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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re LAUREN R., a Person Coming
Under the Juvenile Court Law.

B283127
(Los Angeles County
Super. Ct. No. DK20913)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

JOHN R. et al.,

Defendants and Appellants.

APPEAL from orders of the Superior Court for Los Angeles
County, Joshua D. Wayser, Judge. Affirmed.

Anne E. Fragasso, by appointment by the Court of Appeal, for
Defendant and Appellant John R.

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

Aida Aslanian, by appointment by the Court of Appeal, for
Respondent Lauren R.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant
County Counsel, and Stephanie Jo Reagan, Principal Deputy County
Counsel for Plaintiff and Respondent Los Angeles County Department
of Children and Family Services.

John R. (father) and Deanne R. (mother) appeal from the
jurisdiction and disposition orders of the juvenile court regarding their
daughter, Lauren R. Finding there was substantial evidence to support
those orders, we affirm.

BACKGROUND

Father and mother have three daughters. Lauren, who is the
subject of this proceeding, is their middle daughter; she was almost 16
years old at the time the petition was filed in this case. She has a
younger sister, Madeline, who was 11 years old, and an older sister,
Leila, who was 20 years old at the time the petition was filed.

A. Detention Report and Hearing

1. Previous Referrals

The family first came to the attention of the Los Angeles County
Department of Children and Family Services (the Department) in
March 2014, when the Department received a referral alleging general
neglect of Lauren by mother and emotional abuse by father. The
Department received a second referral the next day stating that several

students and their parents expressed concern about how father treats Lauren and about how father's drinking might impact father's ability to properly supervise Lauren.

The Department investigated the referrals, and learned that Lauren had become depressed when father took her out of the school she was attending after he read entries in her journal in which she wrote about attempting to harm herself and taking pills to get high. On March 9, 2014, Lauren said that she had taken an unknown amount of Advil, and her parents brought her to the hospital. After she was discharged, she told father she wanted to die by overdosing on Tylenol. Father took her to Northridge Hospital for mental health care, where she was put on a 72-hour hold under Welfare and Institutions Code¹ section 5585 and transferred to Vista Del Mar Hospital (Vista Del Mar). Although father took Lauren out of Vista Del Mar against medical advice, he and mother immediately enrolled Lauren in therapeutic services to address her mental health needs; father and mother also enrolled in family therapy with the same therapist. The Department concluded that the children's physical, emotional, educational, and medical needs were being met and that intervention by the Department was not warranted at that time.

A year and a half later, on November 3, 2016, the Department received two more referrals regarding Lauren; both arose from the same incident. During an argument between Lauren and father, Lauren told

¹ Further undesignated statutory references are to the Welfare and Institutions Code.

father she was going to call the police and tried to run out of the house. Father grabbed her and pushed her to the bed; when mother tried to step in to resolve the situation, Lauren attempted to cut herself on the wrist with a razor blade. Father called the police, and when the officers arrived with the PET team, Lauren was placed on a psychiatric hold.² The family declined all intervention by the Department.

2. Current Referral

On December 21, 2016, the Department received the referral that is the subject of this case. The referral stated that Lauren had run away from home and was in the custody of the Pomona Police Department. The police contacted father to tell him that Lauren was in their custody and asking him to come pick her up and take her home. Father, however, refused, so the police transferred care and supervision of Lauren to the Department at around 1:30 a.m. on December 22, 2016.

Ruby Guillen, the Emergency Response Command Post social worker (the ERCP/CSW), transported Lauren home. When they arrived, the door was unlocked (Lauren told the ERCP/CSW that father never locks the front door). Lauren walked in and asked the ERCP/CSW to follow her inside. The ERCP/CSW stood just inside the front door as Lauren walked down the hallway. The ERCP/CSW heard father and mother yelling at Lauren when she went into her parents' bedroom to tell them she was home. Father came into the living room,

² The Department noted that Police Officer Dineen reported that father was "clearly under the influence of alcohol when the police arrived."

saw the ERCP/CSW standing in front of the front door, and began yelling at her for bringing Lauren home and accusing her of abusing her authority. Mother then came out of the bedroom, and appeared to be angry. She called 911 and reported that there was an “intruder” in her home and that she needed police assistance.

While waiting for the police to arrive, the ERCP/CSW went outside. Father followed her and told her that he had an agreement with the Pomona Police Department, and that the police were supposed to keep Lauren until the morning so he could get coordinated services. He said he told the Pomona police to lock Lauren up because she had mental health issues and needed to be put into a facility, not taken home. The ERCP/CSW stepped away, and went to the curb to call her supervisor. While standing on the curb, she could hear father yelling at Lauren and Lauren crying hysterically. The ERCP/CSW walked back to the front porch and told father that her supervisor needed to talk to him. The police arrived as she was handing him her phone.

While father was talking to the ERCP/CSW’s supervisor, the ERCP/CSW spoke with the police officers. When father saw the police officers, he walked over and handed the phone back to the ERCP/CSW. The ERCP/CSW was told by her supervisor that father told her that he relinquished Lauren to the Department because he did not want her in

his home.³ The ERCP/CSW asked father if she could interview Lauren's younger sister Madeline, but father (and mother) refused. As father and mother became more hostile, the police officers stepped in and stood between the parents and the ERCP/CSW. The ERCP/CSW told father and mother that, due to the volatility of the situation, she was taking custody of Lauren and gave them notice for court.

Over the next few days, the ERCP/CSW (or, in the case of father, mother, and Madeline, a different social worker) conducted interviews of Lauren, her parents and sisters, the Pomona police officer who spoke with father on the night of December 21, and one of the Los Angeles police officers who responded to mother's 911 call in the early morning hours of December 22.

a. *Lauren*

Lauren told the ERCP/CSW that she had not run away from home. She said that she and her father got in an argument and father told her to leave, so she left. She went to hang out with some friends. They were in a park in Pomona when the police came and asked what they were doing. She told the police that she was from Encino, and they took her to the Pomona police station, where they called father. When father refused to pick her up, the police took her to the Department's Emergency Response Command Post.

³ The next day, father rescinded his consent to relinquish Lauren to the Department, and Lauren went to stay (with father's approval) with a family friend. The Department obtained a removal order a few days later, and Lauren was detained in the home of that same family friend.

When asked by the ERCP/CSW if she had received mental health services on a continuing and consistent basis, Lauren said that she had not. She told the ERCP/CSW that she needed and wanted to get services, but her parents always stopped them after a month. She said that father would tell her that the therapy was not working after a month and pull her out, then he would tell people that she did not want to go.

For example, she said she saw Katie Klechner (a psychiatry physician assistant) in July 2016, but mother did not like her and made Lauren stop seeing her after three sessions. In August and September 2016, she went to Asian Pacific, where she felt comfortable, but father did not like the therapist and made her stop going. Also, when she was in Vista Del Mar one time under a mental health evaluation, she told the people there that she wanted to get off drugs, so after she was discharged she went to Phoenix House for a 45-day intensive treatment. She felt she was getting help there, but she was pulled out by father on the fifth day. When asked why her parents pull her out from mental health services, Lauren said that father does not believe in mental health services and “wants to be in control of everything all of the time.”

The ERCP/CSW asked Lauren about drug and/or alcohol use. Lauren admitted she had used marijuana, cocaine, methamphetamine, Xanax, and “lean” (prescription strength cough syrup mixed with soda and/or another drink). She also said that father gave her marijuana; she said he had marijuana because he smoked it.

b. *Father*

Father told the social worker that he received a phone call from the Pomona Police Department at around 8:00 p.m. on the night that Lauren was found by the Pomona police. He explained to the officer what had been going on with Lauren and said that he had been in touch with someone from the “Missing Children” website who was working to refer mother and father to a support group to help stabilize their home in order for Lauren to be able to return. He explained that he was concerned about Lauren running away again if she were brought home before the resources were in place. He also told the officer that it was raining and he was concerned about driving such a long distance at night in the rain because he is blind in one eye and does not feel safe driving at night. He told the social worker he was under the impression that the officer would be bringing Lauren home the next morning; he denied refusing to allow Lauren to come home or to come pick her up.

Father said he was awakened at around 2:30 a.m. when the ERCP/CSW came into his home and entered his bedroom to tell him that Lauren was home. He said that the ERCP/CSW, who was accompanied by law enforcement, told him and mother that they needed to wake up Madeline to be interviewed. When they refused, he said that the ERCP/CSW told them that the day care that they operated in their home would be closed and their license would be revoked. Nevertheless, they continued to refuse to wake up Madeline and asked if the ERCP/CSW could come back the next day to interview her.

Father said that he told the police officers at his house and the ERCP/CSW that he wanted Lauren placed on a section 5150 hold due to

her history of running away, suicidal ideations, and not taking her psychotropic medication. He told the social worker that he had told the ERCP/CSW that he thought that Lauren was going to be hospitalized or taken somewhere until the team referred by the “National Missing Children” was able to come out to the home. He denied giving consent to have his daughter detained from him and mother.

Father gave the social worker consent to read Lauren’s diary. In an entry dated December 3, 2016, Lauren wrote that she felt stressed due to finals at school, and that she might try to get “a bar or 2” or some cocaine to help her stay awake. (Father told the social worker that “a bar or two” meant Xanax.) In an entry dated a few days later, Lauren wrote that she was happy about having her cell phone back, and that father had given her some marijuana. The social worker asked father about that entry. Father said that Lauren’s psychiatrist recommended that Lauren be given marijuana as an alternative to her prescription medication Seroquel. Father explained that he had a prescription for medicinal marijuana due to anxiety and stress from dealing with Lauren.

c. *Mother*

Mother told the social worker that she and father had been dealing with Lauren’s behavioral issues for the past couple of years. She stated that Lauren was diagnosed with bipolar disorder, but she did not feel that diagnosis was appropriate. She said that Lauren was prescribed Abilify and Seroquel to treat her symptoms, and was currently receiving services from Village Family Services. Lauren was

supposed to receive two or three counseling sessions weekly and a coping skills liaison, and mother and father were supposed to get a parent liaison, but they had not yet started receiving all those services.

Explaining what happened the day Lauren ran away (the morning of December 17), mother said that Lauren was required to give them her cell phone by 10:30 p.m. every night, but she had not done so that night, so father went into her bedroom to get it. Lauren told them she had fallen asleep. When father and mother checked the phone, they found inappropriate text messages and saw that she had been on social media, which was against the rules mother and father had imposed when they gave Lauren's phone back to her. Father then told Lauren that because she failed to follow the rules her cell phone would be taken from her. Lauren got upset and ran away early the next morning.

Mother said that she and father filed a missing person report, listed Lauren on the missing children's website, and contacted Lauren's friends and asked them to call if they knew where Lauren was. She said that when the Pomona police called on December 21, father explained to the officer that they were in contact with representatives from the missing children website, who advised them to have an intervention team come and assess their house before Lauren returned; the team was scheduled to come to the home the following morning. Mother told the social worker that father asked the officer if he could keep Lauren overnight because he was concerned she would run away again if she were to return. She stated that she was under the impression that the officer had agreed.

d. *Lauren's Sisters*

Madeline, Lauren's younger sister, told the ERCP/CSW that Lauren was defiant; that she talked back to mother and father and "does 'bad things,'" like sneaking out of the house and stealing from the family. She said the problems started when Lauren was taken out of the school she was attending and sent to a different school. She told the ERCP/CSW that Lauren's behavior had escalated, and that she had begun sneaking boys into the house.

Leila, Lauren's older sister, said that Lauren did not listen to mother and father, and did whatever she wanted. She told the ERCP/CSW that mother and father would set rules, but Lauren would not follow them. She said that Lauren was a liar and would say whatever she needed to so she would not have to accept responsibilities.

e. *Pomona Police Officer Erfan*

Officer Erfan told the ERCP/CSW that when he contacted father to tell him Lauren had been found and was at the Pomona police station, father gave him a series of reasons why he could not come pick her up. First, father told the officer that he could not pick her up because it was raining. Then, father said that he had a 12-year-old van that was not safe to drive and he had no other mode of transportation. When the officer suggested that father use Uber or Lyft, father said that he could not afford it. After Lauren told the officer that father had just purchased a brand new Mercedes, the officer told father he should use his new Mercedes to come pick Lauren up. Father said that the

Mercedes was in the shop.⁴ At that point, the officer said father's attitude changed, and he urged the officer to have Lauren placed in a section 5585 mental health hold. The officer told father that the police department had evaluated Lauren and determined that she did not meet the criteria for a section 5585 hold because she did not pose a risk to herself and/or others. He said she exhibited full capacity and function, got along well with the police officers, and had a pleasant demeanor. The officer told father that it was his responsibility to pick his daughter up and take her home, but father became more stubborn, insisted that Lauren needed to be institutionalized, and refused to pick her up.

When the officer asked Lauren why she ran away, she said that she did not run away but that father kicked her out after he found a boy in their home. She said that father took her cell phone and told her to get out. She told the officer that she took multiple trains and made it to Pomona. She said she stayed with a friend until the friend's mother said she no longer was welcome, after which she was living on the streets.

f. *Los Angeles Police Officer Dineen*

Officer Dineen and another officer responded to the 911 call mother made when the ERCP/CSW returned Lauren to her home.

⁴ The ERCP/CSW noted in the detention report that when she drove Lauren to father's house that same night, the new Mercedes was parked in the driveway of his house.

Officer Dineen told the ERCP/CSW that she had responded on a prior child referral for the same family in November 2016, and that father was belligerent and difficult at that time. Due to her experience on that call, she requested that her supervisor and another officer also respond to the call on December 22. After speaking to the ERCP/CSW upon her arrival, Officer Dineen assessed the situation and concluded that father was intoxicated and/or under the influence. She and the other officers escorted the ERCP/CSW to the front porch of the house in order to take Lauren into custody.

3. Petition and Detention Hearing

On December 30, 2016, the Department filed a dependency petition under section 300, subdivisions (b) and (c). Count b-1 alleged that father had a history of substance abuse and was a current user of marijuana and an abuser of alcohol, which rendered him incapable of providing regular care and supervision of Lauren, and mother knew of father's substance abuse and failed to protect Lauren. Count b-2 alleged that father placed Lauren in a detrimental and endangering situation by providing her with marijuana. Count b-3 alleged that Lauren has mental and emotional problems, including a diagnosis of bipolar disorder, and has demonstrated depression and self-harming ideations, and mother and father have a limited ability to provide care and supervision of Lauren, in that they have failed to provide her with consistent mental health services and have failed to ensure that she take her prescribed medication. Count c-1 alleged that father has on numerous occasions emotionally abused Lauren by making derogatory

and demeaning comments to her and yelling at her, and mother knew of the emotional abuse and failed to protect Lauren.

At the detention hearing, mother and father entered general denials of the allegations. The juvenile court made a prima facie finding that Lauren was a child described by section 300 and ordered her detained in foster care. The court ordered mother and father to take a parenting class and limited their visits to a therapeutic setting.

B. *Jurisdiction/Disposition Report*

The Department filed a jurisdiction/disposition report in advance of the jurisdiction hearing. The report included statements from Lauren, mother, father, and others regarding each count, and attached, among other exhibits, medical records from Lauren's various hospitalizations and other mental health providers.⁵

1. *Witness Statements Regarding Count b-2*

As noted, count b-2 alleged that father placed Lauren in a detrimental situation by providing her with marijuana.

a. *Lauren's Statement*

Lauren told the dependency investigator (DI) that she uses marijuana and had used Xanax a couple of times. She said that in the

⁵ Because the juvenile court ultimately dismissed counts b-1 and c-1, we omit the witness statements regarding those counts in our summary of the jurisdiction/disposition report.

summer of 2016, father “decided it would be fun if he gave me marijuana.” He told her that he would give her a little bit each week so she would not have to spend money; he gave her an eighth of an ounce, once every week. Lauren said that her mother was aware of this arrangement and never objected.

b. *Mother’s Statement*

Mother admitted to the DI that father gave marijuana to Lauren sometime around November 2016. She said she had read Lauren’s diary and discovered she was engaging in sexual acts to get marijuana; father told her that he gave Lauren marijuana “so she wouldn’t go out in the street to get it.” She said she was not a part of the decision to give Lauren marijuana, but she agreed with it because she felt it was safer for Lauren to have it at home with father. She believed that father gave it to her only that one time. She told the DI that she and father were concerned about Lauren’s marijuana use and wanted to enroll her in a treatment center, but when she was hospitalized at Del Amo Hospital (Del Amo), her drug tests were negative.

c. *Father’s Statement*

Father admitted that he gave Lauren marijuana one time in around November 2016. He told the DI that mother had read Lauren’s diary and discovered that Lauren was “sneaking out, dating a drug dealer Tyler, smoking pot with friends.” He said he gave Lauren about a gram of marijuana, so she would stay home to smoke it. He explained that Lauren is impulsive and does not go to sleep at night, and he had

hoped giving it to her would keep her from “sneaking out of the house and doing other things to get it.” He told the DI that he and mother made the decision together.

d. *Other Witnesses’ Statements*

Lauren’s sister Leila denied ever witnessing father give Lauren marijuana, and denied smoking marijuana with Lauren. Her sister Madeline told the DI that her parents would never give Lauren any drugs. Margarita C., an employee of mother’s daycare, told the DI that she had no suspicions of drug use by either parent, and said that they were “very good parents.”

2. *Witness Statements Regarding Count b-3*

As noted, count b-3 alleged that mother and father failed to provide Lauren with consistent mental health services and failed to ensure that she took her prescribed medication.

a. *Lauren’s Statement*

Lauren told the DI that she began having mental health problems “5 days before [father] started giving me weed.” She admitted she “was really depressed” at the time because father had taken away her phone and would not let her go anywhere. She said she was hospitalized at Vista Del Mar and diagnosed with bipolar disorder after an altercation with father, when father asserted that she was suicidal. She said that she was prescribed medication that summer, but father “didn’t want me relying on medication.” She told the DI that smoking marijuana while

taking the medication made her dizzy, so her father told her to stop taking the medication. She also reported that every time she was enrolled in mental health services her parents would claim that “the progress isn’t fast enough” and take her out after only a couple of months.

b. *Mother’s Statement*

Mother told the DI that she and father continuously sought out mental health services for Lauren, including services at Valley Coordinated Services, “Dr. Katie” (physician assistant Katie Kleckner), Asian Pacific Clinics, and Phoenix House. She reported that they paid out of pocket for Lauren’s medication, which totaled \$150 per month. She admitted that she and father “gave Lauren too much freedom, too much authority” with regard to her mental health treatment; she said that she was unaware that Lauren was not taking her prescribed psychotropic medication because she allowed Lauren to administer her own medication after a few weeks.

c. *Father’s Statement*

Father told the DI that Lauren’s mental health and behavioral problems began about two years before. Those behaviors included running away from home, sneaking out in the middle of the night, sneaking people into the home, stealing, having relationships with older men, and doing drugs. He reported that Lauren was hospitalized at Vista Del Mar in 2016 after she had an “episode.” He said that after her release, he and mother secured a spot for Lauren at Phoenix House

Treatment and Rehabilitation so Lauren could get sober and receive appropriate care. Lauren was admitted on a Monday, and at the visitation day the following Sunday, Lauren told him and mother that other residents were asking her to pick up drugs at the nearby 7-Eleven, and that she had received notes from male residents asking her to have sex with them. He told the DI that although he and mother were concerned, they trusted that Lauren could stay there until they were able to find a better option. Later that day, however, he received a call from Phoenix House telling him that Lauren was “going through a psychosis” and would be hospitalized. He said that he was concerned about the treatment she was receiving and “demanded to have her back.”

After father removed Lauren from Phoenix House, he and mother contacted a therapist, Dr. Katie, who had a couple of sessions with Lauren and prescribed Abilify and Seroquel for her. Although father said that Dr. Katie’s treatment was effective, he and mother “thought it was getting a little expensive,” and terminated her services. When asked by the DI whether he made Lauren stop taking her prescribed medication, he said he did not, but he said that Lauren told him that it made her tired and that she did not want to take it.

Father told the DI that by August 2016, nothing seemed to be effective at keeping Lauren from engaging in risky behavior, so he “made the bold move to start giving her whatever she likes to try to control her.” They gave her a new cell phone and gave her permission to socialize with whomever she wanted. They thought their new approach was working until late October, when Lauren was caught

drinking at her school's homecoming dance, and they read in her diary that she had been stealing money so she could leave home. He told the DI that Leila also caught Lauren sneaking two adult men into their home in the middle of the night, and in November he and mother found Lauren with one of the same men in their backyard with a used condom and pills on the ground. He said that this caused Lauren to "freak[] out" and she tried to cut her arms with a razor. He reported that the police were called, Lauren was hospitalized, and the Department conducted an investigation. He said that he and mother were in the process of securing Lauren mental health and wraparound services in December when the current case opened.

In January 2017, at a Child and Family Team (CFT) meeting, father was told about Lauren's mental health rights, including her right to rescind consent to share information with father and mother or to include father and mother in her mental health services. Father became visibly frustrated and announced that he would be taking Lauren out of all mental health services on February 9, 2017 (the date scheduled for the jurisdiction hearing) once Lauren was returned to his care.

d. *Other Witnesses' Statements*

Leila told the DI that her parents were trying to give Lauren what she wanted in order to make her happy, but that she had been very depressed lately. She said that two weeks before Lauren ran away she caught her sneaking two men who appeared to be in their twenties into

their home after midnight. She said that her parents want to send Lauren to school in Utah.

Madeline told the DI that Lauren was “too immature” and that she “grew up too fast and started doing all of these wrong things.” She said she saw Lauren sneak “a boy with pills” into their home and that when, as a consequence, her parents took Lauren’s phone away, Lauren ran away. She reported that Lauren and her parents have “sort of like an on/off relationship.”

Employee Margarita C. told the DI that she was linked to Lauren’s social media profiles and saw pictures of Lauren “doing stuff that’s not appropriate for her age,” such as smoking, kissing another girl, and escaping from her house. She said that Lauren was a very smart girl, but was a different person when she had her cell phone; when she did not have it, she was more involved with the family, but she would forget about everyone else when she had it. She also told the DI that on one occasion she found condoms and pills in the yard on the side of the family’s house. She said that Lauren admitted they were hers and apologized, and mother and father took away her cell phone.

3. *Mental Health and Medical Records*

The jurisdiction/disposition report attached as exhibits records from (1) Lauren’s hospitalization at Vista Del Mar in March 2014; (2) her hospitalization at Vista Del Mar in June 2016; (3) Lauren’s sessions with psychiatric physician assistant Katie Kleckner in July 2016; and (4) Lauren’s hospitalization at Del Amo in November 2016.

a. *Vista Del Mar, March 2014*

Lauren was admitted to Vista Del Mar on March 11, 2014 under section 5585 danger-to-self criteria. She had overdosed on Advil, and after she was sent home from the hospital (where she had her stomach pumped) she told father she was going to overdose on Tylenol, so she was brought to Vista Del Mar. She reported to Vista Del Mar admissions personnel that she had been anxious and depressed since December 2013. The hospital identified her problems as depression and suicidal ideation. She told a physician on March 12 that she was planning to overdose on Tylenol, and she was given Prozac. On March 13, she told the physician that she planned to end her life when she was discharged. On March 14, Lauren said she was feeling somewhat better and denied suicidal ideation. That day, when father arrived at the hospital he refused to participate in a family session. He said that Lauren would benefit from not being at Vista Del Mar anymore, and requested that she be discharged immediately. Although Lauren's doctor believed she would benefit from a longer stay, he could not hold her against her parents' wishes since she no longer met the criteria for a hold because she no longer was suicidal. Therefore, Lauren was discharged against medical advice. She was given a seven-day prescription for Prozac with no refill.

b. *Vista Del Mar, June 2016*

Lauren was again admitted to Vista Del Mar on June 26, 2016 on a section 5585 hold for danger to self due to depression and running away; the police reported that Lauren told them she would take pills to

kill herself. The hospital reported that she presented with depressed mood, insomnia, low energy, poor concentration, poor appetite, and suicidal ideation. The hospital noted that father reported that “[s]he is very sexually active. . . . She is defiant.” The hospital developed a treatment plan of psychopharmacotherapy with Prozac and individual, group, and milieu supportive therapy, and reported that Lauren and father “demonstrated adequate appreciation and were in agreement” with the treatment plan. She was discharged on July 5, 2016, after she was found to have improved and no longer was a danger to herself or others. The report stated the disposition was “To Phoenix House.” Her primary diagnosis on discharge was major depressive disorder, recurrent, severe, without psychotic features. She was given a 30-day prescription for Prozac with no refills.

c. *Katie Kleckner, July 2016*

In her notes from her first session with Lauren and her parents on July 12, 2016, Kleckner reported that Lauren was discharged from Vista Del Mar after a nine-day hold; she was initially admitted after she had a falling out with her father, and was kept longer than three days because she began cutting herself with a dull tool while hospitalized. Lauren told Kleckner that she did this to avoid going back home to father and did not intend to kill herself. She told Kleckner that after she was discharged from Vista Del Mar she was sent to Phoenix House but her parents immediately took her out, against medical advice, because the treatment was directed toward substance abuse, which mother and father believed was not Lauren’s primary issue.

Kleckner observed that Lauren and her parents were able to identify that Lauren's defiant and self-harming behavior "is likely the result of an unhealthy family dynamic." She noted that mother and father admitted that father "has been especially hard on [Lauren], causing her to be more rebellious and depressed." Under the family history section of her notes, Kleckner reported that father likely has bipolar disorder and anger issues, that mother may have severe anxiety or depression, and that Lauren's paternal grandfather committed suicide.

Kleckner noted that Lauren had been prescribed Prozac in the hospital, but mother and father stopped it. She prescribed Seroquel (50mg tablets; 90 tablets prescribed), with instructions to take one or two at bedtime and one as needed for panic attacks, and Abilify (2mg tablets; 30 tablets prescribed), with instructions to take one tablet daily.

In her notes from Lauren and her parent's second session, on July 23, 2016, Kleckner reported that she instructed Lauren and her parents to follow up with the medical doctor or physician assistant in one week or sooner, and to begin or continue individual and family therapy as soon as possible. Kleckner increased the dosage of Seroquel prescribed to Lauren (to 100mg), and told her to continue taking both prescribed medications (Seroquel and Abilify). Kleckner counseled Lauren on the need for her to comply with all medical instructions, particularly those having to do with medication.

d. *Del Amo, November 2016*

Lauren was admitted to Del Amo on November 3, 2016 on a section 5585 hold for danger to self. She reported that she was not currently seeing a psychiatrist, but she was seeing someone for counseling. She also reported that she had been on Abilify and Seroquel, but had been off them for two and a half months. She also admitted to using marijuana, Xanax, and cocaine. The hospital admitted her “on an urgent basis . . . in order to provide a 24-hour nursing supervision to prevent further decompensation.” Her diagnoses at admission were disruptive mood/dysregulation disorder, polysubstance abuse, and oppositional defiant disorder. She was discharged on November 9, 2016, with instructions to get follow up care at The Village Family Services, and was prescribed Abilify (10mg, once daily) and Seroquel (50mg, once nightly).

C. *Jurisdiction and Disposition Hearings*

At the initial jurisdiction hearing, the juvenile court dismissed count c-1 at the Department’s request, and the matter was continued for a contested hearing at mother and father’s request. At the continued hearing, the Department presented no witnesses; it relied upon the detention and jurisdiction/disposition reports, which were admitted into evidence without objection. Father and mother both testified, and Lauren’s counsel entered into the record Lauren’s stipulated testimony. In addition, father offered into evidence a letter Lauren wrote to her sisters on December 21, 2016, and Lauren offered a letter from Katie Klecker.

1. *Father's Testimony*

Father testified that he first noticed Lauren exhibiting some mental health concerns when she was around 13 years old, shortly after she reached puberty. He noticed mood swings, defiance, rebellion, and “attraction to boys that caused her to sometimes act inappropriate.” At first he thought she was just being a typical teenager, but it got worse. When they made Lauren change schools, she told them she had taken pills and was going to kill herself. He took her to the hospital, where they determined that Lauren had not, in fact, taken pills. He brought her home, but then she said she was going to run away, so they put her in a psychiatric facility (Vista Del Mar).

When he was asked about Lauren’s discharge from her first hospitalization at Vista Del Mar, father testified that he had learned that Vista Del Mar was only a transitional facility and would house patients only for seven days. He said he was encouraged by staff at the hospital to find a place that could accommodate Lauren for longer term. He admitted that he took Lauren out only four days into her stay, but said that was because they found Valley Coordinated Services, which was close to their home and which he believed would be a better fit for Lauren. He testified that Lauren was put on Prozac, and they attended services there (including individual therapy and family sessions) three or four times a week for four to six weeks, which he said “seemed to resolve our problems.” When asked if the family had completed the treatment there, father responded, “We reached a certain point where

we didn't feel she needed the services as much as she did initially, because it was a crisis program. They felt the crisis was reduced."

Father testified that Lauren's second hospitalization at Vista Del Mar happened when father imposed restrictions on Lauren because she was not abiding by the rules he had set. She threatened to run away, and father called the police. When Lauren told the police that she would hurt herself if they made her stay home, the police took her to Vista Del Mar, where she stayed for seven or eight days, which was the full amount of time she was allowed. Lauren was put back on Prozac, but the hospital did not give a formal diagnosis.

While Lauren was at Vista Del Mar, he and mother talked to her about finding a facility for her to go to when she was discharged, and Lauren said she was interested in Phoenix House. They took her to Phoenix House a few days after she was discharged, but she stayed only five or six days. He explained that when he brought her there he understood it "was more of a psychological place," but once she was there they found out that 23 of the 26 girls in her dorm were "court-appointed" and responsible for very serious crimes, which concerned him. In addition, Lauren told him that she was being asked by certain gang members to go out of the facility to pick up drugs for them (since they were not allowed to leave the facility). Then, he and mother were supposed to meet with the therapist, but the appointment was cancelled. They finally were allowed to meet with Lauren about four or five days after they dropped her off. The meeting went well, but four or five hours later he received a call from Phoenix House telling him that Lauren was "having a psychiatric episode" and they were going to

transfer her to the hospital and give her stronger medications. Father told them he was not interested in that, and went there with a friend and took her out.

Father's friend recommended that father take Lauren to see Dr. Katie, who had helped the friend's daughter; father believed that Dr. Katie was a psychiatrist. Father took Lauren to see Dr. Katie two days after she left Phoenix House. Dr. Katie was not covered by father's insurance. Dr. Katie prescribed Seroquel for nighttime and Abilify for mornings; after a while they were told to lower the dosage of Seroquel because Lauren was groggy in the mornings. They saw Dr. Katie only two times. Father testified that Dr. Katie wanted Lauren to continue therapy, but they only went to her for the prescriptions, so they took Lauren to a different provider, Asian Pacific Counseling Services (Asian Pacific), for therapy.

About a week or so after the last appointment with Dr. Katie, Lauren and her parents started services at Asian Pacific. They participated in family and individual counseling for about two or two and a half months. Lauren did not like her counselor, and when they made the third appointment with her, Lauren said she did not want to meet with her, so they told Asian Pacific that Lauren was feeling better and did not feel she needed counseling.

After they left Asian Pacific, father and mother found a teen counseling support group, and Lauren went there once or twice a week for about a month. Around that time, father had "taken a new strategy" of giving Lauren everything she wanted. At first, everything went well, but in November, Lauren wanted to run away again. Lauren had found

out that her sister Leila was accessing her social media accounts and telling mother and father everything she was doing. Lauren and father got into an argument, and Lauren called the police and said father was hurting her. Father grabbed the phone and tried to explain what was happening, but the police came anyway. When the police arrived, Lauren was in her room cutting herself on the arm with a razor blade. Father asked the police to put Lauren on a section 5150 hold. The police took her to a local hospital, and the hospital transferred her to Del Amo, a psychiatric facility.

While Lauren was at Del Amo, he and mother found an inpatient treatment center in Tarzana that they wanted to bring Lauren to. However, when they took her to the center after she was discharged from Del Amo they were told the center could not keep her because Lauren did not want to be there. They then went to Village Family and Counseling Services, which had been recommended to them by a caseworker who had contacted father and mother while Lauren was in Del Amo. On their first visit they were told that they would get wraparound services, four or five days a week, with personal counseling, family counseling, and other services. The next week (which was in the beginning of December) they had only one appointment with a therapist, and were told that full wraparound services would start the following week. They again had only one appointment that following week; the therapist explained that they were short-staffed due to the holidays.

On December 17, he and Lauren had a confrontation over Lauren breaking the rules he had imposed regarding her phone, and about

suspicious noises father heard in the early morning hours. Lauren left, and was gone for five days. Father contacted the police and all of Lauren's friends to try to find her.

Father received a call from the Pomona Police Department five days later, at about 8 or 9 o'clock at night, telling him they had found Lauren. It was a very rainy night, and he told the police that he had an eye impairment that made it extremely difficult for him to drive at night in the rain.⁶ He told the police to keep Lauren overnight and he would come by and pick her up.

After he spoke with the police, mother contacted the Missing Exploited Teen Hotline for guidance to prepare for Lauren's return. The person mother talked to said she would try to gather a transition team to meet with Lauren and transition her back to the home, but she could not get the team assembled until 9:30 the next morning. Father then called the Pomona Police Department and talked to the same officer. He explained the situation to the officer, who told him that they generally did not house children there; father told him to do what he had to do.

At around 2:30 a.m., Lauren and a worker from the Department walked almost into his bedroom. He was upset with the worker and told her she should have called or let them know she was coming, and she should have knocked on the door. He testified: "But because we were so upset, people were yelling and they were threatening her." He told the worker he was going to contact her supervisor, and the worker

⁶ Pomona is about 60 or 70 miles from father's house.

told him that she knew they ran a daycare and she would suspend their license. Mother called the police and said that the worker broke into their house. The police came and calmed things down, but by then the worker said she was taking Lauren with her.

When asked by his counsel what his role had been in what Lauren was going through, father responded by discussing Lauren's extreme stubbornness. His attorney then asked, "Specifically, Mr. [R.], how do you think your actions affect Lauren, if at all?" Once again, father responded by talking about Lauren's "strong personality." After Lauren's counsel objected to his testimony as non-responsive because it did not address *father's* actions, which objection was overruled, father continued to testify about Lauren's actions, and then said that he was "the only one that gives her any resistance. Any rules."

On cross examination by Lauren's counsel, father admitted that he gave Lauren marijuana one time. He testified that he consulted with Dr. Katie before giving it to her, and Dr. Katie told him that if he was going to do it he should only do it as a form of medication and should not give her Seroquel at the same time. He said that the one night he gave marijuana to Lauren he made sure she did not take Seroquel. When confronted with a letter from Kleckner that Lauren's counsel introduced into evidence, in which Kleckner stated that she told father that Lauren should remain abstinent from all substance use, father testified that Kleckner did not tell him that. He also was asked what happened when Lauren ran out of her prescription medications, since Kleckner gave her prescriptions for only two months worth in August; he testified that he did not recall any major gaps in medication.

Finally, when asked by Lauren's counsel if he planned to remove Lauren from her current program and therapies if she is returned to his custody, father responded, "Not necessarily." He said that he wanted to have her examined by a psychiatrist to determine if she needs medications and how medications have worked for her in the past.

On cross examination by counsel for the Department, father was asked if he thought that Lauren had some type of psychological or psychiatric issue that needed to be treated. He responded that he believes her problems are more behavioral than psychological.

2. Mother's Testimony

Mother testified that it was not her intent to abandon Lauren on the night she was picked up by the Pomona police; she just wanted to get appropriate help for her because she believed she had underestimated the help Lauren needed in the past. When asked if she believed that Lauren needed mental health treatment, mother said that was a "loaded question." She said she thinks that Lauren, being gifted, has some areas of the brain that are more developed and some that are less developed; she thinks that Lauren may have issues with coping skills and impulse control and needs help from someone who is very knowledgeable about gifted teens.

Mother testified that Lauren was removed from treatment with Kleckner because they only went to her for medication purposes, and were not planning to go to her long-term. She disagreed, however, with Kleckner's decision to put Lauren on psychotropic medications; she also believed that Vista Del Mar should not have put Lauren on Prozac.

When asked why Lauren was removed from services at Asian Pacific, mother testified that Lauren said she was uncomfortable there because everyone was of one nationality and she had a different nationality. Mother said that she made the decision to remove Lauren, but she now regrets doing it; she testified that she was bullied by Lauren to do it.

Regarding Lauren's removal from Phoenix House, mother testified that they got a call that Lauren was having some sort of episode and Phoenix House was going to place her in another facility. Mother said that she and father were scared so they went and picked her up.

3. *Lauren's Stipulated Testimony*

The parties stipulated that if Lauren were to testify, her testimony would be as follows.

Lauren admitted that he had behavioral issues while she lived at home. She admitted that she left the house when she was not supposed to and did the other things noted in the jurisdiction/disposition report. Since she was removed from the home, she has been in consistent therapy with her I.F.C.C.S. team and her therapist, and she enrolled herself in Al-Anon and Marijuana Anonymous and continues to participate in those programs. She has had no incidents of behavioral outbursts or any other issues since the beginning of the year (the hearing was held in March 2017).

4. *Father's and Lauren's Exhibits*

Father introduced into evidence a hand-written letter from Lauren to her sisters dated December 21, 2016 (the day she was picked up by the Pomona police). In it, she said that she was sure that father told them that she sneaked a guy into the house, got caught, and ran away, but she said that was not true. She said that she did not sneak anyone in, and when she tried to explain that to father he would not listen and told her that he would not care if she left the house, so she did. She said she thought when he saw her leaving he would say he believed her and they would work things out, but instead he just told her she should keep warm because it was going to be cold. She told her sisters that she really tried to make things work at home, but “things had just gotten too far and I honestly have no one to blame but myself.”

Lauren's counsel introduced into evidence a letter from Katie Kleckner dated March 13, 2017. In the letter, Kleckner stated that she first saw Lauren and her parents on July 12, 2016 and prescribed a 30-day supply of Seroquel and Abilify. She stated she saw Lauren and her parents for the first and only follow-up on July 23, 2016, and that during that visit she advised them that marijuana use could increase Lauren's paranoia, auditory hallucinations, insomnia, and mood/anxiety problems. She advised Lauren and her parents that Lauren should remain abstinent from all substance use. Finally, Kleckner wrote that she provided a 30-day refill for Lauren's medications (with an increased dosage for the Seroquel) on August 5, 2016, and has not provided any psychiatric care or additional medication refills since then.

5. *Juvenile Court's Jurisdictional Ruling and Disposition*

Following argument by counsel, the juvenile court made its jurisdictional ruling. In making its ruling, the court questioned father's credibility and found that Lauren was not an incorrigible teenager. It noted that the case presented some difficult circumstances, and the court stated it was sympathetic to the difficulties the parents faced. Nevertheless, it found that mother and father were unable to care for Lauren under the circumstances, finding that their multiple treatment efforts were part of the problem. The court struck the allegation from count b-3 that stated that father refused to pick Lauren up from the Pomona Police Department, finding his refusal was not unreasonable under the circumstances, and sustained that count as amended. The court also sustained count b-2 in its entirety, but found there was not sufficient evidence to sustain count b-1.

Moving on to disposition, the court found that Lauren was a person described by section 300, that return of custody to the parents would be detrimental to her, and ordered her removed from parental custody. It ordered mother and father to participate in individual counseling to address case issues, including parenting skills, and in conjoint counseling with Lauren if recommended by Lauren's therapist. Finally, it ordered that both parents' visits be monitored in a therapeutic setting.

Father and mother each filed timely notices of appeal from the jurisdiction and disposition orders.

DISCUSSION

On appeal, both father and mother contend there was no substantial evidence to support the juvenile court's finding that they were unable to adequately supervise or protect Lauren, nor was there sufficient evidence to support the removal of Lauren from their custody. In addition, father argues the juvenile court erred by failing to conduct an assessment under section 241.1 and failing to find that jurisdiction under section 601 would have been more appropriate for Lauren.⁷

We conclude that father forfeited the latter argument by failing to raise it below, and therefore do not address it here. (*In re S.C.* (2006) 138 Cal.App.4th 396, 406 [“contentions not raised in the trial court will not be considered on appeal”]; see also *In re S.B.* (2004) 32 Cal.4th 1287, 1293 [“The purpose of [the forfeiture] rule is to encourage parties to bring errors to the attention of the trial court, so that they may be corrected”].) Therefore, we confine our discussion to the sufficiency of the evidence to support the jurisdiction and disposition orders.

⁷ We are aware that father requested that we take judicial notice of proceedings that took place regarding jurisdiction under section 601 after the orders at issue in this appeal were made. Those proceedings, however, have no bearing on whether the juvenile court properly found jurisdiction based upon the evidence before it at the time it made that finding. Therefore, we denied father's request in a separate order. (*In re Zeth S.* (2003) 31 Cal.4th 396, 405 [“an appeal reviews the correctness of a judgment as of the time of its rendition, upon a record of matters which were before the trial court for its consideration”].)

A. *Standard of Review*

A juvenile court's jurisdiction and disposition orders are reviewed on appeal under the substantial evidence test. (*In re J.K.* (2009) 174 Cal.App.4th 1426, 1433.) "On appeal from an order making jurisdictional findings, we must uphold the court's findings unless, after reviewing the entire record and resolving all conflicts in favor of the respondent and drawing all reasonable inferences in support of the judgment, we determine there is no substantial evidence to support the findings. [Citation.] Substantial evidence is evidence that is reasonable, credible, and of solid value." (*In re Veronica G.* (2007) 157 Cal.App.4th 179, 185.) We do not reweigh the evidence or exercise independent judgment. (*In re Matthew S.* (1998) 201 Cal.App.3d 315, 321.) Rather, we determine "whether it is reasonable for a trier of fact to make the ruling in question in light of the whole record" (*In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1394), even if the trier of fact could have reached a contrary ruling had it credited other facts (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 228).

B. *Jurisdiction Order*

Section 300, subdivision (b) (section 300(b)), provides in relevant part that a child falls within the jurisdiction of the juvenile court 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 . . . to adequately supervise or protect the child." (§ 300, subd. (b)(1).) As the Supreme Court recently observed,

jurisdiction under section 300(b) does not require a showing that the child's parents are neglectful or at fault for their failure or inability to supervise or protect their child; rather, "[b]y its terms, the first clause [of section 300(b)(1)] requires no more than [a showing of] the parent's 'failure or inability . . . to adequately supervise or protect the child.'" (*In re R.T.* (2017) 3 Cal.5th 622, 629.)

In this case, there was substantial evidence that father and mother failed or were unable to adequately supervise or protect Lauren.

There is no doubt that Lauren had significant mental health issues. The medical records before the juvenile court showed that Lauren suffered from depression and suicidal ideation in 2014, was diagnosed in June 2016 with major depressive disorder, recurrent, severe, without psychotic features, and was diagnosed with disruptive mood/dysregulation disorder, polysubstance abuse, and oppositional defiant disorder in November 2016. While there was abundant evidence that father and mother repeatedly sought treatment for Lauren, the evidence also showed that they repeatedly ended that treatment after only a few sessions, often against the advice of the medical professionals treating Lauren.

For example, father insisted that Lauren be discharged from Vista Del Mar after only three days in March 2014, despite being told by Lauren's treating physician that she would benefit from additional time and treatment there. Although he then enrolled Lauren in therapy at Valley Coordinated Services and participated in family therapy sessions there, he testified that he pulled her out after four to six weeks without

completing the treatment program because he “didn’t feel she needed the services as much as she did initially.”

When Lauren was discharged from her second hospitalization at Vista Del Mar in July 2016, it was with the understanding that she would enter a treatment program at Phoenix House. Although father and mother did bring her to Phoenix House, father removed her after only five days because he did not like the treatment she was receiving. And again, although father and mother took Lauren to see a psychiatric physician assistant shortly after she was removed from Phoenix House, they saw the physician assistant only twice and did not return for refills on Lauren’s prescriptions after she received a 30-day refill in early August 2016.

Once again, father and mother took Lauren to yet another therapist, at Asian Pacific, but pulled her out after only three appointments over a period of two or two and a half months. They then found another therapist in a teen counseling support group, but Lauren participated only for a month.

The evidence also shows that father and mother failed to ensure that Lauren consistently took the medications that had been prescribed for her. Lauren was initially prescribed psychotropic medication (Prozac) in 2014 and 2016 when she was hospitalized at Vista Del Mar, and then was switched to different psychotropic (antipsychotic) medications (Abilify and Seroquel) when she was under the care of a psychiatric physician assistant and again when she was hospitalized at Del Amo. However, mother admitted that she allowed Lauren to take control over the administration of those drugs, and father and mother

stopped her from taking her medication and/or failed to obtain refills for the prescriptions, resulting in significant periods of times in which Lauren was not taking any of her prescribed medications. In fact, mother testified that she did not believe those prescribed medications were the correct medications for Lauren, yet she apparently did not return to the prescribing medical professionals to voice those concerns and find more suitable medications. In addition, Lauren told the DI that father “didn’t want [her] relying on medication.”

In the meantime, father gave Lauren marijuana despite express instructions from Kleckner that marijuana use could increase Lauren’s paranoia, auditory hallucinations, insomnia, and mood/anxiety problems, and that Lauren should abstain from all substance use. Although father testified that he gave Lauren the marijuana out of concern for her safety and that Kleckner had told him he could give Lauren the marijuana as medication as long as she did not take Seroquel at the same time, the juvenile court found father’s testimony not credible; we are bound by that credibility finding. (*In re Savannah M.*, *supra*, 131 Cal.App.4th at p. 1394.)

Finally, both father and mother, when asked whether they thought that Lauren had psychological issues that needed to be treated, were equivocal in their answers. Father said he believed Lauren’s problems were more behavioral than psychological, while mother responded that that was a “loaded question” and said she believed that Lauren only had issues with coping skills and impulse control.

From all this evidence, a reasonable trier of fact could conclude that father and mother failed or were unable “to adequately supervise

or protect the child.” (§ 300, subd (b)(1).) Therefore, we must affirm the juvenile court’s finding of jurisdiction.

C. *Disposition Order*

“Under section 361, subdivision (c)(1), a dependent child may not be taken from the physical custody of the parents with whom the child resides at the time the petition was initiated unless the juvenile 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 jurisdictional findings are prima facie evidence that the child cannot safely remain in the home. (§ 361, subd. (c)(1).)’ [Citation.] “‘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.]’ [Citation.]” (*In re John M.* (2012) 212 Cal.App.4th 1117, 1126.)

“A removal order is proper if it is based on proof of (1) parental inability to provide proper care for the minor and (2) potential detriment to the minor if he or she remains with the parent.” (*In re T.W.* (2013) 214 Cal.App.4th 1154, 1163.) As discussed in section B., *ante*, there was substantial evidence of father and mother’s inability to provide proper care for Lauren. That evidence also shows that this

inability to provide proper care resulted in significant detriment, inasmuch as Lauren required hospitalization in a psychiatric facility three times because she posed a danger to herself. Moreover, there was evidence that father and mother's pattern of removing Lauren from the services she needed would continue if she were returned to their care: (1) father had stated during a CFT meeting that he intended to remove Lauren from all mental health services when she was returned to his care; (2) when asked at the jurisdiction hearing if he planned to remove Lauren from her current program and therapy, father responded, "Not necessarily"; and (3) both mother and father testified that they intended to take Lauren to yet another medical professional when she was returned to their custody.

Based upon this evidence, the juvenile court reasonably could conclude that returning Lauren to father and mother's custody would be detrimental to Lauren. Therefore, we affirm the court's order removing Lauren from the custody of father and mother.

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DISPOSITION

The jurisdiction and disposition orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

WILLHITE, J.

We concur:

EPSTEIN, P. J.

MANELLA, J.