Filed 4/26/17 In re N.B. CA2/5

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re N.B. et al., Persons Coming Under the Juvenile Court Law.	B276614 (Los Angeles County Super. Ct. No. DK12529)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. CASEY C., Defendant and Appellant.	

APPEAL from orders of the Superior Court of Los Angeles County, Michael Loren Miller and Karin Borzakian, Commissioners. Affirmed in part, dismissed in part, reversed in part.

Darlene Azevedo Kelly, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, David Michael Miller, Deputy County Counsel, for Plaintiff and Respondent.

Casey C. (father) appeals from jurisdictional findings declaring his three children dependents under Welfare and Institutions Code section 300, subdivision (b),[1] and the disposition order removing them from his custody. Father also appeals the court's decision to deny his request to represent himself. We reverse the jurisdictional finding based on allegations concerning father's mental health because that finding is not supported by substantial evidence. We dismiss as nonjusticiable the portion of father's appeal challenging the court's other jurisdictional findings against him. We affirm the order removing the children from parental custody under section 361,

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[1] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

subdivision (c)(1), and the order denying father's *Faretta* motion.

FACTUAL AND PROCEDURAL BACKGROUND

Mother[2] is a regular user of methamphetamine. By October 2015, she and father had three children ranging in age from two months to three years.

The family came to the attention of the Los Angeles County Department of Children and Family Services (Department) after a caller reported a child running around without a parent and police found the three-year-old without a shirt or shoes, near a busy roadway in an area known for a high volume of drug use and trafficking. When mother saw police approaching with her son, she quickly ran into her home to hide her methamphetamine. Mother admitted to hiding a methamphetamine pipe in a laundry basket and having used two days earlier. Police found a glass pipe with methamphetamine residue in a closet, as well as two other pipes loaded with methamphetamine in the backyard and accessible to the children. The police officer reported that the pipes in the backyard belonged to mother's roommates, who appeared to be drug users. Mother was arrested and her children were detained.

Father was not home when the children were detained, but he was home the next day when a social worker made an

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[2] Mother is not a party to this appeal.

unannounced visit to the family's home. He explained he had left the home two days earlier after an argument with mother. He claimed the home was in his name, and that he had been in and out of the home for about a month due to relationship issues. Father claimed he was aware of mother's drug use history and confirmed that the children's godparents lived in the home. He denied knowing that mother or the godparents were using drugs. Both parents reported that the three-year-old was very agile and had a history of climbing over the six-foot-high fence in the backyard.

Mother and father acknowledged arguing, their last argument taking place a few days earlier. Mother claimed father is very controlling, and most recently dragged her by the hair out of the home and locked her out. In a separate interview, father claimed he had locked mother out because she had maced him during an argument. Father reported smoking marijuana regularly, although his marijuana license expired a few months earlier. He had a number of drug-related arrests and convictions, but the last arrest was about four years ago.

The court detained all three children, granted father monitored visitation, ordered him to submit to random drug testing, and ordered the Department to provide both parents with referrals for services, including drug counseling and domestic violence counseling. The Department asked father for the names of possible placement options. It later

determined that none of the proposed placements were suitable.

A Department report for a scheduled February 25, 2016 adjudication hearing stated that after testing positive for marijuana once, father refused to submit to additional drug testing and missed six test dates. The Department reported father was uncooperative about participating in services.

On February 25, 2016, father moved to relieve his attorney under *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden*). Father also requested to represent himself under *Faretta v. California* (1975) 422 U.S. 806 (*Faretta*). After a confidential hearing on father's *Marsden* motion, Commissioner Michael Loren Miller denied the motion and explained to father that his attorney was not to blame for the delay in hearing his case. Turning to father's motion for self-representation, Commissioner Miller attempted to explain to father the challenges associated with self-representation in a dependency case:

> "[The court:] Now you want to represent yourself. So the problem is that you have no clue about the animal that you are dealing with. This Welfare and Institutions Code stuff is nutty. I practiced law for 30 years.
>
> "The father: I know.

"The court: And I am struggling, trying to understand it all."

The court acknowledged father was frustrated, and continued:

"[The court:] Now the issue is what am I going to do. Okay. And it behooves you, because I take this into consideration, it behooves you to cooperate. Because if you don't, if you are resistant, if you get your dander up and your panties all in a bunch, then what happens is there a failure of communication and your pride steps in the way, and you are not going to do the things that I may require you to do. [¶] And you have to talk to the social worker, whether you like it or not. [¶] Okay. So that is one thing. [¶] Representing yourself. That is nutty. But if you represent yourself, I am not giving you -- I have to treat you like a lawyer. And you are not trained to be a lawyer. And you don't know all the rules."

The court pointed out that the attorney representing the Department was a skilled, knowledgeable attorney, and that neither father nor the commissioner was as knowledgeable. Father responded:

> "The father: You think I exercise my *Faretta* rights for nothing, man? And then you are sitting there, telling me getting my panties in a bunch. I'm no woman, man. I don't wear fucking panties. Shit. Disrespectful, man."

The court asked father to relax, and the colloquy continued:

> "The father: My bipolar disorder is kicking in. That is another issue. You all don't know about that? You all would if you had read my file.
>
> "The court: Well, that is going to be one of the issues that need[s] to be addressed.
>
> "The father: It is going to be addressed. I already said that the first time before you kicked me out. It's all going to get addressed.

"The court: All I am trying to say, man, is look. I understand your frustration. And I am not trying to be disrespectful to you. I am trying to appeal to your reasonableness and your common sense. [¶] You trying to go -- you are a Pop Warner football player trying to play in the pros. And that's what this is.

"The father: Character assassination.

"The court: It is not character assassination.

"The father: It's intellectual assassination.

"The court: Well, listen. Your intellect is not up to par to be playing in this arena.

"The father: I understand. You don't have to assassinate my character about it. You can say that.

"The court: I am not --

"The father: You can say that. I understand language, man. Telling me what my intellect is and ain't. It's -- it's -- and

everything is -- it's on the negative. [¶] . . . [¶]

"The court: Okay. But all I am saying is that this -- I understand what I am doing. Representing yourself is fraught full of peril. [¶] How far did you go in high school? Did you get your high school degree?

"The father: I went to prison two months before graduation. I had my scholarship to go to college and play professional sports. I could have -- I was almost about to go play for the Dodgers, straight out of high school. [¶] I am a drug dealer. Remember. It's in my record. I went to prison when I was 18 years old for conspiracy to sell drugs, for selling drugs. It's on record.

"The court: I know. That's not what I asked.

"The father: [Ms. Lopez] hasn't read none of that. I asked her. I said, 'have you read my record?' when she started talking to me about something simplistic as marijuana. Have you read -- have you

read -- it's a page somewhere in there where it's two pages of my criminal activities in my lifestyle.

"The court: I know.

"The father: I am quite sure you read it. So you know where we are. I've probably been in the courtroom as much as her. I was 18 years old, fighting a conspiracy case and could have fought it pro per. Don't assassinate my intellect. Do your job, man. [¶] I'm sorry. It's going to go how it's --

"The court: I am going to deny your *Faretta* rights."

Father met with a social worker on March 4, 2016, and explained his behavior in court by stating he was very upset with the judge and how he was being spoken to. During the meeting with the social worker, father was very animated, flapping his arms, raising his voice, repeatedly standing up, moving around, and then sitting down. Father told the social worker he was bipolar.

On April 11, 2016, the Department filed an amended petition, adding an allegation that on February 25, 2016, father "exhibited inappropriate behaviors in the Court room

in that the father, was flapping his arms, raising his voice and yelling. The father admitted to having a mental health diagnosis of Bi-Polar Disorder and is not medication compliant. The father's inappropriate behaviors and failure to address his mental health endangers the children's physical health and safety and places the children at risk of serious harm and danger."

Father met with the social worker again in June 2016, and "stated to her he will NOT do anything." Father refused to drug test or do any part of his case plan. He did, however, continue to visit the children every week.

On June 13, 2016, after receiving the Department's reports into evidence and hearing argument from counsel, Commissioner Karin Borzakian found the children were described by section 300, subdivision (b), sustaining three counts against mother, based on inadequate supervision, permitting access to drug paraphernalia, and mother's history of drug use. The court sustained one count relating to domestic violence between mother and father, and the additional count based on father's mental health diagnosis and medication noncompliance. The court dismissed a separate count related to father's marijuana use, as well as counts alleged under subdivisions (a) and (j) of section 300. It also ordered the children removed from parental custody under section 361, subdivision (c)(1), finding by clear and convincing evidence that there was a substantial danger to the children's physical health, safety, protection or physical

or emotional well-being, and no reasonable means to protect the children without removal.

DISCUSSION

A. Jurisdictional findings

Father does not challenge the court's jurisdictional findings against mother based on her failure to supervise the children (count b-1) and the dangerous home environment with drug paraphernalia within access of the young children (count b-2). Father does contend there was insufficient evidence to support the court's jurisdictional findings against him. The court found that the children are described by subdivision (b) of section 300, based on risk to the children due to father's failure to protect the children from mother's drug use (count b-3), the history of domestic violence between mother and father (count b-5), and father's bipolar disorder and medication noncompliance (count b-6).

"'[A] jurisdictional finding good against one parent is good against both. More accurately, the minor is a dependent if the actions of either parent bring [him] within one of the statutory definitions of a dependent. [Citations.] This accords with the purpose of a dependency proceeding, which is to protect the child, rather than prosecute the parent.' [Citations.]" (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.) "For this reason, an appellate court may decline to address the evidentiary support for any remaining

jurisdictional findings once a single finding has been found to be supported by the evidence. [Citations.]" (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1492 (*I.A.*).)

The appellate court does retain discretion to address the sufficiency of evidence to support specific jurisdictional findings where jurisdiction over the children would still be warranted on other grounds. (See *In re Briana V.* (2015) 236 Cal.App.4th 297, 308–311; *I.A.*, *supra*, 201 Cal.App.4th at pp. 1490–1492.) This discretion may be exercised when the finding in question "(1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citations]; or (3) 'could have other consequences for [the appellant], beyond jurisdiction' [citation]." (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763.)

Father concedes that regardless of the outcome of his appeal, the court will retain jurisdiction over the three children based on mother's conduct. Father asks this court to exercise its discretion and reverse the jurisdictional findings against him, arguing that the disposition order is based on the court's jurisdictional findings. At disposition, the court ordered the children to remain removed from parental custody under section 361, subdivision (c)(1). As part of reunification services, it ordered father to go to mental health counseling, comply with any recommendations of his mental health provider, and take all prescribed psychotropic medications. The court also ordered

father to participate in a 26-week domestic violence batterer's intervention program. The Department counters that because father has not independently challenged the dispositional orders imposing program requirements, he cannot argue that he is prejudiced by such requirements.

We decline to exercise our discretion to review the court's decision to sustain the counts relating to domestic violence and failure to protect, as we see no prejudice relating to those findings. (See *I.A.*, *supra*, 201 Cal.App.4th at p. 1492 ["we cannot render any relief to Father that would have a practical, tangible impact on his position in the dependency proceeding"].) For the count alleging father's bipolar disorder and lack of medication compliance, however, we find prejudice because the finding serves as the basis for the order requiring father to take all prescribed psychotropic medications, and it could impact the current or future dependency proceedings in a manner that warrants review. (See *In re M.W.* (2015) 238 Cal.App.4th 1444, 1452.) Father's appeal of the jurisdictional finding implicitly challenges the order requiring him to attend mental health counseling and take prescribed psychotropic medications, so we do not require father to independently challenge those orders as a separate contention on appeal.

We apply the substantial evidence standard of review when examining the sufficiency of the evidence supporting the court's jurisdictional findings. "[W]e 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 credibility are the province of the trial court." (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193 (*Heather A.*).) The pertinent inquiry is whether substantial evidence supports the finding, not whether a contrary finding might have been made. (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 228.)

Section 300, subdivision (b)(1), provides a basis for jurisdiction if "[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left . . . ." In order to establish jurisdiction under subdivision (b) of section 300, there must be evidence of (1) neglectful conduct by the parent; (2) causation; and (3) serious physical harm or illness to the minor, or a substantial risk of such harm or illness. (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 820.) Exercise of dependency court jurisdiction under section 300, subdivision (b), is proper when a child is "of such tender years that the absence of adequate supervision and care poses an inherent risk to [his or her] health and safety." (*Id.* at p. 824.)

We find no evidence in the record to support the court's decision to sustain count b-6 that father has a mental health diagnosis of bipolar disorder, is not medication compliant,

and that his failure to address his mental health places the children's physical health and safety at risk of serious harm. The only evidence before the court was father's statement in court and later to a social worker attributing to bipolar disorder his acting in an aggravated manner. There was no evidence in the record that father had ever seen a psychiatrist, received a formal diagnosis, or had been prescribed medications. Even if father's statements were sufficient evidence of a diagnosed mental illness, nothing in the record supports the inference that father had been prescribed medications to treat his mental illness, or that his failure to take prescribed medications posed a danger to his children's safety. Absent such evidence, we must conclude that the court's jurisdictional finding that the children were described by section 300, subdivision (b), based on father's failure to address his mental health issues is not supported by substantial evidence.

B. Removal Order

Father contends the order removing the children from parental custody was not supported by substantial evidence. He also contends he would be entitled to custody of his children under section 361.2 as a non-custodial parent. We reject both contentions.

Substantial evidence supporting removal order

A dispositional order removing a child from parental custody is also subject to the substantial evidence standard of review. (*In re D.G.* (2012) 208 Cal.App.4th 1562, 1574.) Under section 361, subdivision (c)(1), a dependent child may not be removed from a parent unless the dependency court finds by clear and convincing evidence "[t]here 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." (§ 361, subd. (c)(1).) "'The parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child.' [Citation.] The court may consider a parent's past conduct as well as present circumstances. [Citation.]" (*In re N.M.* (2011) 197 Cal.App.4th 159, 169–170.)

There is substantial evidence supporting the court's order removing the children from father's custody. Before the children were detained, father was frequently absent despite knowing that mother had a history of drug use and knowing that the oldest child had a proclivity to climb and escape from closed areas. In October 2015, the court ordered father to submit to random drug testing and directed the Department to provide reunification services. Between

November 2015 and June 2016, father visited the children, but refused to drug test or participate in any services. He was uncooperative with the Department and exhibited erratic behavior. The evidence of father's refusal to participate in services or drug testing, combined with his erratic behavior, supports a reasonable inference that allowing the young children to be placed with father would create a risk of harm. Even if a different inference might be drawn from the evidence, we do not second-guess the dependency court's determination.

Father also argues the court did not state the facts to support its determination that reasonable efforts had been made to prevent and eliminate the need for the children's removal. He claims that the court could have issued a restraining order to prevent domestic violence, removed mother from the home, required father to submit to a few random drug tests, and provided in-home services to assist father in managing the care of the three young children. Father forfeited this argument because he did not bring the issue to the trial court's attention at the time of the court's order. A claim of error is forfeited on appeal if it is not raised in the trial court. (*In re S.B.* (2004) 32 Cal.4th 1287, 1293.) "The purpose of this rule is to encourage parties to bring errors to the attention of the trial court, so that they may be corrected." (*Ibid.*) The rationale behind the forfeiture rule is that it would be "inappropriate to allow a party not to object to an error of which the party is or should be aware . . . ." (*In re Dakota S.* (2000) 85 Cal.App.4th 494,

501.) At the disposition hearing, father's counsel did not point out that the court had failed to state the facts supporting its conclusion that the Department had made reasonable efforts to prevent removal. By failing to object, father forfeited any claim of error relating to the court's failure to specify the factual basis for its conclusion.

Placement with non-custodial parent

Father alternatively argues that the court did not make a detriment finding as required when denying the placement request of a non-custodial parent seeking custody under section 361.2.

Section 361.2 contemplates that a parent "*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" may request custody, and "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." (§ 361.2, subd. (a), italics added.) In comparison, subdivision (c)(1) of section 361 "authorizes a child's removal 'from the physical custody of his or her parents or guardian or guardians *with whom the child resides* at the time the petition was initiated.' (§ 361, subd. (c)(1), italics added.)" (*In re Dakota J.* (2015) 242 Cal.App.4th 619, 628 (*Dakota J.*).) In *Dakota J.,* the juvenile court found clear and convincing evidence

supported removal of the mother's three children, but two of the three were not living with the mother at the time the petition was initiated, and had not lived with her for five years. On appeal, the court held that this was error, stating "it is plain that the statute does not contemplate that a child could be removed from a parent who is not living with the child at the relevant time." (*Ibid*. fn. omitted; see also *In re Abram L.* (2013) 219 Cal.App.4th 452, 460 (*Abram L.*) [although mother did not appeal the dispositional order, the court held the children could not be removed from father's physical custody under section 361, subdivision (c)(1), because they were not residing with him when the petition was initiated].)

Unlike the facts in *Dakota J.* and *Abram L.*, the facts are disputed as to whether father was a custodial parent or not. The Department's detention report stated that the family home is in father's name, and father was at the home the day after mother was arrested and the children were detained. He reported being in and out of the home for the past month due to relationship issues with mother, and acknowledged leaving the home two days earlier after an argument with mother. Mother told the Department she had tried to leave father, but father would not allow her to take the children. So while the children were technically not residing with father on the date of their initial detention, we are not persuaded that father falls within the definition of a non-custodial parent as described in section 361.2, subdivision (a). Father's counsel also forfeited the right to

challenge any error by not calling the court's attention to the need to make findings required when denying a request under section 361.2. (See *In re A.A.* (2012) 203 Cal.App.4th 597, 605 ["[f]ailure to object to noncompliance with section 361.2 in the lower court results in forfeiture"].) Particularly in the circumstances of this case, where the evidence does not necessarily establish that father was a non-custodial parent, the importance of calling the court's attention to the possibility that a different statute might govern the children's placement is self-evident.

Even if the court erred in ordering the children removed from father under section 361, subdivision (c)(1), rather than denying placement under section 361.2, the record before us does not demonstrate a reasonable probability the result would have been more favorable but for the error. (*In re Celine R.* (2003) 31 Cal.4th 45, 59–60; *People v. Watson* (1956) 46 Cal.2d 818, 837 (*Watson*).) Assuming father was a non-custodial parent at the time the children were removed, the record provides sufficient evidence to support a finding under section 361.2, subdivision (a), that placement with father would be detrimental to the children's safety, protection, or physical or emotional well-being. As explained earlier, father's refusal to drug test and his history of domestic violence with mother form a sufficient basis for the court to find that removal was necessary. In addition, the court possessed authority under either section 361, subdivision (a), or section 362, subdivision (a), to make reasonable orders limiting father's custody

rights to protect the children from risk of harm. (*In re Julien H.* (2016) 3 Cal.App.5th 1084, 1089, fn. 8; *Dakota J.*, *supra*, 242 Cal.App.4th at pp. 630–632.) Because father cannot demonstrate prejudicial error, we affirm the court's removal order.

C. Order denying father's motion to represent himself

Father contends the court committed prejudicial error when it denied his February 25, 2016 motion to represent himself.[3] We review the court's decision for abuse of discretion. (*In re A.M.* (2008) 164 Cal.App.4th 914, 923–928 (*A.M.*) [court has discretion to determine whether to grant or deny a parent's request for self-representation].)

"Section 317, subdivision (b) has been interpreted to give a parent in a juvenile dependency case a statutory right to self-representation. (*In re Angel W.* (2001) 93 Cal.App.4th 1074, 1083 v (*Angel W.*).) This right is statutory only; a parent in a juvenile dependency case does not have a constitutional right to self-representation. (*Id.* at p. 1082.)" (*A.M.*, *supra*, 164 Cal.App.4th at p. 923.) "Section 317, subdivision (b) requires appointment of counsel for an indigent parent or guardian in a juvenile dependency case

[3] The court also conducted a hearing on father's motion to relieve his current counsel under *Marsden*, and denied that motion. Father does not claim that denial of his *Marsden* motion was erroneous.

'unless the court finds that the parent or guardian has made a knowing and intelligent waiver of counsel as provided in this section.' A waiver of counsel is valid if the juvenile court has apprised the parent of the dangers and disadvantages of self-representation and the risks and complexities of his or her particular case. [Citation.]" (*Ibid.*) "The state will only interfere with an individual's choice of legal representation when that choice 'will result in significant prejudice' to the individual 'or in a disruption of the orderly processes of justice unreasonable under the circumstances of the particular case.' [Citation.]" (*In re Jackson W.* (2010) 184 Cal.App.4th 247, 256.) "Thus, the juvenile court has discretion to deny the request for self-representation when it is reasonably probable that granting the request would impair the child's right to a prompt resolution of custody status *or* unduly disrupt the proceedings." (*A.M.*, *supra*, at pp. 925–926.)

In *A.M.*, the juvenile court did not abuse its discretion in denying the father the right to self-representation, in part because the father had requested a number of continuances without providing documentation to support his requests and often made lengthy statements digressing into irrelevant matters. The father's counsel even speculated that if he were to acquiesce to the father's requests to present certain arguments, it would take a year of preparation to handle the case. (*A.M.*, *supra*, 164 Cal.App.4th at pp. 927–928.) Thus, the evidence showed that allowing the father to represent himself would cause

significant delay and such delay would impair the minor's right to a prompt resolution of custody status. (*Ibid*.)

In our case, father claims the juvenile court abused its discretion in refusing his request for self-representation because there was no evidence that he was incapable of waiving his statutory right to counsel. While the court could have taken the time to create a more complete record of the reasons for denying father's request, the nature of father's responses to the court's questions supports the conclusion that the court's decision was not an abuse of discretion. The court advised father that he would be navigating a complex area of law and would be arguing against an attorney with significantly more experience. In response, father accused the court of assassinating his intellect and his character, and questioning his masculinity. Father also made statements about being a drug dealer and that his record had two pages outlining his criminal activities. Portions of the colloquy between the court and father, when considered together with the Department's report describing father's demeanor about a week after the February 25, 2015 hearing, support the conclusion that allowing father to represent himself would delay and disrupt the proceeding to the detriment of the children's right to a prompt resolution. The court did not abuse its discretion in denying father's request to represent himself.

Assuming for the purposes of argument that the court erred in denying father's request for self-representation, any error was harmless. (*A.M.*, *supra*, 164 Cal.App.4th at p. 928

[harmless error where father found not credible, was represented by competent counsel, did not explain what additional information he could have elicited from witnesses, and it was not reasonably probable he could have conducted better cross-examination of witnesses]; *Watson*, *supra*, 46 Cal.2d at p. 837.) At the adjudication, father's counsel did not present any evidence, but argued there was insufficient evidence to support a finding of domestic violence. She pointed out that there was no independent evidence about whether father had bipolar disorder, and that there was no nexus between father's admitted marijuana use and any risk of harm to the children.

Father argues on appeal that if the court had permitted him to represent himself, he could have provided beneficial information to the court, such as information about his current employment and his financial support of mother and their children. He also argues that he could have provided helpful testimony, and suggests that his decision not to testify suggests that he was not able to communicate with his attorney. Father provides no evidence to support this argument and ignores the fact that he had the right to testify while he was represented. Given this record, it is not reasonably probable father would have obtained a more favorable result had he been allowed to represent himself. (Cal. Const., art. VI, § 13.)

DISPOSITION

The jurisdictional finding relating to father's mental health condition and non-compliance with medication is reversed. Casey C.'s appeal of the remaining jurisdictional findings is dismissed. The dispositional orders are affirmed.

KRIEGLER, J.

We concur:

TURNER, P.J.

KIN, J.*

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* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.