for three days, and they no longer had diapers or clothing for him after their car was towed. There can be no doubt that Mother’s and Father’s use of an illicit drug while Isaac was under their care constitutes neglectful conduct, the first element. The second element, causation, is apparent. Third, the parents’ failure at the jurisdiction hearing to acknowledge that their conduct had placed Isaac at risk of harm shows a substantial risk that the harm could reoccur. (*Ibid.*)

As to the allegations that they were current abusers of ecstasy, however, courts have noted that section 300, subdivision (b) “is clear . . . jurisdiction based on ‘the inability of the parent or guardian to provide regular care for the child due to the parent’s . . . substance abuse,’ must necessarily include a finding that the parent at issue is a substance *abuser*. [Citation.]” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 764 (*Drake M.*)). Courts have relied on The American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (4th rev. ed. 2000) (DSM–IV–TR) to define substance abuse.

In *Jennifer A. v. Superior Court* (2004) 117 Cal.App.4th 1322 (*Jennifer A.*), the court defined substance abuse as “[a] maladaptive pattern of substance use leading to clinically significant impairment or distress . . . occurring within a 12–month period.” [Citation.]” (*Id.* at p. 1346.) In finding no substantial evidence to support the juvenile court’s finding that the children were at risk of harm, the court in *Jennifer A.* reasoned that “[n]o medical professional diagnosed Mother as having a substance abuse problem, no medical professional testified at the 18–month review hearing, and there was no testimony of a clinical evaluation. ‘We have no clinical evaluation, no testing to indicate [substance abuse], just the opinion of the mother’s social worker and a therapist.’ [Citation.]” (*Ibid.*)

Mother and Father rely on *Drake M.*, which found the reasoning of *Jennifer A.* persuasive and found that the juvenile court’s finding of jurisdiction based on the substance abuse prong of section 300, subdivision (b) was not supported by the evidence. (*Drake M., supra*, 211 Cal.App.4th at pp. 766-768.) Mother and Father argue that, as in *Drake M.*, the evidence is not sufficient to sustain the allegations in the petition that they are current abusers of ecstasy. We agree that the evidence is not sufficient to sustain the allegation that Mother and Father are substance abusers as that term has been defined for purposes of section 300, subdivision (b).

Drake M. held that “a finding of substance abuse for purposes of section 300, subdivision (b), must be based on evidence sufficient to (1) show that the parent or guardian at issue had been diagnosed as having a current substance abuse problem by a medical professional or (2) establish that the parent or guardian at issue has a current substance abuse problem as defined in the DSM–IV–TR. The full definition of ‘substance abuse’ found in the DSM–IV–TR describes the condition as ‘[a] maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one (or more) of the following, occurring within a 12–month period: [¶] (1) recurrent substance use resulting in a failure to fulfill major role obligations at work, school, or home (e.g., repeated absences or poor work performance related to substance use; substance-related absences, suspensions, or expulsions from school; neglect of children or household)[; ¶] (2) recurrent substance use in situations in which it is physically hazardous (e.g., driving an automobile or operating a machine when impaired by substance use)[; ¶] (3) recurrent substance-related legal problems (e.g., arrests for substance-related disorderly conduct)[; and ¶] (4) continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance (e.g., arguments with spouse about consequences of intoxication, physical fights).’ (DSM-IV-TR, at p. 199.)” (*Drake M.*, *supra*, 211 Cal.App.4th at p. 766.) The court in *Drake M.* reasoned that there was no evidence in the record that the father failed to fulfill major role obligations at work or suffered from recurrent substance-related legal problems. (*Id.* at p. 767.)

Similar to *Drake M.*, there is no evidence that Mother or Father “had been diagnosed as having a current substance abuse problem by a medical professional.” (*Drake M.*, *supra*, 211 Cal.App.4th at p. 766.) Similar to *Jennifer A.*, there is no

clinical evaluation and no testing to indicate substance abuse. (*Jennifer A.*, *supra*, 117 Cal.App.4th at p. 1346.) To the contrary, all their drug tests have been negative. Nor is there evidence they had suffered from “repeated absences or poor work performance related to substance use,” “recurrent substance use in situations in which it is physically hazardous,” “recurrent substance-related legal problems,” or “persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance.” (*Drake M.*, *supra*, 211 Cal.App.4th at p. 766.) Rather than recurrent substance-related problems, the incident in August 2012 was the first and the only evidence in the record of a substance-related problem. The seriousness of this incident supports the first allegation of the petition, but there is not sufficient evidence to sustain the second and third allegations. Pursuant to *Jennifer A.* and *Drake M.*, we conclude that the court’s finding of jurisdiction based on the substance abuse prong of section 300, subdivision (b) is not supported by substantial evidence.

DISPOSITION

The judgment is reversed in part as to the jurisdictional findings that Mother and Father are current abusers of ecstasy in counts b-2 and b-3. In all other respects the judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

WILLHITE, Acting P. J.

We concur:

MANELLA, J.

SUZUKAWA, J.