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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re S. T., a Person Coming Under the
Juvenile Court Law.

LOS ANGELES COUNTY DEPARTMENT
OF CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

KATRINA S.,

Defendant and Appellant.

B254365

(Los Angeles County
Super. Ct. No. DK00745)

APPEAL from orders of the Superior Court of Los Angeles County,
Jackie Lewis, Referee. Affirmed.

Karen J. Dodd, under appointment by the Court of Appeal, for Defendant and
Appellant.

Richard D. Weiss, Acting County Counsel, Dawyn R. Harrison, Assistant County
Counsel, and William D. Thetford, Principal Deputy County Counsel, for Plaintiff and
Respondent.

INTRODUCTION

Katrina S., herself a 15-year-old dependent of the juvenile court at the time of the proceedings at issue here, appeals from a jurisdictional order finding her son, S. T., to be a person described by Welfare and Institutions Code section 300.¹ She also appeals from the court's dispositional order removing S. from her custody and from the placement they have shared in the home of Katrina's great aunt, and placing S. in a foster home.

Katrina's primary contention on appeal is that the juvenile court erred by relying upon the evidence contained in the reports from Katrina's dependency case because they were not formally offered and accepted into evidence or judicially noticed in S.'s case. We conclude, however, that as pointed out by respondent, the Los Angeles County Department of Children and Family Services (DCFS), Katrina forfeited any right to challenge the court's reliance on those records by failing to raise any objection below. We also conclude that the court's reliance on the records did not result in any prejudice to Katrina, and that no miscarriage of justice occurred that would require reversal.

Finally, we also reject Katrina's contentions that the jurisdictional findings and disposition order removing S. from Katrina's custody were not supported by substantial evidence. We therefore affirm the challenged orders.

FACTUAL SUMMARY

Initiation of the Case

Appellant, Katrina S., is 15 years old. She was 14 years old in November 2012 when she gave birth to S., the child who is the subject of the current appeal. Katrina became a dependent of the juvenile court in 1999 and continues to receive permanent placement services in juvenile dependency case number CK39023 (Katrina's case). Katrina resides with her paternal great aunt, Carlena H., who was appointed in May 2003

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

by the juvenile court to be Katrina's legal guardian.² When S. was born, he and Katrina continued to live with Carlana.

In April 2013, the social worker had discussed with Katrina that she should not leave Carlana's home with S. without informing Carlana of her plans. Katrina agreed to inform Carlana of her plans and to not stay out all night with S. However, in July 2013, Katrina took S. with her to a friend's house without telling Carlana, and during the middle of the night S. began having trouble breathing. Katrina telephoned Carlana, who told Katrina to call an ambulance. Katrina did so and S. was taken to the hospital. The emergency room doctor prescribed medication for the child and instructed Katrina to take the baby to his regular doctor for a follow-up visit.

After DCFS became aware of these events in August 2013, the social worker attempted to resolve the matter informally. On August 28, 2013, the social worker had Katrina sign a safety plan by which Katrina agreed to leave S. with Carlana if she went out for the evening. However, mere hours after signing the safety plan, around 10:30 p.m., Katrina removed S. from his crib where he was sleeping and left the home with the baby wearing only a diaper. Carlana instructed Katrina not to leave with the baby and reminded her that he had been ill a few days earlier, but Katrina ignored her. Carlana told the social worker that Katrina was "out of control"; "she think[s] she is grown up because she has a baby."

A Team Decision Making meeting (TDM) was held the following day. Carlana said S. was sick, but had been fine the day before. She said, "Listen, I don't want the baby to be detained from Katrina, but Katrina left with the baby late at night after she signed the paper [saying she would not leave with S. at night.] I had the baby asleep in the crib under a blanket with only a diaper and she took the baby outside without putting any clothes on the baby and that is why he is sick today. That girl is not in her right mind ever since she got back from being gone for a few weeks and I'm tired."

² At the same time, Carlana was appointed the legal guardian of Katrina's older brother and younger sister.

Carlena and Katrina disagreed about what the baby's diagnosis and treatment had been in July 2013 when he went to the emergency room. Katrina said they had put a mask on S.'s face and said she thought he might have asthma. Katrina became very agitated and said there was no need for a follow-up doctor's appointment. She said all she needed to do was give him the medicine they gave her at the hospital. She did not know the name of the medicine. During the TDM, Carlena asked DCFS to detain Katrina from her home and place her where she could get help for her behavioral problems, including anger management. Carlena explained that she could no longer care for Katrina because Katrina would not listen to her about anything, especially when it came to caring for S. In response, Katrina shouted at Carlena that she did not want to go with Carlena and wanted to be emancipated. Katrina said S. was her baby and she could do whatever she wanted with him. The social worker asked Katrina if she would consent to mental health treatment to address her anger issues. Katrina yelled at the social worker that she had "had social workers, therapists, and everything and nothing [had] changed." Katrina had been receiving mental health services from the Department of Mental Health to help improve her communication skills and anger management skills, but those services were terminated because Katrina had refused to participate.

On August 30, 2013, Carlena took S. to the doctor. The social worker did not know the child's diagnosis, but indicated he had been prescribed three types of medication.

Because the TDM demonstrated that informal efforts to resolve the situation were ineffectual, DCFS detained S. from Katrina, placed S. with Carlena, and filed a juvenile dependency petition on behalf of S. on September 4, 2013. The section 300 petition regarding S. was assigned dependency case number DK00745 (referred to hereafter as S.'s case). The petition alleged that Katrina had placed S. in a detrimental and endangering situation by leaving her guardian's home late in the evening with S., resulting in the child requiring medical treatment for breathing difficulties, and that Katrina had failed to obtain follow-up medical treatment for S. DCFS also placed Katrina in a group home and filed a section 387 petition on behalf of Katrina, alleging

that Carlena was unwilling to continue providing care and supervision for Katrina and was requesting that Katrina be removed from her home.³

The Detention Hearing

On September 5, 2013, the court held a detention hearing in S.'s case, at which Katrina was present and counsel was appointed to represent her. The court formally detained the baby, but allowed Katrina to again reside in Carlena's home with S. The court ordered that Katrina's contact with S. was to be monitored at all times by Carlena. The court found Sherman T. was the child's presumed father.⁴

The Adjudication Hearing of October 10, 2013

The jurisdictional hearing on the section 387 petition in Katrina's case and the adjudication hearing as to the section 300 petition in S.'s case were both set for October 10, 2013.⁵ At the hearing on that date, the juvenile court heard Katrina's case first and admitted into evidence by reference to the court's file the following: (1) the detention report dated September 3, 2013; (2) the jurisdiction/disposition report dated October 10, 2013; (3) the status review report dated October 10, 2013; and (4) the last minute information for the court report dated October 10, 2013. The juvenile court ultimately dismissed the section 387 petition and returned Katrina to Carlena's home.

³ Both parties sought to add to the record on appeal documents filed in Katrina's dependency case. Katrina filed a request asking this court to take judicial notice of the October 10, 2013, jurisdiction and disposition report, and the last minute information of the same date filed in Katrina's case. We granted the request for judicial notice.

Respondent filed a motion to augment and correct the record on appeal to include documents filed in Katrina's case, which we also granted, thus augmenting the record to include the section 387 petition filed September 4, 2013, the October 10, 2013, minute order, a detention report dated September 3, 2013, and a status review report dated October 10, 2013.

⁴ The father is not a party to the present appeal.

⁵ Attorney Dashiell Talbot represented Katrina in her case and Shermari's, attorney Tiffany Rodriguez represented Carlena in both cases, and attorney Jennifer Baronoff represented DCFS in both cases. Attorney Heather Benton represented Shermari.

The court then proceeded to hear S.'s case. The court noted that father had not been given proper notice and therefore the adjudication hearing would need to be continued. However, after stating that all counsel had been given the reports from Katrina's case, the court indicated it intended to order that S. be detained in foster care, and then invited counsel to be heard. No objection was made to the court's reliance on the reports from Katrina's case.

Counsel for DCFS voiced concerns about the safety of the baby in Carlena's home based on a "last minute report" submitted in Katrina's case indicating Katrina had been displaying disruptive and violent behavior at school and in the home. S.'s counsel expressed similar concerns, but stated she did not believe Katrina's behavior put the child at immediate risk to warrant removing him from Carlena's home. Katrina's counsel objected to any removal order, arguing that Katrina had not been given notice the court was considering removal and that DCFS had not filed a section 387 petition regarding S. or issued a warrant request. The court disagreed that any of those things was necessary before it could order removal, stating that the court was simply ordering S. detained in a different foster home. The court later added that it had never ordered that S. be placed with Carlena but rather had merely ordered him detained in her home.

Katrina's counsel argued Carlena had demonstrated by her past behavior that she would reliably follow the court's orders and could protect S. Counsel requested the court not remove the baby at that time and allow Katrina to remain in the home. The court indicated it had done everything possible to try to keep S. and Katrina in the same home, but "without any cooperation from the mother, the court's unable to do that." The court pointed to the information before it evidencing Katrina's lack of cooperation. To wit, as stated in a last minute information for the court dated October 10, 2013, one week earlier Katrina had gotten into an argument with a boy on the school bus. When the boy did not "shut up," she "slugged him." Later that day, Katrina got into an argument with her younger sister. When the younger sister refused to get off of Katrina's bed, Katrina slugged her.

On October 4, 2013, an Adoption and Safe Families Act (ASFA) social worker, Bryon W., had conducted an annual ASFA reassessment of Carlana's home. Both Carlana and Katrina resisted Bryon's request to remove cleaning supplies from under the sink for S.'s safety, although Carlana eventually removed the items. However, Katrina continued to interfere with Bryon's assessment, telling him to leave and asking if he were done. Katrina told Bryon, " 'I'm sick of all you people coming to my house and getting in our business.' " Carlana never attempted to redirect Katrina's behavior, which the worker described as rude and interfering.

On October 8, 2013, Katrina again started a verbal altercation with a male student while on the bus. Katrina and the boy yelled profanity at each other, then Katrina began hitting the boy, who suffered scratches to his face. Smaller children on the bus were injured during the physical altercation. The bus driver stopped the bus and tried to pull Katrina and the boy apart but was unsuccessful. The police were summoned and they handcuffed Katrina after she refused to exit the bus. In addition, Katrina's teacher reported that Katrina often slept the entire afternoon while at school. Katrina said it was because S. kept her up all night. Carlana disputed that S. kept Katrina awake all night.

A public health nurse who spoke to Katrina after the TDM on August 29, 2013, had expressed concern because Katrina had been feeding the baby 1 percent milk. Although Katrina claimed the doctor told her that was acceptable, the nurse contacted the doctor, who denied telling Katrina to take S. off of formula.

The documents from Katrina's case also made it clear that in August 2013, Katrina had actually been AWOL from Carlana's home for over two weeks, during which time Carlana did not know Katrina's and S.'s whereabouts, although Katrina spoke to her over the phone. In late September 2013, Carlana told the social worker that Katrina continued to leave and stay out all night, but she no longer took S. with her. Carlana also stated she did not believe having Katrina in her home was working because Katrina would not listen to Carlana or obey Carlana's house rules. Also, DCFS indicated that as of the date of the report, Katrina had missed 14 out of 21 days of school.

In addition, the court had before it DCFS's report in S.'s case dated October 10, 2013, indicating that on October 1, 2013, Katrina met with DCFS's investigator and was "cooperative and forthcoming." The investigator also met with Carlana. Carlana said she believed Katrina could meet S.'s needs. Katrina was no longer leaving home with S. in the middle of the night and early morning. However, Carlana also said Katrina had a lot to learn about being a mother. She believed Katrina was doing the best she could, and she blamed Katrina's poor judgment on being young. Carlana also said Katrina was open to correction, but when asked if S. needed DCFS's involvement, Carlana said " 'yes and no[,] ' " and explained that Katrina would not listen to advice from others about how she should care for S., and there were times "when no one could tell [Katrina] 'nothing' about her child." Carlana confirmed that the emergency room doctor had told Katrina to take S. for a follow-up visit with his pediatrician. Carlana said she told Katrina to take the child to the doctor rather than go to father's home, but Katrina defied her, went to see father, and never took S. for a follow-up visit. S. was seen by a doctor when Carlana took Katrina to the doctor for a physical. Carlana said the child had "croups" caused by the common cold virus. Other than that, the baby was developmentally on track and had no medical concerns. Carlana said Katrina did not keep up with S.'s or her own medical appointments, and Katrina needed Carlana to remind her. Carlana felt Katrina had been " 'dedicated' " to her child and " 'does the best she can.' " Regarding Katrina's ability to keep the child safe, Carlana indicated there was "a lot mother does not know but that mother was open to correction." Carlana believed Katrina had been able to meet the baby's needs, and there were no current concerns. She noted that Katrina was receiving services, including a visit from a public health nurse every three months. Carlana said she did not want S. in foster care and if he was going to be removed from Katrina, she wanted him placed in her home. She would, however, need child care assistance from DCFS. Carlana said that if Katrina "[got] her act together," she would welcome her back into the home.

Based on the foregoing information, the court detained S. in foster care, and continued the adjudication hearing to October 30, 2013, to allow proper notice to be given to S.'s father.

The Continued Jurisdiction and Disposition Hearing

On October 30, 2013, DCFS filed an amended petition in S.'s case, adding allegations that S.'s father had failed to provide him with basic support and the necessities of life. Father appeared at the hearing, and the court appointed counsel for him. The court continued the hearing to January 13, 2014.

On January 13, 2014, the court held the jurisdiction and disposition hearing concerning the first amended petition. Katrina was present. In a last minute information for the court dated January 13, 2013, it was reported that Katrina had been visiting her son, who was transported to Carlena's home for visits, two to three times per week. Visits were monitored by Carlena's grandson. Katrina was very attentive to the baby's needs, and had a difficult time when the visits ended.

By letter dated January 10, 2014, Katrina's teacher stated that since the beginning of November 2013, Katrina's attendance had improved dramatically, and she was completing 85-90% of her assignments. At times Katrina would still be off-task and would sleep at her desk for long periods of time. However, that behavior had diminished. She had been much calmer and easier to get along with. There had been no issues of aggression, moodiness, or displaced anger. She was managing her impatience and mood swings more positively during her rides to and from school on the bus.

S.'s counsel, Katrina's counsel, and father's counsel all requested the petition be dismissed. S.'s counsel argued: "I don't see where a petition is necessary in this case," noting that, even though Katrina had left home with the child at night, she had called 911 and the child received medical attention. S.'s counsel also indicated that even though Katrina had not taken the child to a follow up appointment with the child's primary physician, the child had recovered, so there was no need to "call for an open case." S.'s counsel opined that issues with Katrina's parenting skills could be addressed through her own dependency case.

The court responded, “The basis is, for everybody’s information, that S. was not getting the care S. needed. Mother was not acting like a responsible parent but rather an irresponsible teenager. And her child was paying the price for that. And this court is well aware of mother’s long and extensive case as a minor. We—the Department tried incredibly hard to keep S. in mother’s care and custody with, really, no cooperation from . . . mother until we were here with a petition being filed.” The court found true the allegations in the amended petition. The court noted that it was glad to see Katrina’s letter from school indicating she was doing “a little bit better But it is clear to me that supervision is needed over this child and not just over this mother because, if that were true, we wouldn’t be here.”

The court inquired if anyone wished to be heard regarding disposition. Katrina’s attorney advised the juvenile court that she would submit on the case plan, which entailed removal of S. from Katrina’s custody and continued placement in a foster home. The court indicated it wanted to see Katrina reunify with S., but stated that Katrina needed to become a responsible parent. The court declared S. a dependent of the court finding he was in substantial danger if returned home and there were no reasonable means to protect him, removed him from parental custody, and ordered Katrina to participate in parenting classes, individual counseling, and monitored visitation. The court gave DCFS discretion to liberalize visits, including allowing unmonitored visits and overnight visits in Carlena’s home if Katrina made sufficient progress.

Katrina filed a timely notice of appeal on February 3, 2014.

DISCUSSION

I. The Court's Reliance on Information from Katrina's Dependency Case

Katrina argues that the juvenile court erred in removing S. from Carlana's home and placing him in foster care in part based on evidence presented in Katrina's dependency case, which she argues was not properly before the court in this case. As DCFS points out, Katrina's counsel did not object to the court's reliance on evidence presented in Katrina's case, and the issue therefore has been forfeited.⁶ Even if we were inclined to overlook the forfeiture of the issue, we would conclude that the court's failure to specifically receive into evidence in S.'s case the reports in Katrina's case resulted in no prejudice to Katrina.

A. Forfeiture

"A parent's failure to raise an issue in the juvenile court prevents him or her from presenting the issue to the appellate court." (*In re Elijah V.* (2005) 127 Cal.App.4th 576, 582; accord, *In re Sheena K.* (2007) 40 Cal.4th 875, 880-881; *In re S.B.* (2004) 32 Cal.4th 1287, 1293 ["a reviewing court ordinarily will not consider a challenge to a ruling if an objection could have been but was not made in the trial court"]; *In re Dakota H.* (2005) 132 Cal.App.4th 212, 221 [a "party forfeits the right to claim error as grounds for reversal on appeal when he or she fails to raise the objection in the trial court"].) Here, Katrina's counsel did not object when the court made clear at the hearing on October 10, 2013, that

⁶ In her reply brief on appeal, Katrina disputes the existence of a forfeiture, asserting that her counsel objected to the court making a removal order based on lack of notice, which "impliedly meant 'notice' of the court's use of information from mother's case to remove the baby from [Carlana's] care." The record demonstrates that the objection to lack of notice was not directed to the court's reliance on evidence in Katrina's case. Katrina's counsel said, "I'm arguing lack of notice because my client has followed the court orders. And I'd like to call [Carlana] to the stand to testify to that briefly." Counsel argued that nothing had happened since the detention of S. with Carlana that put the child at risk, and then immediately acknowledged that Katrina had been in an altercation on the school bus—the very evidence contained in the reports from Katrina's case—and argued that such behavior outside Shermari's presence presented no risk to the child. Plainly counsel's objection was not to the court's reliance on reports from Katrina's case.

it was ordering S. removed from Katrina's care and custody and placed in foster care "based on th[e] information" "from mother's case for today," "all counsel [having] been given the reports" from Katrina's case. (Italics added.) Katrina cannot now claim error, particularly because had she objected the trial court easily could have remedied the purported error simply by taking judicial notice of the records in Katrina's case or receiving them into evidence in S.'s case. We note that Katrina does not argue that the trial court was precluded from considering the records under any circumstances. She argues only that the proper procedures were not followed because DCFS did not formally offer and the court did not formally accept the records into evidence in S.'s case, or take judicial notice of the reports from Katrina's case, in keeping with the requirements of section 358.⁷ Indeed, section 358 makes clear that the court may and should rely on "other relevant and material evidence as may be offered" before determining the appropriate disposition. The evidence contained in the reports in Katrina's case was undoubtedly highly relevant and material to the question of the proper disposition in S.'s case. We summarily reject the notion that the juvenile court independently investigated facts in violation of canon 3B(7) of the California Code of Judicial Conduct. That canon provides that "a judge shall not independently investigate facts in a proceeding and shall consider only the evidence presented or fact that may be properly judicially noticed." The reports in Katrina's case were properly presented to the court and would be a proper subject of judicial notice. Although those documents weren't moved into evidence or the court did not take judicial notice of them, the court did not independently investigate facts.

In dependency cases, discretion to consider forfeited claims "must be exercised with special care." (*In re S.B.*, *supra*, 32 Cal.4th at p. 1293.) "[T]he appellate court's discretion to excuse forfeiture should be exercised rarely and only in cases presenting an

⁷ Section 358 provides in relevant part: "(b) Before determining the appropriate disposition, the court shall receive in evidence the social study of the child made by the social worker, any study or evaluation made by a child advocate appointed by the court, and other relevant and material evidence as may be offered"

important legal issue.” (*Ibid* [the forfeited issue involved interpretation of a statute and had divided the courts of appeal]; *In re M.R.* (2005) 132 Cal.App.4th 269, 272 [the forfeiture was excused in order to clarify a recent statutory amendment].) Katrina in effect asks us to exercise discretion to consider the issue but has not demonstrated that an important legal issue is presented. She describes the court’s procedure as “novel and unprecedented,” but we disagree with that characterization. The juvenile court could properly consider highly relevant information about Katrina’s behavior contained in the reports from her dependency case, indeed was duty-bound to do so in order to serve S.’s best interests. There being no important legal issue at stake here, we decline to excuse the forfeiture in this case.⁸

B. Prejudice

In any event, Katrina has not demonstrated that any prejudice resulted from the court’s failure to accept the reports into evidence or that any miscarriage of justice occurred that would warrant vacating the judgment in this case. (Cal. Const., art. VI, § 13 [“No judgment shall be set aside . . . for any error as to any matter of procedure,

⁸ Respondent contends that the January 13, 2014, order for continued placement in the foster home rather than Carlena’s home has not been challenged by Katrina, and therefore reversal of the October 10, 2014, order removing S. from Carlena’s home and placing him in a foster home will provide no practical or effective relief. In that regard, DCFS argues the challenge to the order of October 10 is moot because Katrina’s counsel submitted on the case plan at the hearing on January 13, 2014. We do not find it necessary to discuss whether the challenge to the October 10 placement order was moot, or even untimely, or whether the January 13 order has been challenged, because our finding that Katrina has forfeited her challenge to the October 10 disposition order for purposes of appeal adequately resolves the issue.

DCFS further argues that Katrina has no standing to challenge the placement order because she was not aggrieved by the order placing S. in foster care rather than with Carlena, as her only interest is to reunify with S. and the placement order did not adversely affect that interest. We disagree. Katrina’s ability to successfully reunify with S. is plainly affected by the amount and quality of time she is able to spend with Shermari. Living in the same home with S. would put Katrina in a more favorable position to demonstrate her ability to responsibly parent Shermari.

unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.”].)

The court ensured that counsel for all parties had received the reports from Katrina’s case, and gave all parties the opportunity to address the information contained in those reports. Counsel availed themselves of that opportunity and presented argument based on the facts revealed in those reports. The absence of the formality of the court pronouncing that it accepted the evidence from Katrina’s case into evidence in S.’s case made no difference whatsoever in the outcome of the hearing. This was not a situation in which improper or irrelevant information was received, or one in which a party lacked the opportunity to review new evidence. Rather, it was a situation in which relevant hearsay was admitted without the usual formalities, not a scenario wholly at odds with the norm in dependency proceedings. “The rights and protections afforded parents in a dependency proceeding are not the same as those afforded to the accused in a criminal proceeding. For example, a juvenile court may rely on hearsay contained in a social worker’s report to support a jurisdictional finding in a dependency case, although such evidence could not be used to establish guilt in a criminal proceeding. (See *In re Malinda S.* (1990) 51 Cal.3d 368, 373 [272 Cal.Rptr. 787, 795 P.2d 1244].) Also, unlike a defendant in a criminal proceeding, ‘[a] parent at a dependency hearing cannot assert the Fourth Amendment exclusionary rule, since “the potential harm to children in allowing them to remain in an unhealthy environment outweighs any deterrent effect which would result from suppressing evidence” unlawfully seized.’ (*In re Mary S.* (1986) 186 Cal.App.3d 414, 418 [230 Cal.Rptr. 726].)” (*In re James F.* (2008) 42 Cal.4th 901, 915.) The juvenile court’s omission here did not result in a miscarriage of justice requiring reversal.

In her opening brief, Katrina argues there is no appellate record adequate to permit meaningful review. Because Katrina asked that we take judicial notice of some of the reports filed in her dependency case and DCFS requested that we augment the record to include the remainder of the reports, and we granted both requests, the record is adequate to afford a comprehensive review.

II. The Jurisdictional Findings and the Current Risk of Harm to S.

Katrina further contends that the juvenile court's jurisdictional orders finding S. to be a child described in section 300, subdivision (b) were not supported by substantial evidence because DCFS did not demonstrate a current risk of harm to S. as of January 2014. We disagree.

At the jurisdictional hearing the juvenile court determines whether the allegations in the petition that the child comes within section 300, and therefore within the juvenile court's jurisdiction, are true. The court's jurisdictional findings must be based on a preponderance of the evidence. (See § 355.) On appeal, the "substantial evidence" test is the appropriate standard of review for the jurisdictional findings. (*In re Kristin H.* (1996) 46 Cal.App.4th 1635, 1654; *In re P.A.* (2006) 144 Cal.App.4th 1339, 1344; *In re J.K.* (2009) 174 Cal.App.4th 1426, 1432-1433.) "The term 'substantial evidence' means such relevant evidence as a reasonable mind would accept as adequate to support a conclusion; it is evidence which is reasonable in nature, credible, and of solid value. (See *In re Jerry M.* (1997) 59 Cal.App.4th 289, 298 [69 Cal.Rptr.2d 148].)" (*In re J.K.*, at p. 1433.)

Katrina contends that "[b]ecause [S.] only required medical attention one time while he was in [her] care . . . , [S.] had not suffered any 'ill effects' of his mother's behavior of taking him with her at night." She argues, "[t]here simply was no detrimental or endangering situation occurring at the time of the hearing in January 2014." We once again disagree with Katrina's characterization of the facts. On its face, a 14- or 15-year-old mother taking her infant away from home, at night, without her legal guardian's acquiescence or perhaps even knowledge, to a location unknown to the guardian and at which no one was available or willing to transport the infant for medical care when he had difficulty breathing, constituted an endangering situation for the infant. Beyond that,

although apparently S. did not remain ill, Katrina told the social worker that they had put a mask on S. and she thought perhaps he had asthma, but she was not sure. Under that circumstance, a parent should take her child for a follow-up evaluation to determine the nature of the condition, its severity, and, if it is in fact asthma, to inform herself about how to care for the child if and when future episodes of breathing difficulty occur. Although Carlena said S. had had “croups,” Katrina’s belief that S. might have asthma apparently remained unexamined. The court had before it substantial evidence indicating this was not simply a one-time illness that subsided, and for which no follow-up evaluation was needed.

More importantly, the juvenile court had before it evidence that Katrina, despite her extreme youth, considered herself grown up because she had a baby and capable of making independent decisions for herself and her child. Despite Carlena’s best efforts to guide her, Katrina demonstrated repeatedly her willingness to defy authority, both Carlena’s and DCFS’s. Carlena described her as “out of control.” In October 2013, Carlena told DCFS that Katrina had a lot to learn about being a mother, and at times Katrina would not listen to advice from others about how she should care for S. Katrina was openly rude and uncooperative when a DCFS social worker came to assess Carlena’s home, telling him, “ ‘I’m sick of all you people coming to my house and getting in our business.’ ” Katrina engaged in physical altercations on the school bus, and although S. was not with her, this behavior was indicative of her poor impulse control and immaturity. These attributes perhaps carried over to the type of judgment Katrina was to exhibit when caring for S. By January 2014, her teacher indicated her school attendance and behavior had improved dramatically, but she continued to wander off-task at times or even fall asleep at her desk.

Far from demonstrating that the court was biased against Katrina and attempting to punish her for her recent actions, the court’s establishing jurisdiction over S. was warranted because Katrina did not seem to consider herself accountable to anyone, including Carlena. The improvement in Katrina’s behavior as of January 2014 indicated that the juvenile court had succeeded in alerting Katrina that the consequence of her

defiant, irresponsible behavior was loss of custody of S. We take as quite genuine the court's statement that it wanted to see Katrina reunify with S., but could allow reunification only if Katrina demonstrated more responsible behavior. The court even gave DCFS discretion to liberalize Katrina's visitation with S., including allowing unmonitored visits and overnight visits in Carlena's home if Katrina made sufficient progress.

In short, we find the court had before it sufficient evidence of there being a substantial risk that S. would suffer serious physical harm or illness as a result of Katrina's failure or inability to adequately supervise or protect S. (§ 300, subd. (b).)

III. Removal of S. from Katrina's Custody

Finally, Katrina contends that even if the juvenile court's imposition of jurisdiction over S. was proper, removal of S. from her custody was not. She argues that as of January 2014, there was no substantial danger to S.'s physical health, safety, protection or well-being, and there were reasonable alternatives to S.'s removal from Katrina's custody. Again, we disagree.

After declaring a child a dependent of the juvenile court, the court proceeds to the disposition phase and considers whether the child should be removed from the parent under section 361. At the dispositional phase of dependency proceedings, the juvenile dependency court must find clear and convincing evidence to remove a child from his or her parents. (See § 361, subd. (c); *Sheila S. v. Superior Court* (2000) 84 Cal.App.4th 872, 881.) The substantial evidence test is also the appropriate standard of review on appeal for the dispositional findings. (*In re Kristin H.*, *supra*, 46 Cal.App.4th at p. 1654; *In re P.A.*, *supra*, 144 Cal.App.4th at p. 1344; *In re J.K.*, *supra*, 174 Cal.App.4th at p. 1433.)

Section 361, subdivision (c), provides in pertinent part: "A dependent child may not be taken from the physical custody of his or her parents . . . with whom the child resides at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence of any of the following circumstances listed in paragraphs (1) to (5), inclusive . . . : [¶] (1) There is or would be a substantial danger to the physical health,

safety, protection, or physical or emotional well-being of the minor if the minor were returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parent's . . . physical custody."

Here, the dependency court had before it sufficient evidence upon which to base a finding of substantial danger. Katrina had expressed that S. was her baby, and she could do whatever she wanted with him. That included leaving her legal guardian's home with the baby for two weeks, without telling the guardian where she was going. In late September 2013, Carlana said Katrina continued to leave and stay out all night, but she no longer took S. with her. Carlana expressed extreme frustration that having Katrina in her home was not working because Katrina would not listen to Carlana or obey Carlana's house rules.

We note that it is a *15-year-old mother* at issue in this case, who was acting irresponsibly and, as the court observed, "her child was paying the price for that." The trial court reasonably concluded, by clear and convincing evidence, that Katrina's rebellious, irresponsible behavior put S. at risk of harm. Removal of S. from Katrina's custody was required to protect him, and removal from Carlana's home was required because Katrina was living there and Carlana could not constantly observe her to be sure she did not act irresponsibly with S. The court had initially tried that option and it had not worked. Early in the case, the court ordered that Katrina's contact with S. was to be monitored at all times by Carlana. But it quickly became apparent that Carlana could not control Katrina's behavior. As the court said, it had done everything possible to try to keep S. and Katrina in the same home, but "without any cooperation from the mother, the court's unable to do that." The court pointed to the information before it evidencing Katrina's lack of cooperation, her fights

on the school bus, poor school attendance, and sleeping in class. Even after S. was removed from Carlena's home, Katrina continued to demonstrate her contempt for DCFS's authority when she was rude to the social worker assessing Carlena's home, saying DCFS and everyone else should stay out of her business. She did not show herself to be a parent who was willing to abide by the rules DCFS set forth for her, and therefore removal of S. from the home she occupied was required.

DISPOSITION

The challenged jurisdiction and disposition orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

KITCHING, J.

We concur:

KLEIN, P. J.

ALDRICH, J.