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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re ANGEL V., a Person Coming Under
the Juvenile Court Law.

B239000
(Los Angeles County Super. Ct.
No. CK89031)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Appellant,

v.

A.V.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County,
Marguerite D. Downing, Judge. Affirmed.

John F. Krattli, Acting County Counsel, James M. Owens, Assistant County
Counsel, and Sarah Vesecky, Deputy County Counsel, for Plaintiff and Appellant.

Roni Keller, under appointment by the Court of Appeal, for Defendant and
Appellant.

Angel V. was born in 2011 as a result of the rape of his mother, 15-year-old A.V., by mother's stepfather, Jorge V. (father).¹ Father had been raping mother for many years. Based on these facts, the dependency court declared Angel a dependent of the court, finding he was at risk of serious physical harm under Welfare and Institutions Code section 300, subdivision (b).²

In her appeal from the judgment, mother contends substantial evidence does not support an inference that father's conduct of impregnating her placed Angel at risk of physical harm from father, because there is no evidence of violence or rape and Angel is a male, an infant, and father's biological child. In a cross-appeal from the judgment, the Department of Children and Family Services (Department) contends substantial evidence does not support the dependency court's dismissal of the allegation under section 300, subdivision (d) that Angel was at risk of sexual abuse by father. We conclude substantial evidence supports the findings of the dependency court under section 300, subdivision (b), and need not address the Department's contention regarding subdivision (d). We affirm the judgment.

DISCUSSION

I. Substantial Evidence

"In reviewing the jurisdictional findings and the disposition, we look to see if substantial evidence, contradicted or uncontradicted, supports them. [Citation.] In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we note that issues of fact and

¹ DNA testing confirmed Jorge V. is Angel's biological father.

² All statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

credibility are the province of the trial court. [Citation.]” (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) “We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court.” (*In re Matthew S.* (1988) 201 Cal.App.3d 315, 321.)

A. Section 300, subdivision (b)

Substantial evidence supports the finding Angel is at risk of physical harm under section 300, subdivision (b), which describes in pertinent part a child who is at substantial risk of suffering “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[.]”

Father had a history of criminal convictions involving dangerous weapons.³ He sexually victimized mother during years of abuse. Beginning when mother was seven years old, the abuse involved physical force and bodily harm. Father continued to abuse mother on numerous occasions until she was 15 or 16, including taking her to his workplace at night to have sex. In the hope that father would stop molesting her if she became pregnant, mother allowed other men to have intercourse with her. The abuse by father produced a pregnancy, a serious physical consequence. Mother was sexually victimized by father during years of abuse. Moreover, father had a father/daughter relationship with mother since she was four years old, treating her as though she were his biological child. Subjecting mother to his sexual predation was a gross violation of the parental role. It is reasonable to infer from these facts that any child with whom father had a parent/child relationship, including Angel, was at risk of harm. By fathering Angel through rape and denying he was the father, father showed a complete disregard for Angel’s welfare. Father’s denial he sexually abused mother indicates he was not rehabilitated and was likely to reoffend. All the foregoing supports the dependency

³ He also had convictions for narcotic offenses.

court's finding Angel is at risk of physical harm by father under section 300, subdivision (b).⁴

B. Section 300, subdivision (d)

As jurisdiction over Angel was properly established based on evidence he was at risk of harm under section 300, subdivision (b), we need not address the Department's contention the dependency court abused its discretion in dismissing the section 300, subdivision (d) allegation that Angel was at risk of sexual abuse by father. (See *In re Shelly J.* (1998) 68 Cal.App.4th 322, 330; *In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875-876.) "When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing court can affirm the juvenile court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence." (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451; accord, *In re Andy G.* (2010) 183 Cal.App.4th 1405, 1415, fn. 6.)

⁴ As we conclude substantial evidence supports the finding under section 300, subdivision (b), we reject mother's contention a lack of evidentiary support of the jurisdictional finding requires reversal of the judgment and dispositional orders.

DISPOSITION

The judgment is affirmed.

KRIEGLER, J.

We concur:

ARMSTRONG, Acting P. J.

MOSK, J.