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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re Q.M. et al., Persons Coming
Under the Juvenile Court Law.

B294847

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. 18CCJP06487)

Plaintiff and Respondent,

v.

Q.T.,

Defendant and Appellant.

APPEAL from findings and orders of the Superior Court of
Los Angeles County. Philip L. Soto, Judge. Affirmed.

Elizabeth Klippi, under appointment by the Court of
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,
Assistant County Counsel, and David Michael Miller, Deputy
County Counsel, for Plaintiff and Respondent.

The juvenile court asserted jurisdiction over Q.M., L.M., and Andre E. after finding their mother, Q.T. (Mother), suffers from mental health issues and left the children for an extended period without adequate supervision. The court declined to adjudicate the children dependents of the court and ordered services be provided to keep the family together and place the children and their parents under the supervision of the social worker. On appeal, Mother contends there is insufficient evidence supporting the jurisdictional findings. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Referral and Investigation

In August 2018, the Los Angeles County Department of Children and Family Services (DCFS) received a referral alleging Mother's children—four-year-old Q.M., three-year-old L.M., and two-year-old Andre E.—had been neglected and left in the care of a stranger.

In the ensuing investigation, DCFS learned that Mother's infant child had died suddenly earlier that year. Mother told DCFS that since then, she had been involuntarily hospitalized multiple times due to depression. Medical records showed that Mother was involuntarily hospitalized in May 2018 after trying to suffocate herself using a plastic bag.

Mother could not remember what recommendations she was given upon discharge from the hospital. She remarked that if she received a recommendation for additional treatment, she would not have followed it because there “is no point.” Mother denied being suicidal, but admitted she “thought about it.” She also denied suffering from mental problems or having any psychiatric condition. A social worker gave Mother referrals for counseling services, but she threw them in the trash. Mother

refused to tell DCFS where she was living or allow social workers to assess her home.

Mother told DCFS she recently left the children in the care of a family friend named Valencia so she could go to Los Angeles to record music. Valencia noticed that she was depressed and told her to take a break for a couple days to ease her mind. Mother originally planned to be gone for a weekend, but Valencia ended up watching the children longer while Mother looked for a place to live.

When questioned by DCFS, Mother did not know Valencia's last name and had to look it up on Facebook. Mother also did not know Valencia's phone number. Mother told DCFS Valencia lived in Palmdale, but she actually lived in Lancaster.

Valencia told DCFS she had been living with Mother for a few months when she offered to care for the children while Mother grieved. Valencia cared for Andre E. for three days before Mother took him to his father's house. She cared for Q.M. and L.M. for three weeks. During that time, Mother was in communication and occasionally stayed with Valencia overnight. Mother gave Valencia \$200 in cash and purchased about \$150 worth of groceries before leaving. She did not provide Medi-Cal cards for the children or a notarized letter authorizing Valencia to care for them.

Maternal grandmother and a maternal aunt, S.T., told DCFS the children actually stayed with Valencia for six weeks. They became concerned for the children's safety, so S.T. obtained a temporary guardianship over Q.M. and L.M. and removed them from Valencia's home.¹ The children lived with S.T. for three

¹ The court probate investigator told DCFS she would not be recommending that S.T. or maternal grandmother be granted a

months before DCFS detained them in connection with these dependency proceedings.

Mother acknowledged receiving notice of the guardianship proceedings, but she did not attend because she did not think the notice was official. Mother and some other relatives suspected maternal grandmother and S.T. wanted custody of the children in order to receive welfare benefits.

Four-year-old Q.M. told DCFS that Mother “always leaves us with strangers. She just left us and never came back.” Q.M. denied that Mother visited while they were at Valencia’s house. She also said she was afraid of Valencia and reported that she and her sister would get “whoopings” when they misbehaved. A DCFS social worker observed L.M. picking up a strap from a bag and using it like a belt to hit Q.M.

Q.M. and L.M.’s father told DCFS that while he was in a relationship with Mother, she would leave the children “with anybody.” Mother would often break down crying, sit on the couch or bed and “zone out,” and sleep for hours during the day. She once said she felt “like killing [her]self.”

Andre’s father told DCFS Mother was hospitalized for an infection that caused her to have mild hallucinations. He believed the children were under Valencia’s care for a month.

Another maternal aunt, T.T., said Mother’s mind was “messed up” after her child’s death and she was not “emotionally

permanent legal guardianship over the children. According to the investigator, S.T. was unable to financially provide for the children and was observed to inappropriately parent them. The investigator also reported that maternal grandmother is mentally and emotionally unstable and has a history of involuntary hospitalizations.

stable.” She heard the children were under Valencia’s care for at least 30 days.

Dependency Proceedings

Per DCFS’s request, the juvenile court detained the children. Andre was placed with his father. Q.M. and L.M. were placed in foster care. Mother would call the foster parent about twice per week, but she refused to speak to the children or visit them.

In November 2018, DCFS filed an amended petition asserting the children are persons described by Welfare and Institutions Code section 300.² The petition alleged as count b-3 that Mother left Q.M. and L.M. “with a family friend Valencia [G.], without making a plan for the children’s ongoing care and supervision. Due to the mother’s mental health and unstable home environment, she was not able to provide ongoing care and supervision. Such failure to make a plan . . . and failure to provide a stable home environment . . . endangers the children’s physical and emotional health and safety and places the children at risk of physical and emotional harm and damage.”³

The court held a combined jurisdiction/disposition hearing on December 18, 2018. The parties stipulated that a maternal cousin would allow Mother and the children to live in her home.

² All further section references are to the Welfare and Institutions Code.

³ The petition alleged numerous other counts, which the juvenile court ultimately dismissed. Those counts are not relevant to the issues raised on appeal, and we need not discuss them further.

Mother, the children's fathers, and the children's attorney asked the court to dismiss the petition.

The court instead sustained count b-3 and dismissed the remaining counts. Pursuant to section 360, subdivision (b), the court declined to adjudicate the children dependents of the court and ordered services be provided to keep the family together and place the children and their parents under the supervision of the social worker. The court noted it "appreciate[d] that there's relatives who are trying to undermine the mother's custody of the children for their own reasons But we need to have these children looked after at least for six months so we know that mom is getting the services she deserves to deal with the grief and loss of the child and that the children are getting the services that they deserve and knowing that the mother is able to take care of them"

Mother timely appealed.

DISCUSSION

Mother contends there is insufficient evidence supporting the juvenile court's jurisdictional findings. We disagree.

When a parent challenges a juvenile court's jurisdictional findings on appeal, the reviewing court applies the substantial evidence standard of review. (*In re Kristin H.* (1996) 46 Cal.App.4th 1635, 1654.) Under this standard of review, the appellate court must examine the record in a light most favorable to the juvenile court's findings, accepting its assessments of the credibility of the witnesses. (*In re Luke M.* (2003) 107 Cal.App.4th 1412, 1427.) The juvenile court's findings must be upheld when there is any substantial evidence that supports them, resolving all conflicts in support of the findings and

indulging all reasonable inferences in favor of the findings. (*In re John V.* (1992) 5 Cal.App.4th 1201, 1212.)

Under section 300, subdivision (b)(1), the juvenile court may exercise jurisdiction over a child when 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 of his or her parent to “adequately supervise or protect the child” or by the failure of the parent to “provide regular care for the child due to the parent’s . . . mental illness, developmental disability, or substance abuse.”

Here, there is substantial evidence demonstrating Mother failed to adequately supervise her children, which placed them at substantial risk of suffering serious physical harm. The evidence shows Mother left the children with Valencia for at least three weeks, a period that likely would have extended further had the probate court not intervened. Despite entrusting her young children’s wellbeing to Valencia for such a substantial period, Mother did not know Valencia’s last name, did not have her phone number, and was not even certain where she lived. Q.M., not surprisingly, referred to Valencia as a “stranger.”

The evidence further shows that, although Mother left cash and groceries, she failed to give Valencia the children’s medical information or a notarized letter authorizing her to care for them. As a result, Valencia had no authority to consent to medical treatment for the children. Moreover, if the children wandered away, she could not prove she was entitled to have them returned to her. From this, the juvenile court could reasonably conclude Mother failed to adequately supervise the children, which placed

them at substantial risk of harm.⁴ (See *In re Athena P.* (2002) 103 Cal.App.4th 617, 629–630 [noting the risks to children who were left with grandparents lacking legal custody].)

There is also substantial evidence demonstrating the risk to the children existed at the time of the jurisdiction hearing. The evidence indicates this was not an isolated incident. Q.M. and L.M.’s father told DCFS, Mother has a history of leaving the children “with anybody.” Q.M. similarly told DCFS Mother “always” leaves her and her siblings with strangers.

The evidence additionally shows Mother’s decision to leave the children with Valencia was connected to her unresolved mental health issues. Mother suggested to DCFS she left the children so she could deal with her depression over the loss of her infant child. Moreover, contrary to Mother’s characterizations, her depression went beyond mere grieving; it led her to attempt suicide and resulted in at least one involuntary hospitalization. Despite this, Mother denied she had mental health issues and declined follow-up care and counseling services, noting it would be pointless. The juvenile court could reasonably conclude that, until Mother acknowledges and addresses these issues, there remains a serious risk of harm to the children.

We disagree with Mother’s suggestion that jurisdiction is unwarranted because the children received adequate care from Valencia. Q.M. reported being scared of Valencia and that she and her sister would get “whoopings” when they misbehaved. A DCFS social worker also observed L.M. picking up a strap from a

⁴ Although Valencia told DCFS she was in communication with Mother while caring for the children, the juvenile court was free to disregard such evidence, especially in light of Mother’s admission that she did not have Valencia’s phone number.

bag and using it like a belt to hit Q.M. It is reasonable to infer from this evidence that Valencia used improper corporal punishment on the children. In any event, “[t]he court need not wait until a child is seriously abused or injured to assume jurisdiction and take the steps necessary to protect the child.” (*In re I.J.* (2013) 56 Cal.4th 766, 773.) For the reasons discussed above, the circumstances under which Mother left the children placed them at substantial risk of harm.

We are also unpersuaded by Mother’s recitation of evidence in her favor and contention that the juvenile court sustained the petition “against the weight of the evidence.” Our task on appeal is not to weigh the evidence; that is the exclusive province of the juvenile court. (*In re I.J.*, *supra*, 56 Cal.4th at p. 773.) Instead, we must consider only whether there are sufficient facts supporting the juvenile court’s findings. (*Ibid.*) For the reasons discussed above, we conclude there are.

Mother’s reliance on *In re Joaquin C.* (2017) 15 Cal.App.5th 537, *In re A.L.* (2017) 18 Cal.App.5th 1044, and *In re James R.* (2009) 176 Cal.App.4th 129, is misplaced. In those cases, the courts held evidence that the parents suffered from mental illnesses was insufficient to support jurisdiction where there was no evidence the mental illnesses resulted in neglectful conduct or posed a risk of harm to the children. (*In re Joaquin C.*, *supra*, at pp. 563–564; *In re A.L.*, *supra*, at p. 1050; *In re James R.*, *supra*, at p. 136.) Moreover, in each case the court found no risk of future harm because the parent was in treatment or strong family support mitigated the risk. As the *Joaquin C.* court succinctly put it, “[t]he existence of a mental illness is not itself a justification for exercising dependency jurisdiction over a child.” (*In re Joaquin C.*, *supra*, at p. 563.) Here, there is evidence that

Mother's depression contributed to her decision to leave the children in Valencia's care, Mother was in denial about the seriousness of her depression, and Mother had no reliable support system in place to mitigate future risk. Accordingly, there is a link between her mental health issues and a risk to the children.

DISPOSITION

The findings and orders are affirmed.

BIGELOW, P. J.

We concur:

STRATTON, J.

WILEY, J.