Filed 10/2/18 In re P.B. CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re P.B., a Person Coming Under the Juvenile Court Law.	B286366 (Los Angeles County Super. Ct. No. DK19213)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. PAUL B., Defendant and Appellant.	

APPEAL from dispositional findings of the Superior Court of Los Angeles County, Nancy Ramirez, Judge. Affirmed.

Leslie A. Barry, under appointment by the Court of Appeal, for Defendant and Appellant, Paul B.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel for Plaintiff and Respondent.

The issue before us is whether substantial evidence supported the juvenile court's placement of P.B., then 15 years old, in foster care instead of with Paul B. (father), who was the nonoffending parent and desired custody of P.B. We conclude that substantial evidence supported the juvenile court's finding of detriment were P.B. placed in father's custody and affirm the juvenile court's dispositional findings.

FACTUAL AND PROCEDURAL BACKGROUND

1. *The referral and detention report*

P.B. was born in 2002 and lived with T.J. (mother) and her husband, Kevin H. P.B. has a sister, F.B., who was born in 2000, and is not the subject of the petition before us.[1] Mother and father were divorced in 2005. Father then married Nancy O. and, at the time of the hearings at issue here, lived in Florida.

P.B. came to the Department of Children Services' (DCFS) attention through a referral on July 14, 2016 reporting that Kevin H. abused P.B. The reporting party asserted, among other things, that Kevin H. chased P.B. around the house, grabbed her arms, and kicked doors as she was trying to get to her room. P.B. told the social worker that Kevin H. cared for the children while

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[1] The petition itself recites "[t]here are no concerns in regards [*sic*] to the safety and well-being of minor" F.B.

mother was at work and that often, there was no food in the house.

On or around July 20, 2016, the social worker communicated with a therapist, who informed the social worker that P.B. had a high suicide ideation and that P.B. had been hospitalized because P.B. told the therapist that if she stayed home, she would kill herself. P.B. was afraid that if DCFS were no longer involved, the abuse would resume. The therapist described one of P.B.'s "biggest fears" as "her step father as he hits her."

The therapist further informed the social worker that P.B. was at risk of running away and that P.B. was so overwhelmed that she "continues to cut herself in the thighs." The therapist diagnosed P.B. with depression and anxiety disorder.

The therapist reported that P.B. was being home-schooled, was very isolated with no friends, and was not allowed to leave home except to go to church. The therapist recounted P.B.'s belief "that [the] parents" were coaching P.B. before she spoke with the social worker and that mother and Kevin H. had hidden cameras to ensure P.B. would not deviate from their coaching. The therapist further communicated that one month earlier (May 15, 2016), P.B. had been placed on a 5150 hold.[2] The therapist also reported that P.B. had told F.B. that "she"[3] had

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[2] Welfare and Institutions Code section 5150 provides for a 72-hour custody hold for treatment and evaluation of someone who, as a result of a mental disorder, is a danger to himself or herself. All future undesignated statutory references are to the Welfare and Institutions Code.

[3] It is not clear from the record whether the "she" refers to P.B. or her sister.

been sexually abused between 6 and 7 years of age, but F.B. did not believe P.B.

The social worker interviewed P.B., who gave somewhat inconsistent accounts. On one hand, she denied that her stepfather hit her and claimed the therapist was exaggerating. On the other hand, P.B. told the social worker that Kevin H. and mother had hit her with a belt two years earlier, and that Kevin H. had cursed at her and called her "[u]seless" and "stupid." She described her stepfather pinning her down in an attempt to see cuts on her thighs and chasing her into the bathroom and preventing her from closing the bathroom door.[4]

P.B. stated that she had not been to school in several years and that she was not being home schooled. She explained that it was only since DCFS got involved that mother enrolled her in "[O]pportunities for [L]earning," but she denied having any friends in school. The social worker subsequently reviewed the school's records and found none for P.B. and noted "[t]he legitimacy of this home school information is being questioned."

P.B. informed the social worker that when she and her sister were "much younger," her oldest brother, Logan, "finger[ed] them in the back" and that this happened to her at least two times. The detention report reflects that DCFS received a referral in 2005 alleging father sexually abused P.B. and F.B., but those allegations were determined to be inconclusive. There were several referrals based on allegations against mother,

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[4] The social worker also interviewed F.B., whom she described as "hostile" and "coached." The social worker attempted to interview Kevin H., who was not at home when the social worker came and did not respond to the social worker's telephone messages.

Kevin H., and Logan, but the allegations were generally determined to be inconclusive or unfounded.

P.B. told the social worker that she had no other family to take care of her other than her father, who lived in Florida. She also told the social worker that she did not trust anyone at home. She stated that she was "tired of living this way" and was "about" to inform mother that she could live with her father. P.B. further stated that "her goal was to not go back to her mother's care" and that she "prefer[red] to . . . live with her father." When the social worker informed P.B. she was being removed from her mother's custody, P.B. responded that it was "perfect timing" because her parents were "antagonizing" her in claiming she made up allegations to the social workers.

She denied having suicidal thoughts and stated she had not cut herself "in a while." The social worker observed cutting marks on P.B.'s wrists and thighs.

The social worker interviewed mother, who denied that Kevin H. hit P.B. or F.B. and claimed that Kevin H. was at the house only on weekends. Mother denied meting out "physical or excessive discipline." She first denied disciplining with a belt, but later on, admitted doing so "a long time ago." She also admitted spanking P.B.'s buttocks area with her hand. Mother blamed father's absence and lack of attention for P.B.'s cutting behavior and depression. She acknowledged that the day before, P.B. and father had "face chatted," but claimed father was rude to her and gave P.B. "short answers." P.B. told the social worker that father sent her "a box" for her birthday.

DCFS recommended detaining P.B. from mother's custody because of mother's isolating conduct, inattention to P.B.'s self-harming behaviors, excessive physical discipline, and failure to

meet P.B.'s educational needs, as well as P.B.'s expressed fear "toward family members." P.B. was placed in foster care with Lena R., with monitored visitation by mother.

2. *Dependency petition*

On August 15, 2016, DCFS filed a section 300 petition alleging mother physically abused P.B., failed to protect her from Kevin H.'s physical and emotional abuse, and failed to obtain timely mental health services for P.B. DCFS alleged Kevin H. physically and emotionally abused P.B. There were no allegations against father, who was not a party to the petition. DCFS notified father of the detention hearing and its recommendation to continue detaining P.B. in foster care and allow monitored visitation for mother and father. Upon being informed about the allegations, father declined to give a statement, but indicated his intent to appear at the detention hearing.

3. *Initial detention hearing*

Father, mother, and P.B. appeared at the initial detention hearing on August 15, 2016. Father had provided a statement regarding parentage, in which he represented he was P.B.'s father, had "Skype[d]," telephoned and text messaged her, and had given her gifts. He disclaimed having American Indian heritage. Although mother thought she may be part Cherokee, she later disclaimed any such heritage in the juvenile court.[5]

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[5] As set forth below, after mother filed her notice of appeal, mother obtained an order from the juvenile court requiring DCFS to investigate her claim of American Indian heritage.

Father requested that P.B. be released into his custody. DCFS recommended detention as to mother, but represented father had limited contact with P.B. up to then, and DCFS had no information regarding father. It requested an opportunity to assess him before the juvenile court granted him custody as the nonoffending parent under section 361.2. P.B.'s counsel acknowledged his client's wish to live with her father and opposed any detention from father. Counsel also asserted P.B.'s unwillingness to live with mother's family friends, Tania D. and Jason D., as a potential foster care family. Counsel, however, agreed that before P.B. were released to her father, further information was needed about father and Nancy O. and the suitability of their home in Florida, particularly in light of the fact that P.B. had never lived there.

The juvenile court found P.B. was a person described by section 300 and father to be her presumed parent, detained P.B. from mother but not father, ordered that P.B. remain in foster care, and, among other orders, ordered DCFS to conduct a section "361.2 release" evaluation and monitored visitation for both parents. It further ordered father to submit to random drug testing. The juvenile court recognized father's status as the nonoffending parent requesting custody of P.B., and that under section 361.2: "The court shall place the child with the parent, unless it finds that placement with that parent would be detrimental to the safety, protection or physical or emotional well-being of the child." The juvenile court, however, also acknowledged it did not yet have sufficient information to make the findings required by section 361.2.

4. *Subsequent detention investigation proceedings[6] and additional information*

DCFS prepared a preliminary investigation report regarding father and Nancy O. When the social worker interviewed father, he disclaimed having a sex addiction and denied the sexual abuse allegations from 2005. He admitted having watched pornography not involving children and abusing alcohol in the past. Father stated the last time he used alcohol was in 2010. He recounted traveling to Los Angeles from Florida to complete an alcohol rehabilitation program. He also recounted trying to reach his daughters by telephone, but that mother did not relay his messages to his daughters. For example, he was not informed of P.B.'s hospitalization in 2013 when he could not reach her by telephone. He reported that he was only able to visit P.B. after the detention hearing. Father consented to drug testing. Nancy O. indicated her willingness to care for P.B.

Father also told the social worker that mother had contacted him about P.B.'s living with him in Florida because of P.B.'s "cutting behavior" and false allegations about abuse at mother's home. In an e-mail to mother, he agreed to care for P.B., but mother said she would try a new therapist instead.

Mother filed a declaration in which, among other topics, mother accused father of neglecting their daughters financially by not getting a paying job until recently and making it impossible for the girls to maintain even a telephone relationship with him. She stated that even when he was in Los Angeles,

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6 We observe that different juvenile courts presided over the various hearings in this case.

father did not spend time with his daughters or get a job to pay child support. Instead, he joined a ministry training program.

She recounted father's "self-proclaimed addictions" and "history of sexual addiction," but also described her discussions with father exploring the possibility of P.B.'s moving to Florida to live with him because of P.B.'s behavior and emotional problems. She, however, stated that father's and Nancy O.'s interest in P.B. was not genuine; "It was clear that their intentions were simply to attempt to make me feel inferior, rather than really discuss [P.B.] and her needs." Mother included a copy of the 2005 dissolution judgment in which a box was checked requiring that father have supervised visitation because of "sexual abuse."

On August 22, 2016, the juvenile court conducted a prerelease investigation hearing. P.B. was not present; father and Nancy O. attended. DCFS reported that Father's drug testing was negative and that father and Nancy O. had no criminal history.

DCFS recommended against giving custody of P.B. to father until the suitability of his home was assessed and DCFS could investigate father's past history of "chemical substance abuse" and the sexual abuse referenced in the family court dissolution order. It also recommended detaining P.B. from father at that time.

When the juvenile court inquired into the sexual abuse notation in the 2005 dissolution order, mother's counsel identified "unrestrained exercise of viewing of porn and masturbation in the family home." Mother's counsel, however, admitted that there was no evidence father viewed pornography while minors were present. Mother's counsel pointed out the family court had ordered monitored visitation and father had not sought

modification of that order in light of any changed circumstances. Mother's counsel highlighted P.B.'s fragile emotional condition, including suicidal ideation, and the fact that father had no plan for providing P.B. with psychiatric services or for how to deal with the emotional impact of a move across country.

P.B.'s counsel echoed these concerns and changed counsel's prior recommendation from awarding custody to father to having P.B. "suitably placed" in light of father's past alcohol abuse, the 2005 sexual abuse notations in the dissolution order, and P.B.'s emotional condition.

The juvenile court detained P.B. from father and ordered monitored visitation in California and monitored "Skype" and phone call contacts with P.B. It also ordered the family court file and a preliminary investigative report regarding placement with Tania D. and Jason D.

In a preliminary investigation report filed on August 29, 2016, DCFS reported that Tania D. and Jason D. were still considering whether to be foster care parents to P.B.[7] At the further preliminary report investigation hearing on August 29, 2016, the juvenile court detained P.B. in "Shelter Care," and continued the hearing. The juvenile court rejected giving DCFS discretion to place P.B. with Tania D. and Jason D. P.B.'s counsel informed the juvenile court of P.B.'s reluctance to be placed with them and her satisfaction with her current placement, as well as counsel's concern about moving P.B. several times.

Father's counsel noted the need to assess father's home. DCFS informed the juvenile court that the Florida authorities

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[7] Ultimately, they did not proceed with fostering P.B.

would not make such an assessment without an order from the juvenile court. It appears from the record that a reoccurring obstacle in obtaining such an assessment was differing opinions explored in several hearings on whether the Florida authorities would conduct the assessment without an order from the juvenile court under the Interstate Compact on Placement of Children (ICPC) (Fam. Code, § 7900 et seq.), which purportedly could only be issued at or after the dispositional hearing. We observe that on January 26, 2017, DCFS provided last information stating that the Florida Department of Children and Families "would not conduct a home assessment at this time."

The juvenile court expressed frustration at not having the family court file so that father could find out the basis for the sexual abuse notation in the dissolution order and take the appropriate ameliorative counseling course in Florida. It ordered P.B. to be present at the next hearing.

5. *DCFS jurisdiction/disposition report and subsequent information*

DCFS submitted its jurisdiction/disposition report dated November 9, 2016 in which it summarized the information set forth above. It also reported that P.B. had been placed in the foster home of Lena R., was going to school, was not taking any medications, and had no developmental issues. DCFS reported that P.B. felt she was "behind in school" and having "difficulty understanding subject matter" not knowing what was "expected" of her. She had regular calls with father, but did not want to visit mother. She preferred her foster care placement to being at home. DCFS reported that father had no case history with the Florida Welfare agency, although there were three referrals all determined to be unfounded.

DCFS expressed "concerns for the minor under the care of her parents at this time" due to emotional and physical abuse. It observed that P.B. continued to need regular therapy to talk about her past and that she "appears safe currently in foster care." It observed father "appears willing and able" to care for P.B. and that she "is fine with her biological father" and "getting to know each other."

DCFS recommended, inter alia, that P.B. remain detained from her parents and continue visits with her father, and "upon [d]isposition," the juvenile court issue an ICPC order requiring Florida authorities to assess father "concerning the safety of the child being in his care."

In a last minute information for the court dated January 26, 2017, DCFS indicated that P.B. did not want to live with father because she has "concerns that her father has sexual/drug problems." In a last minute information dated May 9, 2017, DCFS reiterated P.B.'s wishes. At that time, P.B. had been placed with Norma R. DCFS recommended that P.B. would benefit from therapy and because P.B. "feels she needs medication," further recommended that P.B. see a psychiatrist if the therapist so recommended. A last minute information for the court filed on July 27, 2017 stated that P.B. was living in Marcela G.'s foster home.

The juvenile court continued the jurisdictional and dispositional hearing several times, largely because P.B. did not appear at the scheduled hearing dates. The hearing ultimately occurred on August 8, 2017 and August 9, 2017.

6. *Jurisdictional and dispositional hearing*

At the August 8, 2017 hearing, mother and P.B. were present and father appeared by telephone. Father did not appear

at the August 9, 2017 hearing. We set forth below the evidence relevant to the trial court's dispositional findings.

The juvenile court listened to P.B.'s testimony in chambers. P.B., then age 15, testified that she liked her current foster care placement "better than the rest" and was attending high school. She recounted the events involving mother and Kevin H. and her feelings of depression and isolation described in the detention report. She also testified that she had "no interest in going back" to mother's and Kevin H.'s home. She could not recall any good memories about living with them.

When asked about her contacts with father, she responded they interacted by telephone and the calls were less frequent. She attributed this drop in contacts to her being unavailable. When the juvenile court asked about her expectations for the coming year, P.B. stated that she wanted to get ahead in school because she had "missed years of education" and that she planned "to live in the foster home I'm living in." She did not want visitations with mother.

P.B. stated she was no longer interested in living with father in Florida because she started thinking about her mother's telling her that father had molested her sister when her sister was four years old. She also cited father's watching of "porn." Even if her mother's statements about father were not true, P.B. explained she would still not want to live with him because she would not "fit in there." P.B. denied that her depression was because father had not maintained a relationship with her, but instead, attributed her mental state to "the trauma" of living with mother and Kevin H.

Mother testified and responded to questions regarding the excessive discipline described in the detention report, and she

denied ever hitting P.B. with a belt. She claimed P.B. refused individual or conjoint counseling. Mother was not opposed to sending P.B. to public school and claimed that P.B. was doing so when detained, but later on admitted that P.B. was in school for only one month before being detained. When asked whether she had told P.B. that father had "sexually touched" F.B., mother did not answer the question directly but said, "I answered her questions about why we divorced." Mother explained that her "understanding" was based on "what my daughter [F.B.] told me and what witnesses told me about behavior that she was exhibiting at the time that we separated." Mother admitted that the medical professionals found no physical evidence of any such sexual abuse.

Mother asked the juvenile court to dismiss the petition. P.B.'s counsel and DCFS requested that the juvenile court sustain the petition. The juvenile court sustained the petition in full and found P.B. credible.

Regarding disposition, the juvenile court noted its receipt of the case plan dated August 9, 2017 which recommended (1) P.B. remain in suitable placement; (2) as to father, transportation assistance, individual counseling as to "case issues, including the relationship between [father and] minor," and conjoint counseling with minor and father as recommended by the individual therapist; and (3) as to mother, a parenting class, individual counseling to address "case issues," including anger management, child safety protection, and emotional and physical abuse, and monitored visitation with DCFS having discretion to liberalize. The care report included an order that P.B. could not be taken out of California without notifying the social worker.

The juvenile court adopted the case plan except that mother did not have to complete a parenting class if she had done so already. Citing section 361.2, father's counsel objected to not giving custody of P.B. to father as the nonoffending parent. Father's counsel argued the fact that P.B. did not want to live with father in Florida because of her concern that she would not fit in was not clear and convincing evidence of detriment. Alternatively, father requested that the disposition include an ICPC so that the Florida authorities could assess father's home.

In rejecting father's request at that time for custody of P.B., the juvenile court acknowledged father was nonoffending and desired custody, but observed that P.B. was 15 years old and had indicated her unwillingness to cross the country to live with him. The juvenile court further reasoned, "She is able to make a determination as to what she wishes to do, given her vulnerability, her—the sustained petition with the emotional abuse she has suffered."

At father's request, the juvenile court ordered "best efforts" to provide transportation assistance to father and a written visitation-by-telephone schedule for father. It also gave DCFS discretion to liberalize mother's and father's visits. The court then set a six-month review. The finalized case plan and minute order for the August 9, 2017 hearing did not include an ICPC.

Father and mother filed timely notices of appeal.

On May 7, 2018, we granted mother's request to take judicial notice of the juvenile court's March 27, 2018 order requiring an ICPC to assess father's home and ordering DCFS to conduct an investigation of mother's apparently renewed claim of American Indian heritage under the Indian Child Welfare Act

(ICWA). The record does not reveal if these investigations have occurred or the results of any such investigation.

On May 2, 2018, mother's appellate counsel filed a brief pursuant to *In re Phoenix H.* (2009) 47 Cal. 4th 835 raising no arguable issues and including counsel's declaration that she informed mother of mother's opportunity to file a supplemental brief. Mother has not done so. In a separate order, we dismiss mother's appeal as abandoned.

DISCUSSION

The parties agree on the applicable legal principles. Thus, under section 361.2, subdivision (a), when a court orders removal of a child, "the court shall first determine whether there is a parent of the child, with whom the child was not residing at the time that the events or conditions arose that brought the child within the provisions of Section 300, who desires to assume custody of the child. If that parent requests custody, the court *shall* place the child with the parent unless it finds that placement with that parent would be detrimental to the safety, protection, or physical or emotional well-being of the child." (Italics added).

A juvenile court's finding of detriment must be based on clear and convincing evidence. (*In re Luke M.* (2003) 107 Cal.App.4th 1412, 1426 (*Luke*).) The parties further agree that the juvenile court must consider all relevant factors. We review the juvenile court's finding of detriment for substantial evidence. (*Id.* at p. 1424.) "We review the record in the light most favorable to the court's order to determine whether there is substantial evidence from which a reasonable trier of fact could find clear and convincing evidence that

placement would be detrimental to the child." (*In re Patrick S.* (2013) 218 Cal.App.4th 1254, 1262 (*Patrick*).)

Father argues that the juvenile court "allowed a 15-year old to dictate her placement despite the fact that there was no evidence placement with Father would be detrimental to her." Father attributes P.B.'s reasons for not wanting to live with him to "selfish teenage reasons" regarding moving across country and concerns about not fitting in, and to "debunked . . . evidence" regarding "sex and drug problems." Father claims that P.B.'s depression and anxiety were caused by living in mother's home and that she has not needed counseling or therapy since she moved to her new foster home. As father contends, "there was no evidence that P.B. required any specialized services to support a finding that placement with Father would be detrimental."

Father's arguments do not fairly reflect the record. Contrary to father's contentions, there was evidence of father's past sexual abuse in the form of the family court's 2005 dissolution order, which was the basis for the family court's requirement of monitored visitation by father. There is nothing in the record supporting any effort by father to modify that order.

The record also does not support that P.B.'s concerns about moving to Florida and not fitting in were merely "selfish teenage reasons." The evidence was undisputed that until DCFS became involved, P.B. lived a very isolated existence, being almost exclusively home schooled, if that. She recounted having no friends. She had experienced several placements in foster homes. She expressed concern about being behind in school once she was removed from mother's home and about not understanding what was expected of her in school. With this history, P.B.'s concern about moving across country to a new school and home until she

became legally an adult in only two and a half years was not "selfish" or immature.

Contrary to father's assertion, there was undisputed evidence P.B. needed therapy to enable her to talk about the past. There was evidence recommending that P.B. be referred to a psychiatrist if the therapist thought that medication was necessary. P.B. had, in fact, requested medication to deal with her emotional issues. These recommendations were not surprising given the undisputed evidence of P.B.'s depression, self-cutting, and suicidal ideation so severe that she was placed on a 5150 hold just a little more than one year before the dispositional hearing. In short, the record does not support father's intimation that P.B.'s emotional issues were past history or that she was not emotionally damaged. This undisputed evidence belies father's contention that P.B. "does not have any significant special needs." Father, moreover, proffered no plan for providing psychological therapy or dealing with P.B.'s substantial negative emotional history were he awarded custody at this time. We observe that he did not appear even by telephone at the dispositional hearing.

It was also undisputed that prior to the hearings described above, father had no in-person contact with P.B. even when he was in Los Angeles for his rehabilitation program. His telephone contacts with P.B. was sporadic as well, although we recognize there was contradictory evidence as to the reasons for this.

Father relies principally on two cases, *In re C.M.* (2014) 232 Cal.App.4th 1394 (*C.M.*) and *Patrick*, *supra*, 218 Cal.App.4th 1254. Neither case supports reversal of the juvenile court's disposition continuing P.B. in foster care.

In *C.M.*, Division 8 of our court reversed the juvenile court's disposition awarding custody of a 12-year-old to her maternal grandparents instead of her nonoffending father. C.M.'s counsel had informed the juvenile court that C.M. wanted to live with her maternal grandparents with whom she had always lived; her mother was incarcerated by the time of the dispositional hearing. At the time of the referral based on mother's conduct, C.M.'s father was providing financial support and had an ongoing in-person relationship with C.M. when he saw her on weekends. C.M.'s counsel reported to the juvenile court that C.M. was " 'terrified' " about being released to her father's custody and did not want to change schools. (*C.M.*, *supra*, 232 Cal.App.4th at p. 1398.) Division 8 observed that while a minor's preference not to live with the nonoffending parent is a factor to consider regarding detriment, it is not dispositive and by itself, cannot support a finding of detriment to a minor's "physical or emotional well-being." (*Id*. at. p. 1402.)

In crafting its disposition, the juvenile court here did not merely honor P.B.'s preference to remain in her foster home. Here, until the referral, there was no evidence that father had shown interest in P.B.'s well-being either financially or emotionally except for sporadic telephone or "Skype" contacts. The father in *C.M.* was local; to award custody to father here would have required P.B. to move approximately 3,000 miles away for a relatively short time until she reached majority. Such a major uprooting of a minor's physical location is a relevant factor regarding detriment as the *C.M.* court itself recognized. (*C.M.*, 232 Cal.App.4th at p. 1404 [citing *Luke*, *supra*, 107 Cal.App.4th at p. 1427].) Furthermore, unlike the minor in *C.M.*, P.B. had experienced emotional and psychological trauma

so severe as to produce self-cutting, thoughts of suicide, and a 5150 hold. This emotional damage was ongoing at the time of the dispositional hearing and there was no evidence of how father planned to address P.B.'s psychological well-being were she placed in his custody at that time. As set forth above, he simply ignored the evidence of P.B.'s ongoing emotional damage.

It is true that in *Patrick*, the appellate court reversed a dispositional finding of detriment where the father was nonoffending and wanted custody of the minor. In *Patrick*, minor's mother had left his father when the minor was 11 months old. Mother and minor moved frequently, ultimately residing in San Diego. Father had consistently paid child support through the courts and had hired a private investigator in an effort to locate his son. When the minor was 13 years old, he was placed in protective custody after his mother was admitted into a psychiatric hospital. The minor had attended 13 different schools, and at the time of disposition, when he was 14 years old, his school reported he had no friends and had emotional outbursts. He did not want to move to Washington State where father resided. Father, who was in the military, presented evidence at the dispositional hearing of his plans to enroll in a parenting class, provide an educational program that would address the minor's interest in architecture and other subject matter, arrange for individual and family therapy through the military, and facilitate visitation with mother. (*Patrick*, *supra*, 218 Cal.App.4th at pp. 1259-1261.) On their face, these facts in *Patrick* contrast markedly from those before the juvenile court regarding P.B.

"[T]he purpose of any dependency hearing is to determine and protect the child's best interests." (*Luke*, *supra*,

107 Cal.App.4th at p. 1425.) We recognize that the clear and convincing standard of proof places a high burden on juvenile courts. We conclude the juvenile court met that burden in its custodial disposition here.

DISPOSITION

The juvenile court's dispositional findings are affirmed. Nothing in this opinion should be construed to prevent the juvenile court from considering new evidence or changed circumstances arising during the pendency of this appeal.

NOT TO BE PUBLISHED.

BENDIX, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.