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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re Nehemiah B., a Person
Coming Under the Juvenile
Court Law.

B279558

(Los Angeles County
Super. Ct. No. DK16902)

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and Respondent,

v.

CHEYANNE B.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County, John Parker, Judge. Affirmed.

Nicole Williams, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Brian Mahler, Deputy County Counsel for Plaintiff and Respondent.

Mother Cheyanne B. appeals from the jurisdictional findings and dispositional orders of the juvenile court concerning her son Nehemiah B. We conclude that substantial evidence supports the court's jurisdictional findings. Because Nehemiah B. has since been returned to Cheyanne B.'s custody, her challenge to his removal is moot.

FACTUAL AND PROCEDURAL BACKGROUND

Nehemiah B. was born to Cheyanne B. in November 2015 when Cheyanne B. was 16 years old. Cheyanne B. was a dependent child of the court at the time of Nehemiah B.'s birth and had been the victim of general neglect, caretaker absence/incapacity, and sexual abuse. Newly returned to the custody of her mother at the time of Nehemiah B.'s birth, Cheyanne B. was attempting to regain a relationship with her mother while taking care of an infant. The relationship repair was complicated because Cheyanne B.'s mother continued to maintain a relationship with Cheyanne B.'s stepfather, who had sexually abused Cheyanne B.

Nehemiah B.'s father was eight years older than Cheyanne B. He was not prosecuted; Cheyanne B. later told the Department of Children and Family Services that she did not pursue criminal proceedings against him because at the same time the police were pressuring her to press charges against her stepfather for sexual abuse. Nehemiah B.'s father already had other children, one of whom was a dependent child, and he was not present in Nehemiah B.'s life.

Overwhelmed by the stressors in her life and possibly experiencing post-partum depression, in December 2015 Cheyanne B. ingested multiple ibuprofen pills in a suicide

attempt. Nehemiah B. was not present at the time. Cheyanne B. later explained that she immediately changed her mind: “I was just exhausted and I had actually snapped out of it and decided, ‘I don’t want to do this.’” Cheyanne B. did not require any medical attention. She attempted to obtain counseling after the incident, but abandoned efforts when it took too long to see a therapist.

In late April 2016, Cheyanne B. attempted suicide again, this time by consuming a larger quantity of medication. Nehemiah B. was asleep and in Cheyanne B.’s care at the time. Cheyanne B.’s mother was nearby, and when she returned home Cheyanne B. gave the baby to her and said she was overwhelmed. Cheyanne B.’s mother noticed that “something wasn’t right” with her, and Cheyanne B. disclosed that she had taken the medications. She was taken to the hospital, where her stomach was pumped; she was placed on a psychiatric hold. Cheyanne B. later described the incident: “I was really stressed out from being in foster care and trying to get my relationship back with my mother, being a single mother and just having a baby. The traumatic relationship was the trigger, but the history was the cause. Nehemiah was asleep in his car seat. I was really just having a hard day, and I think I was just over everything, I was really just having a bad day. I mean the intent was to make all my problems go away. I would wake up and everything was going to be in order and everything was going to be perfect.”

A referral was made to DCFS after Cheyanne B.’s hospitalization. According to the caller, Cheyanne B. reported feeling overwhelmed and that Nehemiah B. would be better off if she were not his mother. She did not feel supported, and she had lost her only source of emotional support when she and her boyfriend broke up. Cheyanne B. was, according to the caller,

“very broken down and reported that she was only 17 years old and couldn’t be a kid because she has to be a mother. She explained that she wasn’t ready to be a mother and that she is stressed out about being a mother.” She appeared to be suffering from postpartum depression. She expressed love for her son and was trying to be a good mother, but she felt that she lacked the necessary skills. She made no threats of harm against her son.

Cheyenne B. was diagnosed with major depression in May 2016. In June 2016 DCFS detained Nehemiah B. and filed a juvenile dependency petition under Welfare and Institutions Code section 300 alleging that his mother’s depression and suicide attempts rendered her unable to provide regular care and supervision of Nehemiah B.

When DCFS examined Nehemiah B., he was in good health, appropriately dressed, well groomed, bore no marks or bruises, and did not appear distressed. The home was free of safety hazards, drugs, and alcohol, and there was ample food and clothing for him. Nehemiah B. was placed in the home of his godmother, a former teacher and family friend of Cheyanne B. The godmother described Cheyanne B. as having a lot of potential and said that she would be successful if she received proper support.

Cheyenne B. acknowledged to DCFS that she needed help to deal with her depression. Having found counseling useful in the past, Cheyanne B. immediately began seeing a therapist for individual counseling and parenting instruction. Her counselor observed that she was very open during counseling; she appeared to take responsibility for her actions and to understand the importance of being healthy individually for herself and her child. She was learning to manage her emotions and no longer reported

suicidal ideation. Cheyanne B. underwent a psychiatric evaluation to rule out any deeper psychiatric problems. DCFS remarked upon Cheyanne B.'s "proactive actions in obtaining mental health treatment to address the concerns which led to her feelings of hopelessness."

Cheyenne B. visited Nehemiah B. regularly and consistently. While the caregiver, a teacher, was home on summer vacation, Cheyanne B. visited nearly every day. Her visits usually lasted a half-day or more. She also made video calls to Nehemiah on an almost daily basis. Once school resumed, Cheyanne B. continued her extensive visits on weekends.

By August 2016, Cheyanne B. understood the intervention of DCFS and her need to change: "At first I was just like, 'why are they putting me through all of this?' At this point I realized that it gave me the time to re-establish myself. You can't decide 'I don't want to be a mom today,' you have to be a mom every day. Nobody would be there to care for Nehemiah if I was gone. He could have possibly been hurt being there on his own. I basically put Nehemiah in the same predicament that I went through." She told DCFS that now "I get through my bad moments by using my coping mechanisms."

DCFS observed Cheyanne B. to be "young and motivated to resolve the issues which initially resulted in DCFS and Juvenile Dependency court intervention." She was attached and bonded with her son and wanted him in her care. DCFS described her as "demonstrat[ing] a willingness and ability to understand the circumstances she perpetuated which pose a direct risk to the health and safety of her son."

Nehemiah's caregiver and godmother reported, "No one has observed Cheyanne's direct interactions with her son more than me. During the visits with Nehemiah, Cheyanne displayed great affection for her son, interest in his habits and changes, expressed deep longing for his return home, shared updates on her personal progress, and plans for Nehemiah's return home. When I would share a new skill I was working on with Nehemiah regarding his development, she would adopt the same approaches and continue that work with him in her time spent during visitation. I would send Cheyanne articles on child development and parenting and we would discuss that information during visitation. This included discussing how Nehemiah's routines and preferences would continue once he returned home. Cheyanne and I discuss how to balance her personal growth goals with the demanding role of being a parent of an infant. Many of Nehemiah's routines and independence skills will afford her the flexibility to continue working and attending school once he returns home. Cheyanne has also worked on recognizing that parenting is not a one person job. We have shared many conversations about who she can rely on as a support team in her life when parenting gets exhausting and overwhelming. She has set pride aside and is willing to call upon trusted family and friends to assist her in the parenting process. However, she always takes full accountability for providing for and raising her son." In the caregiver's opinion, "Cheyanne has displayed continually increasing emotional and social maturity through this process." She had sought out the mental health supports she needed to allow her to take care of her son, and she "has made a whole-hearted commitment to being an available, educated, responsible and loving parent to Nehemiah."

Cheyanne B. enrolled in a program to complete her high school education. She moved out of her mother's home and into her father's home. Her new residence was outside the service area of her therapist, so her individual therapy ended in August 2016. She also had not enrolled in a parenting education program approved by DCFS.

As of September 2016, Nehemiah B.'s caregiver believed that Cheyanne B. would benefit from further education on general developmental milestones, scheduling, developing routines, and handling meltdowns. As he grew, Nehemiah B. was becoming more awake and alert, requiring his caregiver to have more skills to meet his needs. Nehemiah B., moreover, was highly resistant to his required nebulizer treatments. Visitation was liberalized to permit Cheyanne to practice her caregiving skills.

The jurisdictional hearing took place on September 15, 2016. Cheyanne B. argued for the dismissal of the dependency petition, contending that there was no current risk to Nehemiah B. because she had obtained treatment for her mental health issues, learned coping mechanisms, developed a support network, and demonstrated insight into the importance of her mental health treatment for the safety of her son. She was no longer suicidal. She intended to resume counseling as soon as she had health insurance, and she had made arrangements for the parenting program that her social worker wanted her to attend.

DCFS and counsel for Nehemiah B. argued that jurisdiction over Nehemiah B. was appropriate because Cheyanne B.'s emotional stability was not yet fully established. DCFS commended Cheyanne B. for her insights and her efforts, but expressed concern about her circumstances, namely that she

was a young mother without support from the child's father and that she had very recently been under so much stress that she had attempted to commit suicide. Her limited time in counseling, DCFS argued, was not sufficient to give Cheyanne B. the experience necessary to respond appropriately to her triggers so that she did not make a rash decision that endangered Nehemiah B. Nehemiah B.'s counsel expressed the view that Cheyanne B. needed further treatment so that triggers in her own life did not result in further suicidal ideation, placing herself and Nehemiah B. at risk.

The juvenile court concluded that Nehemiah B. remained at substantial risk of serious physical harm as a result of Cheyanne B.'s inability to provide regular care for him. The court noted the seriousness of Cheyanne B.'s emotional issues and expressed its hope that over time she would be fully stable for enough time that the court could conclude that Nehemiah B. was no longer at risk. The court sustained the allegation of the petition, declared Nehemiah B. a dependent child of the court, and on clear and convincing evidence removed him from the custody of Cheyanne B. Cheyanne B. appeals.

DISCUSSION

I. Jurisdictional Findings

Cheyenne B. contends that insufficient evidence supported the juvenile court's finding of jurisdiction over Nehemiah B. because there was no evidence of a current risk of harm to him. We review the jurisdictional findings for substantial evidence (*In re P.A.* (2006) 144 Cal.App.4th 1339, 1344) and conclude that the juvenile court's finding was supported by substantial evidence.

It is abundantly clear from this record that Cheyanne B. loved her son and was fully committed to addressing her mental health issues, eliminating the conditions that prompted DCFS intervention, and being the best parent to her son that she could be. Upon Nehemiah B.'s detention, Cheyanne B. had acknowledged that she needed help and immediately sought counseling, demonstrating developing maturity and a commitment both to her health and to Nehemiah B.'s welfare. But at the time of the jurisdictional hearing, it was only five months since her most recent suicide attempt and four months since she had been diagnosed with major depression. She had received only two months of weekly counseling. While she was diligently learning new coping skills, developing a support network, and gaining insight into herself and her role as a parent, as of the date of the jurisdictional hearing Cheyanne B. had not yet had enough time to practice those skills, to gain experience in coping with her stressors and triggers, and to establish emotional stability. Substantial evidence supported the juvenile court's conclusion that Nehemiah B. remained at risk of harm at the time of the jurisdictional hearing in September 2016.

II. Removal Order

Cheyenne B. also appeals the court's order removing Nehemiah B. from her custody. On our own motion, we take judicial notice of minute orders concerning subsequent proceedings in this matter, and we understand from those orders that on March 15, 2017, the juvenile court terminated its previous suitable placement order and returned Nehemiah B. to Cheyanne B.'s custody. As Nehemiah B. is no longer removed from his mother's custody, the issue of removal is now moot.

DISPOSITION

The judgment is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.