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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re N.C. and I.C., Persons Coming Under  
the Juvenile Court Law.

B260639  
(Los Angeles County  
Super. Ct. No. CK98993)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Petitioner and Respondent,

v.

C.C.,

Objector and Appellant.

APPEAL from an order of the Superior Court of the County of Los Angeles, Julie F. Blackshaw, Judge. Affirmed.

Joseph T. Tavano, under appointment by the Court of Appeal, for Objector and Appellant.

Mark J. Saladino County Counsel, Dawyn R. Harrison, Assistant County Counsel, Sarah Vesecky, Deputy County Counsel for Petitioner and Respondent.

## **INTRODUCTION**

Objector and appellant, C.C. (mother) appeals from the juvenile court's jurisdictional findings in support of the court's order sustaining a Welfare and Institutions Code section 300<sup>1</sup> petition as to her infant daughter, I.C. According to mother, there was insufficient evidence to support the findings that mother and I.C.'s father, J.G. (father), posed a current risk of harm to I.C.

Because there was sufficient evidence to support the juvenile court's finding that father's long and unaddressed history of substance abuse posed a substantial risk of harm to I.C., we affirm the juvenile court's jurisdictional order on that basis.

## **FACTUAL AND PROCEDURAL BACKGROUND<sup>2</sup>**

In April 2013, the juvenile court detained N.C., the older child of mother and father. In July 2013, the juvenile court found true the following section 300 allegation as to father: "b-2. The child [N.C.]'s father, [J.G.], has a twenty five year history of substance abuse, including heroin, cocaine and marijuana, and is a frequent and current user of marijuana, which renders the father incapable of providing regular care of the child. In 2013, the father possessed, used and was under the influence of marijuana on a daily basis, while the child was in the father's care and supervision. The father's substance abuse endangers the child's physical health and safety, placing the child at risk of physical harm, damage and danger." The juvenile court sustained the section 300 petition, declared N.C. a dependent of the court, removed him from his parents' custody,

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise noted.

<sup>2</sup> Because we resolve mother's jurisdictional challenge based on the allegations and findings concerning father's substance abuse, we limit our discussion to the facts and procedure relevant to that issue.

and ordered the Department of Children and Family Services (DCFS) to provide reunification services to the parents.

Thereafter, father failed to drug test on four occasions and produced one negative test. In September 2013, police responded to a motel where mother, father, and a friend, Joana V., were staying. Joana V. was outside the motel room and she informed responding officers that father was assaulting mother, who was two months pregnant with I.C., inside the motel room. When police entered the motel room, mother was crying and father appeared to be under the influence of alcohol. Mother and Joana V. reported that father struck mother in the eye, face, and upper torso. They explained to police that the assault occurred after father climbed into bed with Joana V. and tried to kiss her while she slept. Joana V. pushed him away and mother told him to leave Joana V. alone. When Joana V. tried to call the police, father took her cell phone and pushed her out of the motel room. Mother stopped crying because father threatened to continue to beat her and she feared for her life and I.C.'s life. Although father denied assaulting mother, the police arrested father on a domestic violence charge.

Mother gave birth to I.C. in March 2014. Mother completed a residential drug treatment program and participated in 70 random drug tests that were negative. As a result, the juvenile court ordered that N.C. be placed in mother's home.

In September 2014, DCFS filed a section 300 petition on I.C.'s behalf and a section 387 petition on N.C.'s behalf based on reports that mother admitted having contact with father. Paragraphs b-2 and j-2 of the petition repeated verbatim the prior allegation concerning father's long history of daily drug abuse.

In September 2014, father called a children's social worker (CSW) and informed her that he had been released from jail and was at his probation officer's office. According to father, he had been in jail three times that year and in a mental institution one time. Father wanted to see his children and wanted DCFS to leave his children alone. He said he would not be attending any court hearings and that when the case terminated he and mother would take the children to Puerto Rico.

On September 8, 2014, the juvenile court detained the children from mother based on the section 300 and section 387 petitions. The court ordered monitored visitation for parents.

In the October 9, 2014, jurisdiction/disposition report, a CSW informed the juvenile court that she had been unable to interview father. At the October 9, 2014, jurisdiction hearing, the juvenile court admitted DCFS's exhibits and heard witness testimony, including testimony from mother. The juvenile court then sustained the section 300 petition filed on I.C.'s behalf. The juvenile court explained its ruling, in part, as follows: "I am going to sustain the [section] 300 petition, and the reason is this: The (A)(1), (B)(1) and (J)(3) counts are—the language actually was exactly taken from the petition that was sustained in April. It wasn't very long ago. So I do believe it's true. And I do believe it still poses a risk, that the violence is serious. [¶] I do believe the mother failed to protect, and I do believe it puts [I.C.] at risk. Even though the mother had not seen [father], that doesn't mean there is . . . not a risk. And the risk is amplified because mother is no longer in a program. [¶] . . . [¶] Also, the father's very extensive 25-year history with drugs, which led to the extreme violence, I do believe is still a risk to [I.C.], and so I will sustain the [section] 300 petition."

## **DISCUSSION**

### **A. Standard of Review**

"In reviewing a challenge to the sufficiency of the evidence supporting the jurisdictional findings and disposition, we determine if substantial evidence, contradicted or uncontradicted, supports them. "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 credibility are the province of the trial court." (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193 [60 Cal.Rptr.2d 315].) "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. [Citations.] “[T]he [appellate] court must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence . . . such that a reasonable trier of fact could find [that the order is appropriate].” [Citation.]” (*In re Matthew S.* (1988) 201 Cal.App.3d 315, 321 [247 Cal.Rptr. 100].) (See *In re Angelia P.* (1981) 28 Cal.3d 908, 924 [171 Cal.Rptr. 637, 623 P.2d 198].) (*In re I.J.* (2013) 56 Cal.4th 766, 773.)

## **B. Analysis**

The findings concerning father’s long and unaddressed history of substance abuse were undisputed. In addition, there was evidence that after the initial findings of such abuse were made, father failed to drug test on at least four occasions. Thereafter, he physically assaulted mother, who was pregnant with I.C., while he was intoxicated. There also was evidence that he had been in jail three times and a mental institution one time during the nine month period preceding the jurisdiction hearing. He also called a CSW and told her he wanted to see his children and wanted DCFS to leave his children alone. In addition to failing to drug test after the original petition was sustained, father refused to participate in the juvenile court proceeding on the second petition and intended to take his children and mother to Puerto Rico as soon as the juvenile court proceeding terminated.

Based on the findings concerning father’s long history of drug abuse and the subsequent evidence that he continued to abuse drugs or alcohol, refused to drug test, refused to participate in the juvenile court proceedings, and continued to want to see his children, we conclude that substantial evidence supported the juvenile court’s jurisdictional finding against father. Mother contends that although it was undisputed that father had a long history of drug abuse in July 2013, there was no evidence that he currently had a drug abuse issue or was currently refusing to address his drug abuse issue. In addition, mother argues that there was no evidence that father had any contact with I.C. and therefore no evidence that he posed a current risk to I.C.

Contrary to mother's view of the evidence, it was undisputed that father had a 25-year history of serious, daily drug abuse as of July 2013. Because father thereafter refused to drug test or participate in I.C.'s dependency proceeding, a reasonable trier of fact could have inferred that father's drug abuse issue had not been addressed at the time of the jurisdiction hearing. Similarly, father's physical assault of mother while intoxicated also supported an inference that his substance abuse problems were current. Moreover, less than month prior to the jurisdiction hearing, father informed a CSW that he had been in jail three times and in a mental institution on another occasion during the previous nine-month period, evidence that supported an inference of current substance abuse. In addition, he told the CSW he wanted to see his children and take them to Puerto Rico. And he told the CSW that he wanted DCFS to leave his children alone. That evidence supported a reasonable inference that father and his unaddressed issues posed a current risk to I.C.

Accordingly, we affirm the juvenile court's finding without reaching the court's other findings as to the alternative grounds for jurisdiction. "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." [Citation.]” (*In re I.J.*, *supra*, 56 Cal.4th at p. 773.; see *In re Drake M.* (2012) 211 Cal.App.4th 754, 762.) The court in *In re I.A.* (2011) 201 Cal.App.4th 1484, 1491 to 1492 discussed this principle as follows: “It is commonly said that the juvenile court takes jurisdiction over children, not parents. [Citations.] While this is not strictly correct, since the court exercises *personal* jurisdiction over the parents once proper notice has been given [citation], it captures the essence of dependency law. The law's primary concern is the protection of children. [Citation.] The court asserts jurisdiction with respect to a child when one of the statutory prerequisites listed in section 300 has been demonstrated. [Citation.] The acquisition of

personal jurisdiction over the parents through proper notice follows as a consequence of the court's assertion of dependency jurisdiction over their child. [Footnote omitted.] [Citations.] Parental personal jurisdiction allows the court to enter binding orders adjudicating the parent's relationship to the child [citation], but it is not a prerequisite for the court to proceed, so long as jurisdiction over the child has been established. [Citation.] Further, every parent has the option not to participate in the proceeding, even if properly noticed. [Citation.] [¶] As a result of this focus on the child, it is necessary only for the court to find that one parent's conduct has created circumstances triggering section 300 for the court to assert jurisdiction over the child. [Citations.] Once the child is found to be endangered in the manner described by one of the subdivisions of section 300—e.g., a risk of serious physical harm (subds. (a) & (b)), serious emotional damage (subd. (c)), sexual or other abuse (subds. (d) & (e)), or abandonment (subd. (g)), among others—the child comes within the court's jurisdiction, even if the child was not in the physical custody of one or both parents at the time the jurisdictional events occurred. [Citation.] For jurisdictional purposes, it is irrelevant which parent created those circumstances. A jurisdictional finding involving the conduct of a particular parent is not necessary for the court to enter orders binding on that parent, once dependency jurisdiction has been established. [Citation.] As a result, it is commonly said that a jurisdictional finding involving 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.” [Citation.] 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]”

Under these authorities, the juvenile court's jurisdictional findings under paragraphs b-2 and J-2 against father that we have affirmed were sufficient to support the juvenile court's exercise of jurisdiction over I.C. Therefore, we elect not to address the propriety of the juvenile court's jurisdictional findings under paragraphs a-1, b-1, b-2, j-2, and j-3 because once the juvenile court obtained jurisdiction over I.C. for any of the reasons alleged in the petition, it had corollary jurisdiction over mother and father, after

proper notice, to make orders affecting the welfare of I.C. (See *Los Angeles County Dept. of Children & Family Services v. Superior Court* (2012) 211 Cal.App.4th 13, 22 [having issued a writ to compel jurisdiction, court did not address remaining bases for jurisdiction alleged in the petition by DCFS].)

### **DISPOSITION**

The juvenile court's order sustaining the section 300 petition as to I.C. is affirmed.

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MOSK, J.

We concur:

TURNER, P. J.

KRIEGLER, J.