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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

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

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

RAYMOND V.,

Defendant and Appellant.

B293667

(Los Angeles County
Super. Ct. No. 18CCJP05439A)

APPEAL from orders of the Superior Court of Los Angeles
County, Rashida A. Adams, Judge. Affirmed.

Christopher Blake, under appointment by the Court of
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,
Assistant County Counsel, and Tracey F. Dodds, Deputy County
Counsel, for Plaintiff and Respondent.

Raymond V., the alleged father of minor Brandon V., appeals from the juvenile court's orders at a jurisdiction and disposition hearing, declaring Brandon a dependent of the court pursuant to Welfare and Institutions Code section 300, placing the child in the home of his mother, and denying Raymond's request for presumed father status. On appeal, Raymond argues the juvenile court erred in finding that he was an alleged, rather than a presumed or biological, father of Brandon. We affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

I. Initiation of Dependency Proceedings

Raymond is the alleged father of Brandon, a boy born in July 2018. The child's mother is Delia T. (Mother). On July 28, 2018, when Brandon was three weeks old, the Department of Children and Family Services (DCFS) received a referral alleging that Mother was the victim of domestic violence perpetrated by Raymond. Mother had reported to the police that Raymond came to her home and punched her in the head and arm as she held the baby. The following week, the DCFS received a referral alleging that, on August 2, 2018, there had been another incident of domestic violence between the parents in the child's presence. On August 6, 2018, the case social worker spoke with Mother by telephone. Mother stated that she recently had moved and would send the social worker her new address.

On August 8, 2018, Mother contacted the social worker to report that she was staying at the Union Rescue Mission and was available for an interview. Mother met with the social worker that same day. According to Mother, the July 28 incident occurred at her prior apartment. Mother was at home with Brandon when Raymond appeared unannounced and intoxicated.

She tried to get Raymond to leave, but he pushed her out of the way and then attempted to strike her. The August 2 incident took place at Raymond's apartment. Raymond had agreed that Mother and Brandon could stay at his apartment for the night and that he would stay at a friend's house. However, when Mother arrived with Brandon, Raymond was again intoxicated and became irritated by the baby's crying. Raymond shouted at Mother and grabbed her, and then left when she called the police. Mother remained at the apartment for the rest of the night. She then stayed with friends for a few days before going to the Union Rescue Mission on August 6. Mother told the social worker that she did not intend to reunify with Raymond, but she was open to co-parenting with him if he became sober.

On August 8, 2018, the social worker met with Raymond at his apartment. Raymond reported that he was the only one who resided there, and that he recently had been released from jail. He also indicated that Mother had a restraining order against him, and that he did not intend to violate the order and risk being arrested again. With respect to the July 28 incident, Raymond recounted that he went to Mother's apartment to see Brandon. He admitted that he and Mother had argued, but he denied being intoxicated or assaulting her. With respect to the August 2 incident, Raymond stated that he had offered his apartment to Mother and Brandon for the night because they had nowhere else to stay. However, when Mother arrived, she began yelling at Raymond and refused to leave. Raymond then left the apartment on his own, and he had not seen Mother or Brandon since that incident.

On August 27, 2018, the DCFS filed a dependency petition on Brandon's behalf pursuant to Welfare and Institutions Code

section 300, subdivisions (a) and (b).¹ The petition alleged that Brandon was at risk of serious physical harm because Mother and Raymond had a history of engaging in violent altercations in the child's presence, and Raymond had violated a restraining order by continuing to have contact with Mother. The petition also alleged that Raymond had a history of substance abuse and was a current abuser of alcohol, which rendered him incapable of providing the child with regular supervision and care.

On August 28, 2018, the juvenile court held a detention hearing for Brandon. Raymond did not attend the hearing because he was in a rehabilitation program. Mother was present at the hearing, and completed a Parentage Questionnaire form in which she identified Raymond as the person she believed to be Brandon's father. Mother indicated on the form, however, that Raymond (1) was not present at Brandon's birth, (2) did not sign the birth certificate or other paperwork naming him as the child's father, (3) was not married to Mother or living with her at the time of the conception or birth, (4) had not held himself out as Brandon's father, (5) had not received the child into his home, and (6) had not submitted to a paternity test. Based on Mother's responses, the juvenile court found Raymond to be an alleged father. The court ordered the child detained from Raymond and released to Mother pending an adjudication hearing. The court also denied visitation to Raymond pending a hearing on Mother's request to modify the restraining order against Raymond to add Brandon as a protected person.

¹ Unless otherwise stated, all further statutory references are to the Welfare and Institutions Code.

On October 11, 2018, Raymond made his first appearance before the juvenile court at an arraignment hearing. At that time, Raymond completed a Statement Regarding Parentage form in which he indicated that he believed he was Brandon's father. He also checked boxes on the form requesting that the court enter a judgment of parentage, and find that he was the child's presumed father. Raymond stated in the form that Brandon had lived with him from August 1 to September 21, 2018, and that he had told his mother and his friend that he was child's father. Raymond also stated that he had participated in such activities as reading to the child, feeding him, changing his diaper, and taking him to the beach. At the arraignment hearing, the juvenile court ordered that Brandon remain released to Mother, and deferred making a finding as to Raymond's paternity until the next hearing date.

II. Jurisdiction and Disposition Report

In its October 18, 2018 jurisdiction/disposition report, the DCFS indicated that a three-year restraining order protecting Mother from Raymond had been issued on February 1, 2018, and remained in effect. In a September 24, 2018 interview with the dependency investigator, Mother acknowledged that she and Raymond had a history of domestic violence. According to Mother, Raymond had physically assaulted her on several occasions in the past, including an incident during her pregnancy in which he repeatedly punched her in the head and stomach. After Mother obtained a restraining order against Raymond, they did not have any contact until he came to her apartment on July 28, 2018. Mother denied that Raymond assaulted her during that incident, and stated that she had made a false police report because she was angry at him. Mother also recounted that

she temporarily moved into Raymond's apartment on or about July 30, 2018. The plan was for Mother and Brandon to stay at the apartment while Raymond was in a rehabilitation program and Mother looked for a place to live. Raymond refused, however, to leave the apartment once Mother arrived. On August 2, 2018, Raymond was drinking heavily and being rough with Brandon as he swaddled him. When Mother told Raymond to get away from the baby, he shoved her. Mother reported that another domestic violence incident occurred on September 21, 2018 when she went to Raymond's apartment to retrieve her belongings. Raymond became upset and punched Mother in the head multiple times while Brandon was present in the room. Mother confirmed that Raymond also had a history of abusing alcohol and became more violent when he was drunk.

Although the dependency investigator attempted to meet with Raymond, he was incarcerated and was not made available for an interview. In its report, the DCFS recommended that Brandon be declared a dependent of the juvenile court, and that Mother receive family maintenance services. The agency recommended enhancement services for Raymond, including a domestic violence education program, alcohol treatment program, and monitored visitation with Brandon.

In a last minute information report, the DCFS stated that the dependency investigator had interviewed Raymond at a correctional facility on October 3, 2018. According to Raymond, Mother was the aggressor during their physical altercations, and she would shove him and slap him whenever they argued. Mother also made threatening statements to Raymond, including telling him that she would kill Brandon. After Mother obtained the restraining order, Raymond did not want to have contact with

her, but she continued to reach out to him. During the July 28, 2018 incident, Mother became upset because she wanted to move in with Raymond and he refused. Mother called the police and accused Raymond of hitting her, but she later admitted she had lied. Mother and Brandon moved into Raymond's apartment on July 28, 2018, and continued residing with him until September 21, 2018. During that time, Mother became increasingly angry at Raymond because she blamed him for the DCFS's involvement in their lives. When Raymond told Mother on September 21, 2018 that she had to move out, she screamed at him and started hitting him. Raymond stated he shoved Mother to get her away from him, but he denied hitting her. Raymond acknowledged that he had a history of abusing alcohol, and that there were times when he would binge drink and black out. He claimed that Mother also drank alcohol when they were together, but she had decreased her consumption following Brandon's birth. In its report, the DCFS continued to recommend that Brandon be declared a dependent of the juvenile court.

III. Jurisdiction and Disposition Hearing

On October 31, 2018, the juvenile court held the jurisdiction and disposition hearing. At the start of the hearing, Raymond's counsel requested that Raymond be declared the presumed father of Brandon. Both Raymond and Mother were called to testify about the request. Raymond stated that he believed he was Brandon's father. He had told his family that Brandon was his child, although he had not introduced Brandon to them. Raymond also testified that Mother and Brandon had resided with him for about seven weeks from July 30 to September 21, 2018. They stopped living with him when he was arrested, and he did not know where they stayed after that time.

Raymond believed that Mother denied their cohabitation to the DCFS because she had been warned that Brandon would be removed from her custody if she were found to be living with Raymond in violation of the restraining order. Mother, on the other hand, testified that she never resided with Raymond, and that she and Brandon only stayed at his apartment for a three-day period.

The juvenile court found that Raymond did not establish that he was entitled to presumed father status. The court noted that Raymond's Statement Regarding Parentage form indicated "a very brief period of the child . . . living with him," and showed that Raymond had told only two other people that Brandon was his child. While acknowledging the conflicting testimony about the parents' living arrangement, the court stated that it found Mother's testimony on the subject to be more credible and consistent with the information contained in the DCFS's reports, "which do not indicate a family unit in which the father was having ongoing consistent caretaking contact with the child or that he had served in that form of [a] parental role for the child." The court also noted that it did "not have evidence before it today with respect to biological parentage," and thus, its prior finding that Raymond was an alleged father "will remain."

With respect to the adjudication of the section 300 petition, Raymond's counsel asked that the allegations against Raymond be dismissed because he was found to be an alleged father only. The court rejected this argument and found that the evidence before it substantiated the allegations of multiple incidents of physical altercations between Mother and Raymond as well as persistent alcohol abuse by Raymond, which was a contributing

factor in the incidents. The court sustained the petition as pled under section 300, subdivisions (a) and (b).

With respect to disposition, Raymond was again called to testify. Raymond acknowledged that he had a history of alcohol abuse and that he continued to struggle with alcoholism while he was in a relationship with Mother. He also stated that he and Mother drank alcohol together while Brandon was in their care. Raymond further testified that Mother had made threatening statements about Brandon to him. According to Raymond, Mother told him over the telephone that she was going to throw Brandon into a closet and off a balcony. On another occasion, Mother shook Brandon in Raymond's presence and said she regretted having him. Raymond testified that he nevertheless believed that Mother was capable of being a responsible parent, and that Brandon would be safe in her care.

At the conclusion of the hearing, the juvenile court declared Brandon a dependent of the court and ordered the child released to the home of Mother under the supervision of the DCFS. The court granted family maintenance services to Mother and denied family reunification services to Raymond because he was an alleged father only. While noting that Raymond was not entitled to custody as an alleged father, the court stated that, to the extent he was seeking placement of Brandon with him, such placement would be detrimental to the child based on "the sustained allegations of very significant and serious ongoing domestic violence perpetrated primarily by the father upon the mother." Following the jurisdiction and disposition hearing, Raymond filed a timely notice of appeal.²

² While Raymond's appeal was pending, the juvenile court terminated its jurisdiction over Brandon "with [M]other having

DISCUSSION

On appeal, Raymond asserts that the juvenile court prejudicially erred in denying his request for presumed father status under Family Code section 7611, subdivision (d) because the evidence established that he openly held out Brandon as his own child and received him into his home. Raymond also argues that the juvenile court erred in failing to make a finding that he was Brandon's biological father, which could have entitled him to family reunification services.

I. Overview of Governing Law

The Uniform Parentage Act (UPA) (Fam. Code, § 7600 et seq.) provides the statutory framework for judicial

sole legal and physical custody and no visitation for [Raymond] in accordance with [a] criminal protective order.” In its order terminating jurisdiction, the court also stated that it would not be issuing a juvenile custody order because Raymond was an alleged father only. “As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot. [Citation.] However, dismissal for mootness in such circumstances is not automatic, but “must be decided on a case-by-case basis.’ [Citations.]” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.) An appellate court ordinarily will not dismiss as moot a parent's challenge to a juvenile court's finding or order if the purported error “could have severe and unfair consequences to [the parent] in future family law or dependency proceedings.” (*In re Daisy H.* (2011) 192 Cal.App.4th 713, 716.) In this case, the juvenile court's finding that Raymond was not entitled to presumed father status had an adverse effect on his custody rights, and could continue to affect him in the future if other dependency or family law proceedings are ever initiated. Under these circumstances, we exercise our discretion to address the merits of Raymond's appeal.

determinations of parentage. (*Elisa B. v. Superior Court* (2005) 37 Cal.4th 108, 116.) The UPA distinguishes among three categories of father: an alleged father, a biological father, and a presumed father. (*In re D.A.* (2012) 204 Cal.App.4th 811, 824.) A person who may be the biological father of a child but has not established paternity, or achieved presumed father status, is an alleged father. (*In re H.R.* (2016) 245 Cal.App.4th 1277, 1283; *In re D.P.* (2015) 240 Cal.App.4th 689, 695.) An alleged father has limited rights in dependency proceedings, generally consisting of notice of the proceedings and an opportunity to appear to challenge his parentage status. (*In re D.P.*, *supra*, at p. 695.) An alleged father is not entitled to appointed counsel or reunification services. (*Ibid.*) A biological father is a father who has established paternity, but has not achieved presumed father status. (*In re H.R.*, *supra*, at p. 1283; *In re Kobe A.* (2007) 146 Cal.App.4th 1113, 1120.) A biological father may be offered reunification services only if the juvenile court determines that such services will benefit the child. (§ 361.5, subd. (a); *In re Kobe A.*, *supra*, at p. 1120.) A presumed father enjoys a full panoply of rights, including entitlement to appointed counsel, reunification services, and custody absent a finding of detriment. (*In re H.R.*, *supra*, at p. 1283; *In re D.P.*, *supra*, at p. 695.) Presumed father status is based on the familial relationship between the parent and child, rather than any biological connection. (*In re J.L.* (2008) 159 Cal.App.4th 1010, 1018.)

The UPA sets forth several rebuttable presumptions under which a person may qualify as a presumed parent. (Fam. Code, § 7611.) As pertinent here, Family Code section 7611, subdivision (d), provides that “[a] person is presumed to be the natural parent of a child if he or she receives the child into his or

her home and openly holds out the child as his or her natural child.” The presumption afforded by Family Code section 7611, subdivision (d), is an evidentiary one affecting the burden of proof. (*In re. J.O.* (2009) 178 Cal.App.4th 139, 147-148.) The burden is on the person seeking presumed parent status to demonstrate the foundational facts—the parent held out the child as his or her natural child and received the child into his or her home—giving rise to the presumption. (*R.M. v. T.A.* (2015) 233 Cal.App.4th 760, 773; *S.Y. v. S.B.* (2011) 201 Cal.App.4th 1023, 1031.) Once that burden is satisfied, the presumption of natural parenthood arises, and the burden shifts to the party opposing the presumption to rebut it by clear and convincing evidence. (Fam. Code, § 7612, subd. (a) [the “presumption under [s]ection 7611 is a rebuttable presumption . . . and may be rebutted in an appropriate action only by clear and convincing evidence”].)

Where, as here, the juvenile court finds that the person seeking presumed parent status has failed to meet his burden of proof, the question on appeal, as in all failure of proof cases, is “whether the evidence compels a finding in favor of the appellant[] as a matter of law.” (*In re Aurora P.* (2015) 241 Cal.App.4th 1142, 1163; accord, *In re I.W.* (2010) 180 Cal.App.4th 1517, 1527-1528.) “Specifically, the question becomes whether the appellant’s evidence was (1) ‘uncontradicted and unimpeached’ and (2) ‘of such a character and weight as to leave no room for a judicial determination that it was insufficient to support a finding.’ [Citation.]” (*In re I.W.*, *supra*, at p. 1528.)

II. The Juvenile Court Did Not Err In Finding Raymond Failed To Establish Presumed Father Status

Raymond contends that he qualified as a presumed father under Family Code section 7611, subdivision (d) because he

openly acknowledged his paternity of Brandon and accepted the child into his home. In support of this claim, Raymond points out that he told multiple people, including his mother, his close friend, and the social workers involved in the case, that Brandon was his child. Additionally, while there was conflicting testimony between the parents about where Brandon resided and when, Raymond asserts that, even accepting Mother's version of events as true, it showed that he received the child into his home. Raymond argues that this evidence was sufficient to meet his burden of establishing the presumption of natural parenthood. We conclude, however, that Raymond has failed to show that he was entitled to presumed father status as a matter of law.

Family Code section 7611, subdivision (d) "requires the person seeking presumed parent status to demonstrate an established parental relationship with the minor and commitment to the minor's well-being." (*In re Alexander P.* (2015) 4 Cal.App.5th 475, 493.) "When determining whether the person has met the statutory requirements of receiving the child into his or her home and openly holding the child out as his or her own, the court may consider a wide variety of factors, including the person's provision of physical and/or financial support for the child, efforts to place the person's name on the birth certificate, efforts to seek legal custody, and the breadth and unequivocal nature of the person's acknowledgement of the child as his or her own. [Citation.] No single factor is determinative; rather, the court may consider all the circumstances when deciding whether the person demonstrated a parental relationship by holding out the child as his or her own and assuming responsibility for the child by receiving the child into his or her home. [Citations.]" (*R.M. v. T.A.*, *supra*, 233

Cal.App.4th at p. 774.) “Presumed parent status is afforded only to a person with a fully developed parental relationship with the child. . . .” (*Id.* at p. 776, italics omitted.)

In this case, Mother submitted a Parentage Questionnaire in which she asserted that Raymond was not present at Brandon’s birth; did not sign the birth certificate or other paperwork naming him as the child’s father; was not married to Mother or living with her at the time of the conception and birth; had not held himself out as Brandon’s father; and had not received the child into his home. In an interview with the DCFS, Mother reported that she and Brandon had stayed with Raymond at his apartment between July 30 and August 2, 2018, and left when Raymond was arrested for committing an act of domestic violence against her. At the jurisdiction and disposition hearing, Mother maintained that she and Brandon never resided with Raymond, but merely stayed with him for a period of about three days. While Raymond testified at the hearing that Mother and Brandon resided with him for seven weeks, the juvenile court stated that it found Mother’s testimony to be more credible in ruling on Raymond’s request for presumed father status. It was the exclusive province of the juvenile court to evaluate the credibility of the witnesses and to resolve any conflicts in the evidence. (See *In re L.L.* (2017) 13 Cal.App.5th 1302, 1310 [in reviewing a juvenile court’s finding as to whether a person is a presumed parent, we “do not reweigh the evidence or credibility of witnesses”]; *T.W. v. Superior Court* (2012) 203 Cal.App.4th 30, 47 [the appellate court must “defer to the juvenile court’s findings of fact and assessment of the credibility of witnesses”].)

Raymond argues that he met his burden of showing that he openly held out Brandon as his child because he acknowledged

his paternity to his mother, his friend, and the DCFS. However, “compliance with this portion of [Family Code section 7611, subdivision (d)] does not require proof that the presumed parent claims the child as his or her biological child. . . . What is required, rather, is that the presumed parent treat the child as though the child was his or her own by developing a parental relationship and taking on ““parental responsibilities—emotional, financial, and otherwise.”” [Citation.]” (*In re Alexander P.*, *supra*, 4 Cal.App.5th at p. 493, italics omitted; see also *In re M.R.* (2017) 7 Cal.App.5th 886, 898 [“presumed father status is based on the familial relationship between the man and child, rather than any biological connection”].) Apart from his testimony that he allowed Mother and Brandon to stay in his home for a period of seven weeks (which the juvenile court disbelieved), Raymond did not present any evidence to establish that he had developed a parent-child relationship with Brandon or had assumed any of the responsibilities of parenthood.

Raymond further asserts that, even assuming the truth of Mother’s testimony that she and Brandon only resided with him for three or four days, such evidence was sufficient to show that he received Brandon into his home for purposes of the statutory presumption. It is true that a presumed parent “does not need to receive the child into his [or her] home for a specific period of time, although cohabitation for an extended period of time may strengthen a claim for presumed parent status. [Citation.] However, to receive a child into his or her home, a parent must ‘demonstrate a parental relationship, however imperfect.’ [Citation.]” (*W.S. v. S.T.* (2018) 20 Cal.App.5th 132, 145, italics omitted.) Stated otherwise, a presumed father is “someone who has entered into a familial relationship with the child: someone

who has demonstrated an abiding commitment to the child and the child's well-being" regardless of his relationship with the mother.'" (*Id.* at pp. 145-146; see also *In re M.R.*, *supra*, 7 Cal.App.5th at p. 900 ["[i]t is not the living arrangements, but the relationship between the child and the adult that is the primary factor in determining whether the adult should be deemed a presumed parent"].) Here, the timeline of events reflected that Raymond committed an act of domestic violence against Mother on July 28, 2018, that he allowed Mother and Brandon to move into his home two days later on July 30, and that he committed another act of violence against Mother three days later on August 2, which caused Mother and the child to leave. None of the evidence showed that Raymond ever provided any financial support for Brandon, performed any parenting responsibilities for the child, or otherwise demonstrated a commitment to his safety and well-being. On this record, Raymond simply cannot establish that the evidence he offered to support his claim for presumed father status compelled a finding in his favor as a matter of law.

III. While The Juvenile Court Erred In Failing To Determine Whether Raymond Was The Biological Father, The Error Was Harmless

Raymond also claims that the juvenile court erred when it failed to make a finding that he was Brandon's biological father because there was no dispute about the child's parentage. Raymond notes that, although genetic testing never took place, Mother consistently identified him as the biological father, and Raymond openly acknowledged his paternity throughout the dependency proceedings. We agree the juvenile court should have made a determination as to whether Raymond was

Brandon's biological father, but conclude the failure to do so was harmless under the circumstances of this case.

Section 316.2 requires the juvenile court to inquire as to the identity of all presumed or alleged fathers. (§ 316.2, subd. (a); *In re Kobe A.*, *supra*, 146 Cal.App.4th at p. 1120.) Rule 5.635 of the California Rules of Court (Rule 5.635) "implements the provisions of section 316.2." (*In re B.C.* (2012) 205 Cal.App.4th 1306, 1311.) If no prior determination of a child's parentage has been made, the court "must take appropriate steps to make such a determination." (Cal. Rules of Court, rule 5.635(e).) An alleged father must complete and submit a "Statement Regarding Parentage (Juvenile) (form JV-505)," and the "court may order the child and any alleged parents to submit to genetic tests." (Cal. Rules of Court, rule 5.635(e)(1) and (e)(2)). Alternatively, the court "may make its determination of parentage or nonparentage based on the testimony, declarations, or statements of the alleged parents." (Cal. Rules of Court, rule 5.635(e)(3).) "If a person appears at a hearing in dependency matter . . . and requests a judgment of parentage on form JV-505, the court must determine: [¶] (1) Whether that person is the biological parent of the child; and [¶] (2) Whether that person is the presumed parent of the child, if that finding is requested." (Cal. Rules of Court, rule 5.635(h).)

The record reflects that Raymond submitted form JV-505 at his first appearance in the case, and that he checked a box on the form requesting that the court enter a judgment of parentage. Once Raymond made that request, Rule 5.635 required the juvenile court to determine whether he was Brandon's biological father. (Cal. Rules of Court, rule 5.635(h).) "This is a mandatory, not a discretionary, rule." (*In re Baby Boy V.* (2006) 140

Cal.App.4th 1108, 1118; see also *In re J.H.* (2011) 198 Cal.App.4th 635, 648 “[u]nder rule 5.635(h), the juvenile court was required to determine not only if [the alleged father] was a presumed father . . . , but also whether he was [the child’s] biological father”].) While the court found that Raymond was not a presumed father at the jurisdiction and disposition hearing, it failed to make a determination as to whether he was a biological father, reasoning that it did “not have evidence before it today with respect to biological parentage.” However, the court had Raymond’s Statement Regarding Parentage as well as Mother’s Parentage Questionnaire, in which they each indicated that they believed Raymond was Brandon’s biological father. The court also had Raymond’s uncontroverted testimony at the jurisdiction and disposition hearing that he believed Brandon was his biological child. Thus, while no genetic testing had been performed to establish paternity, the juvenile court could have made a determination as to Brandon’s parentage based on “the testimony, declarations, or statements of the alleged parents.” (Cal. Rules of Court, rule 5.635(e)(3).) The court’s failure to do so constituted a lack of compliance with Rule 5.635.

Reviewing courts “typically apply a harmless-error analysis when a statutory mandate is disobeyed, except in a narrow category of circumstances when we deem the error reversible per se. This practice derives from article VI, section 13 of the California Constitution, which provides: ‘No judgment shall be set aside, or new trial granted, in any cause . . . for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.’” (*In re Jesusa V.* (2004) 32 Cal.4th 588,

624.) Applying this standard to the juvenile court’s failure to make a parentage determination at the jurisdiction and disposition hearing, we conclude the error here was harmless.

Even if the juvenile court had determined that Raymond was Brandon’s biological father, the outcome of the dependency proceedings would not have been any different. First, “[o]nly a presumed, not a mere biological, father is a “parent” entitled to receive reunification services under section 361.5.’ [Citation.]” (*In re T.G.* (2013) 215 Cal.App.4th 1, 5.) As discussed, Raymond did not meet the statutory requirements for presumed father status. Second, because Brandon remained in Mother’s home, Raymond was not eligible to receive reunification services irrespective of his paternity status. (See § 16507, subd. (b) “[f]amily reunification services shall only be provided when a child has been placed in out-of-home care, or is in the care of a previously noncustodial parent under the supervision of the juvenile court”]; *In re Destiny D.* (2017) 15 Cal.App.5th 197, 212 [presumed father was not entitled to reunification services where dependent child remained in her mother’s custody].)

Although a juvenile court has discretion to order child welfare services, commonly referred to as enhancement services, for a noncustodial biological father if doing so would benefit the child (§ 361.5, subd. (a); *In re Destiny D.*, *supra*, 15 Cal.App.5th at pp. 212-213), there was no evidence that Brandon would have benefited from such services. The child was less than two months old when the DCFS filed the dependency petition based on Raymond’s serious acts of domestic violence against Mother and ongoing substance abuse. During the three-day period that Mother and Brandon resided in Raymond’s home, there was a physical altercation between the parents, which began because

Raymond was drinking heavily and being rough with the child. Additionally, during the pendency of these proceedings, Raymond committed another serious act of physical violence against Mother when he repeatedly punched her in the head while Brandon was present in the room. At the time of the jurisdiction and disposition hearing, Raymond was incarcerated based on the latest domestic violence incident.

Given Raymond's recent and repeated acts of violence against Mother in Brandon's presence, as well as the absence of any parental relationship with the child, there is no reasonable likelihood the court would have ordered enhancement services for Raymond if it had made a parentage determination. Raymond accordingly has failed to demonstrate any error in the juvenile court's orders requiring reversal.

DISPOSITION

The juvenile court's jurisdiction and disposition orders are affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.