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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

In re NOAH D., a Person Coming Under the Juvenile Court Law.	B269860
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. N.D., Defendant and Appellant.	(Los Angeles County Super. Ct. No. DK05898)

APPEAL from orders of the juvenile court of Los Angeles County, Steff R. Padilla, Commissioner. Affirmed.

Emery El Habiby, under appointment by the Court of Appeal, for Defendant and Appellant N.D.

Jamie A. Moran, under appointment by the Court of Appeal, for Respondent Troy D.

Roni Keller, under appointment by the Court of Appeal, for Respondent Minor.

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

N.D. (mother) appeals from findings and orders of the juvenile court declaring her son, Noah D., a juvenile court dependent, maintaining jurisdiction over Noah pursuant to Welfare and Institutions Code[1] section 361.2, subdivision (b)(3), limiting mother's educational rights, and ordering mother to attend domestic violence classes. We find no error, and thus we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Noah, born in October 2009, is the child of mother and Troy D. (father). Noah's half-sister, D.G., born in August 2000, is the child of mother and Donnie G. This appeal concerns Noah only.

On September 3, 2014, the Los Angeles County Department of Children and Family Services (DCFS) filed a juvenile dependency petition that, as subsequently amended, alleged that mother struck D.G.'s face and head with a vacuum cleaner, inflicting a laceration that required stitches. On prior occasions, mother struck D.G. with rods and sticks. Mother gave conflicting explanations about how D.G. was injured, and "instructed the children to provide false and misleading information to medical providers and law enforcement on how [D.G.] sustained . . . injuries." Such conduct was alleged to endanger D.G. and to place D.G. and Noah at risk of physical

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

harm and abuse, bringing them within the court's jurisdiction pursuant to section 300, subdivisions (b) and (j). The evidence that gave rise to the allegations of the petition is described below.

I.
Background

The family came to the attention of DCFS in August 2014 when it received a report that mother had hit D.G. with a vacuum cleaner, injuring D.G.'s eye and requiring stitches. DCFS subsequently learned that the family had an open child dependency case in Clark County, Nevada.

DCFS obtained the case notes from the Clark County child protective proceeding. According to those notes, Noah told a Clark County children's social worker (CSW) that mother had hit D.G. with a vacuum cleaner while D.G. was sitting on the couch. Mother told Noah not to tell anyone what happened or " 'she would give me a whoopin.' " Noah said that on prior occasions, mother had hit D.G. with objects, " 'like another day, mom hit her [D.G.] with a stick on the head.' " Noah reported that mother had never hit him, but he was afraid of mother because she had threatened to "whoop" him.

According to the Clark County case notes, D.G. told the CSW that the vacuum cleaner incident happened after someone told mother that D.G. had kissed a boy. Mother asked D.G. about it, and when D.G. said she did not want to answer, mother called her names and threatened to beat her. When mother went to get a curtain rod, D.G. ran out the front door and down the stairs of the apartment complex. D.G. tripped on the last stair and fell to the ground. Mother ran after D.G. and struck her on the head about three times with a closed fist, and then pulled D.G. by the hair up the stairs into the apartment. Mother began to hit D.G.

with the vacuum cord and then swung the vacuum cleaner at her, hitting D.G.'s right eye. The bottom of the vacuum cleaner cut D.G.'s right eyelid and caused bruising and swelling. Mother did not take D.G. for medical attention for many hours; when mother finally did so, she told D.G. to say that she hit the rail of the stairway while skating. D.G. said mother disciplined her by slapping her face or hitting her with a curtain rod or a broomstick. D.G. reported being afraid of mother, and said that her grandmother brought her to Las Vegas because grandmother feared mother would continue to abuse D.G.

DCFS interviewed D.G. at school in Los Angeles County on August 21 and 22, 2014. At that time, D.G. gave a somewhat different account of the vacuum cleaner incident than she had given to Clark County authorities. D.G. said that sometime in July, she and mother got into an argument. As D.G. ran out the door and down the stairs of the apartment building, mother tried to grab her to stop her from leaving. D.G. picked up a vacuum cleaner to try to hit mother with it. Mother grabbed the vacuum cleaner hose and then released it. As she did so, the vacuum cleaner hit D.G. in the eye and D.G. fell down the stairs. Mother took D.G. to the hospital, where she was checked by a doctor and received stitches. D.G. said mother had never hit her intentionally and the vacuum cleaner incident was an accident.

D.G. said the following day, her maternal grandmother heard what happened and drove to Lancaster, California, where mother, D.G., and Noah were living. Grandmother told mother she was taking D.G. and Noah to the store, but instead took them to grandmother's home in Las Vegas. D.G. knew that was her grandmother's plan. That night, the police came to grandmother's house because mother had reported that

grandmother had kidnapped the children. The officers took D.G. and Noah to a group home where they remained for eight days. On the eighth day, a relative signed the children out of the group home and brought them to the maternal grandfather's home. Grandfather drove the children back to mother's home in Lancaster. D.G. reported that the violence with her mother was an isolated incident, and that she had lied to Clark County authorities at her grandmother's direction.

Mother told the CSW that on the day of the vacuum cleaner incident, D.G. had tried to leave the house without permission. Mother chased D.G. out the door and D.G. fell down the steps. D.G. picked up the vacuum cleaner to hit mother; as mother tried to grab it from D.G., the vacuum cleaner shot up and hit D.G. in the eye. Mother told the maternal grandmother and D.G.'s father what had happened. The next morning, maternal grandmother knocked on mother's door and asked if she could take the children with her to Nevada. Mother said no, but she allowed grandmother to take the children to the store. When they did not return, mother got worried and called law enforcement.

Noah told the CSW that he thought the vacuum incident was an accident, but his grandmother had told him it was not. He had not seen the incident. He said mother had not hit him or D.G. in the past.

Maternal grandmother told the CSW that she had told the children to lie about the vacuum cleaner incident, and she did not believe mother was abusing the children. She said she had been told by a social worker that the children could stay with her if she said mother abused the children.

II.
Detention

On August 27, 2014, the court granted removal orders for D.G. and Noah. When the CSW attempted to serve the removal order on mother, mother became combative and refused to release Noah. Mother told Noah, " 'don't you tell them anything,' " " 'they are not your friend,' " and " 'don't you let them take you anywhere.' " Ultimately, law enforcement had to physically remove Noah from mother. D.G. was not detained at that time because she had run away from home.

On August 30, 2014, DCFS received a report that Noah's foster parents threatened "to harm and kill him." The investigating social worker found no evidence of abuse, and the matter was closed as unfounded.

On September 3, 2014, the juvenile court found a prima facie case for detaining D.G. and Noah. In November 2014, D.G. and Noah were placed with the maternal great-grandmother in Pasadena, California.

III.
Mother's Attempts to Disrupt D.G.'s and Noah's Placements

On December 15, 2014, mother went to the Pasadena Superior Court to get a temporary restraining order requiring the maternal great-grandmother to stay away from mother and both children. In seeking the restraining order, mother had not advised the court that the children were juvenile court dependents and had been placed in great-grandmother's home. As a result, law enforcement was required to remove the children from the home.

On December 19, 2014, the juvenile court set aside the restraining order against maternal great-grandmother. On December 23, the juvenile court advised mother on the record that the children were not to be included in any orders other than those made by the juvenile court because the juvenile court had exclusive jurisdiction over the children. Following these events, it appears that D.G. was returned to great-grandmother and Noah was placed in foster care.

On January 15, 2015, D.G. told the CSW that contrary to her prior statements, the physical abuse allegations were true. D.G. said "her mother did hit her with a vacuum cleaner as previously reported . . . . Additionally, she said that her mother has slapped and punched her in the past and had caused her to have a bloody nose and a bloody lip. . . . She said that her mother believes her brother is smart and . . . tells her that she (D.G.) is not smart. She reported that she does not want to return to her mother's care. She said that she wants to remain where she is with [maternal great-grandmother]." The CSW also spoke to maternal great-grandmother, who said she was very concerned about mother and would like to see her get counseling.

On February 10, 2015, DCFS reported that father and his girlfriend had asked that Noah be placed with them. The court ordered that Noah be allowed unmonitored visits with father; those visits subsequently were liberalized to unmonitored overnight visits. In March 2015, DCFS reported Noah had had two overnight visits with father, and both father and son indicated the visits had gone well.

On February 24, 2015, DCFS received a child neglect referral concerning D.G. The caller alleged that maternal great-grandmother "does not adequately supervise the child; allows

child molesting uncles in the home with the child (the informant alleged that [D.G.]'s mother was molested by these uncles); that the caregiver allowed a maternal aunt with a criminal background to be in the car with [D.G.]; that the caregiver does not provide adequate amounts of food for [D.G.]; that [D.G.] is Autistic with Aspergers and that the family members say derogatory statements about [D.G.]'s mother in front of [D.G.]."

In March 2015, D.G. reported having difficulty focusing in school "due to mother constantly going to the school." The same month, Noah's caregiver reported "that mother coaches Noah what to say to workers and in court regarding overnights at the father's house and has told Noah that she is going to have him move; that she is the reason he is seeing the father; that if the father and his girlfriend hurt him to tell her; that she has called the police on the father and his girlfriend. The caregiver intervenes but the mother gets upset and continues to say what she wants to say."

On May 4, 2015, the court granted DCFS discretion to release Noah to his father, and DCFS planned to release him a few days later. However, after mother apparently had unsupervised contact with Noah at a family funeral on May 5 and 6, mother called DCFS and said that Noah had reported that he had been sexually abused at his father's house. Mother added, " 'I told you I could do things to stop my son from going to his dad.' " The same day, mother filed an application for a restraining order against father in Pasadena Superior Court, identifying Noah as a protected person. Mother then brought a copy of the restraining order to the CSW and told her not to release Noah to father.

DCFS interviewed Noah, who said that his father's girlfriend's 10-year-old son had put his private part on Noah's lip, and that he wanted to live with mother. Father and his girlfriend were interviewed and denied any sexual abuse, stating that they had been supervising the children, and the bedroom door was open at all times. Nonetheless, based on the report, DCFS could not release Noah to father, and instead returned him to foster care.

On May 7, D.G. was hospitalized due to a suicide attempt. A maternal relative reported that D.G. attempted suicide after mother came to maternal great-grandmother's house and got into a physical altercation with relatives in D.G.'s presence. Mother was asked to leave, but she refused to do so until the police were called. The same day, Noah's foster family reported that mother had called Noah's cell phone "nonstop"; and DCFS reported that mother "had called [the] DCFS deputy director to file complain[t]s. The mother stated that the judge is discriminating [against] her due to her race and that she would like the court for her case to be changed."

Based on all of these events, DCFS opined that "mother is unable to control her violent behaviors around the children and her contacts with the children are detrimental and unsafe." It therefore recommended that mother's visits with the children be discontinued.

IV.
Court's Orders Limiting Mother's Contacts With the Children and Placing Noah With Father

On May 18, 2015, the court ordered that any telephone contact between mother and the children would be monitored, and that mother would be permitted to visit the children only at DCFS's offices with a monitor and a security guard present. DCFS was not given discretion to modify the court's orders. On June 23, 2015, mother's telephone contact with the children was suspended pending further court order.

On July 21, 2015, D.G. ran away from her foster care placement. Her whereabouts remained unknown as of the date of the order from which this appeal was taken. DCFS reported a "suspicion that [D.G.] is staying with mother," and noted that mother would not provide DCFS with her current address.

On July 24, 2015, Noah was placed with father, and as of August 11, DCFS reported no issues or problems with the placement. Noah's visitation with mother continued to be a problem, however. The CSW reported that mother was consistently late for visits, and during visits questioned Noah about things father had said about her. As a result, Noah did not want to visit with mother. DCFS requested that Noah's visits with mother be suspended and that Noah be referred to a therapist.

On September 15, 2015, DCFS reported that mother had refused to provide her current address. Further, during a monitored phone call between mother and Noah on September 8, mother told Noah, " 'your sister and I miss you,' " " 'I bought you and your sister a new bed and I want you to come home to see your new bed,' " and " 'We just celebrated your sister's [15th]

birthday.' " Based on these statements, DCFS advised the court that it believed D.G. was living with mother.

V.

Contested Jurisdiction/Disposition Hearing

D.G. testified at the jurisdiction hearing on July 7, 2015, that she could not recall the details of the vacuum cleaner incident, but she remembered it was an accident. She did not remember telling a CSW that grandmother told her to lie or having a fight with mother about kissing a boy. She said mother had never called her a bad name and she was not afraid of mother.

Dependency investigator Jonathan Willey testified that he had met with D.G. twice. The first time, she said she wanted to move back home with mother; the second time, she said she did not. Willey believed that D.G. was more sincere the second time because she seemed more relaxed and willing to talk. Willey said he would be opposed to returning D.G. or Noah to mother because mother might have mental health issues and did not parent appropriately.

Noah testified that he remembered seeing mother hit D.G. with a vacuum cleaner. He said he once reported that he had not seen the incident because mother told him, "[D]on't tell anyone, tell them I didn't see." Noah said he subsequently decided "to tell the truth." Further, he once said that his "brother" (father's girlfriend's son) put his private part on Noah's lips because "my mom . . . told me do my brother do that, and I said, no; then her keep on asking me."

Noah testified that his father never discussed mother with him, and neither father nor father's girlfriend told Noah what to say to the judge. Noah said he liked visiting his mom and felt

safe with her. He said neither mother nor father had ever done anything that made Noah feel scared.

A friend of mother's testified that he witnessed the vacuum cleaner incident between mother and D.G. When he arrived at mother's apartment, he heard mother tell D.G. to give her the vacuum cleaner, and D.G. disobeyed. Mother tried to grab the vacuum cleaner from D.G., and when mother accidentally let go of it, the vacuum hit D.G. in the eye. Noah was in his room during this incident. Mother testified that her friend's account of the incident was accurate.

After the close of evidence, father's counsel advised the court that mother had contacted the CSW to attempt to get confidential information, including Noah's school's address and father's telephone number.

On August 25, 2015, the juvenile court sustained the section 300, subdivision (b) allegations as to both children, and the subdivision (j) allegations as to Noah. The court explained that although it believed the vacuum cleaner incident was accidental, it found that on other occasions mother had struck D.G. intentionally with rods and sticks. Further, "[m]other has placed Noah at risk by her ongoing desire to get him back and not follow the court's orders."

With regard to disposition, the court found by clear and convincing evidence pursuant to section 361, subdivision (c), that there would be substantial danger to Noah's physical and emotional well-being if he were returned to mother, and it ordered Noah placed with father. The court further ordered DCFS to provide Noah with psychological counseling; limited

mother's educational rights;[2] ordered mother to attend a 52-week domestic violence program, a parenting class, psychological testing, a psychological evaluation, and individual counseling to address case issues; granted mother weekly monitored visits with Noah in a secure DCFS location with a security guard present; and ordered mother to provide DCFS with her current address.

Mother timely appealed.

CONTENTIONS

Mother contends that the juvenile court erred by (1) sustaining the dependency petition, (2) failing to terminate juvenile court jurisdiction under section 361.2, subdivision (b), (3) limiting mother's educational rights, and (4) ordering mother to participate in a domestic violence class and submit to drug testing.

DCFS contends that mother's appeal should be dismissed under the "disentitlement doctrine." In the alternative, DCFS urges that the jurisdictional findings are proper, and the juvenile court did not abuse its discretion by ordering mother to complete a domestic violence program. DCFS takes no position on the juvenile court's maintenance of jurisdiction or the limitation of mother's educational rights.

Noah joins DCFS's argument that mother's appeal should be dismissed under the disentitlement doctrine. In the alternative, he urges that all of the juvenile court's findings and orders were correct.

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[2] At the disposition hearing, father's counsel requested that mother's educational rights be limited because mother had tried to obtain father's confidential telephone number and the address of Noah's school.

Father contends the juvenile court did not abuse its discretion by limiting mother's educational rights. He takes no position on the remaining issues.

DISCUSSION

I.

We Decline to Dismiss This Appeal Under the "Disentitlement Doctrine"

DCFS and Noah urge that we should dismiss mother's appeal under the "disentitlement doctrine." We disagree.

The disentitlement doctrine is a "well-established . . . doctrine by which an appellate court may stay or dismiss an appeal by a party who has refused to obey the superior court's legal orders. [Citation.] . . . . [T]he disentitlement doctrine prevents a party from seeking assistance from the court while that party is in 'an attitude of contempt to legal orders and processes of the courts of this state.' [Citation.]" (*In re E.M.* (2012) 204 Cal.App.4th 467, 474.)

"Appellate disentitlement 'is not a jurisdictional doctrine, but a discretionary tool that may be applied when the balance of the equitable concerns make it a proper sanction . . . .' [Citation.] In criminal cases, it is often applied when the appellant is a fugitive from justice. [Citation.] In dependency cases, the doctrine has been applied only in cases of the most egregious conduct by the appellant, which frustrates the purpose of dependency law and makes it impossible to protect the child or act in the child's best interests. (*In re C.C.* (2003) 111 Cal.App.4th 76, 84 [refusal to submit to a psychological evaluation]; *In re Kamelia S.* (2000) 82 Cal.App.4th 1224, 1229, [father absconded with minor]; *Guardianship of Melissa W.* (2002) 96 Cal.App.4th 1293, 1299 [grandparents—denied

placement and guardianship—absconded with minor]; *Adoption of Jacob C.* (1994) 25 Cal.App.4th 617, 623–624 [mother abducted child].)" (*In re E.M.*, *supra*, 204 Cal.App.4th at p. 474.)

The disentitlement doctrine has been most commonly applied in dependency cases where the appellant "is a fugitive who refuses to comply with court orders or make an appearance despite being given notice and an opportunity to appear and be heard." (*Adoption of Jacob C.* (1994) 25 Cal.App.4th 617, 624.) Although the doctrine has occasionally been applied outside the context of child abduction, "[n]ot every act of noncooperation in the trial court results in disentitlement." (*In re E.M.*, *supra*, 204 Cal.App.4th at p. 477.)

In the present case, although mother's conduct has, without question, been extremely obstructive, we do not deem it sufficiently egregious to deprive mother of the right to appeal the juvenile court's jurisdiction and disposition orders. The juvenile court has not made a finding that mother abducted D.G., and Noah remains placed with father under DCFS supervision. Accordingly, mother's conduct, while deplorable, has not made it impossible for the court to protect Noah or to act in his best interests. We therefore decline to apply the disentitlement doctrine.

II.
The Jurisdictional Findings Are Proper

Mother contends that the juvenile court erred in sustaining the dependency petition under section 300. For the reasons that follow, we do not agree.

A. Legal Standards

A child is within the jurisdiction of the juvenile court if he or she "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" or "[t]he child's sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions." (§ 300, subds. (b), (j).)

We review the court's jurisdictional findings for substantial evidence. " ' "In reviewing a challenge to the sufficiency of the evidence supporting the jurisdictional findings and disposition, we determine if substantial evidence, contradicted or uncontradicted, supports them. 'In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we note that issues of fact and credibility are the province of the trial court.' [Citation.] 'We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court. [Citations] " '[T]he [appellate] court must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence . . . such that a reasonable trier of fact could find [that the order is appropriate].' " [Citation.]' [Citation.]" ' " (*In re D.C.* (2015) 243 Cal.App.4th 41, 51–52.)

B. Father's Ability to Care for Noah Does Not Fatally Undermine the Jurisdictional Findings

Mother implicitly concedes that the evidence was sufficient to support a finding that her conduct put Noah at risk of harm. However, citing *In re A.G.* (2013) 220 Cal.App.4th 675, she urges

that the juvenile court erred in sustaining the dependency petition because father was able to properly care for Noah, and thus the juvenile court's intervention was unwarranted. For the reasons that follow, we conclude the juvenile court did not err by sustaining the jurisdictional findings.

In re A.G. concerned two young children whose mother suffered from a serious mental illness that caused her to experience auditory hallucinations. Prior to DCFS's involvement with the family, the children lived with both mother and father, and were cared for primarily by father and a nanny. After law enforcement was called to the family home because mother's hallucinations caused her to lie down in the middle of the street, DCFS filed a juvenile dependency petition under section 300, subdivision (b), alleging that the children were within the jurisdiction of the juvenile court because mother's mental illness rendered her incapable of providing regular care of the children. (*In re A.G.*, *supra*, 220 Cal.App.4th at pp. 677–678.) The court sustained the allegations of the petition, declared the children dependents of the court, ordered the children removed from mother and placed with father, and then terminated juvenile court jurisdiction. Mother appealed. (*Id*. at p. 682.)

The Court of Appeal reversed. Although it found substantial evidence that mother suffered from a serious mental illness, it concluded that mother's mental illness "is not the end of the story because DCFS 'has the burden of showing specifically how the minors have been or will be harmed and harm may not be presumed from the mere fact of mental illness of a parent.' [Citation.]" (*In re A.G.*, *supra*, 220 Cal.App.4th at p. 684.) In the case before the court, although the evidence established that *mother* was unable to care for the minors due to her mental

illness, the court noted that *father* "has shown remarkable dedication to the minors and that he is able to protect them from any harm from Mother's mental illness. Father ensured that there was adult supervision, other than Mother, of the minors at all times. Father or the nanny was the minors' primary caregiver, while Mother usually stayed in her room. As stated, Mother had been left alone with the minors on one occasion, and no harm to them had been reported. Father slept in the bedroom with the minors and kept the door locked pursuant to the advice of the in-home counselor and temporarily moved out of the house with the minors to protect them from Mother." (*Ibid.*)

Based on the foregoing, the Court of Appeal concluded that the juvenile court had erred in sustaining the petition. It explained: "Father has always been, and is, capable of properly caring for [the children]. At the adjudication hearing, the juvenile court should have dismissed the petition, staying the order until Father obtained from the family court an award of custody to him and monitored visitation to Mother. Therefore, we reverse the jurisdictional and dispositional orders of the juvenile court and remand the matter to the family court for a hearing on the custody and visitation issue." (*In re A.G.*, *supra*, 220 Cal.App.4th at p. 686.)

The present case is distinguishable from *A.G.* In *A.G.*, prior to DCFS's involvement, the father had been living with and caring for the children. A.G.'s father had worked actively to protect his children from the effects of mother's mental illness, and as a result of his intervention, the children had not suffered any harm. In the present case, in contrast, prior to DCFS's intervention, father had not been involved in Noah's life and had taken no steps to protect Noah from mother's violence.

Accordingly, the factors that caused the appellate court in *A.G.* to conclude that the children were not properly within the juvenile court's jurisdiction—namely, the actions of one custodial parent to protect the children from the other custodial parent—were not present in this case. Father's present ability to care for Noah, therefore, does not fatally undermine the jurisdictional findings.

III.
The Juvenile Court Did Not Violate Mother's Rights to Due Process and Notice

Mother contends that she was denied due process because she was given insufficient notice of the allegations against her. She urges: "[T]he court improperly based its [jurisdictional] finding on allegations that were never alleged in the petition. . . . Instead, the court based its jurisdictional findings on vague conduct during the pendency of the matter, including mother's reaction to the situation by blaming others, . . . making allegedly 'false allegations' about caretakers to regain custody of Noah, and 'telling [her] children it's okay to lie.' "

We do not agree that mother received insufficient notice of the allegations against her. The juvenile dependency petition alleged that mother struck D.G.'s face and head with a vacuum cleaner; struck D.G. with rods and sticks, resulting in lumps on the child's head; gave conflicting explanations for D.G.'s injuries; and "instructed the children to provide false and misleading information to medical providers and law enforcement on how [D.G.] sustained . . . injuries." The court found that each of these allegations was true, explaining that while it believed the vacuum cleaner incident was accidental, the children "testified quite clearly . . . that this is not the first time, and that the mother has struck the child, the children before with rods and

sticks. . . . [T]he lacerations to the head requiring stitches, it's an accident. However, the prior incidents were not. This is what causes the court concern and what places the children at risk." The court also credited evidence that mother had given conflicting explanations for how D.G. had been injured and had instructed the children to provide false information to medical providers and law enforcement. Accordingly, mother had adequate notice of the allegations on which jurisdiction was based.

It is true, as mother notes, that the court identified other actions mother had taken that were contrary to the children's best interests, including making "false allegations" of abuse by Noah's caregivers and "telling your children [that] it's okay to lie." These actions were not identified by the juvenile court as bases of jurisdiction, however, but rather as reasons why the children remained out of mother's custody nearly after a year after they were initially removed: "[P]erhaps if you'd come in here a year ago and presented it as, this is what happened, I'm so sorry[,] . . . you'd have your children back[.] [Instead, you sought] orders . . . all over the place, after being told not to, [and made] false allegations regarding Noah's father and Noah's sibling. All that cause [me] concern[.]"

For these reasons, we conclude that the juvenile court did not violate mother's rights to due process or adequate notice.

IV.
The Juvenile Court Did Not Err by Failing to Terminate Jurisdiction Pursuant to Section 361.2, Subdivision (b)

Mother contends that the juvenile court erred by failing to terminate jurisdiction pursuant to section 361.2, subdivision (b),

because there was no need for continuing supervision. We disagree.

Section 361.2, subdivision (a) provides that when a court orders removal of a child pursuant to section 361, it "shall first determine whether there is a parent of the child, with whom the child was not residing at the time that the events or conditions arose that brought the child within the provisions of Section 300, who desires to assume custody of the child. If that parent requests custody, the court shall place the child with the parent unless it finds that placement with that parent would be detrimental to the safety, protection, or physical or emotional well-being of the child."

If the court places the child with the formerly non-custodial parent, pursuant to section 361.2, subdivision (b) the court "may do any of the following":

"(1) Order that the parent become legal and physical custodian of the child. The court may also provide reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child. . . .

"(2) Order that the parent assume custody subject to the jurisdiction of the juvenile court and require that a home visit be conducted within three months. In determining whether to take the action described in this paragraph, the court shall consider any concerns that have been raised by the child's current caregiver regarding the parent. After the social worker conducts the home visit and files his or her report with the court, the court may then take the action described in paragraph (1), (3), or this paragraph. . . .

"(3) *Order that the parent assume custody subject to the supervision of the juvenile court*. In that case the court may order

that reunification services be provided to the parent or guardian from whom the child is being removed, or the court may order that services be provided solely to the parent who is assuming physical custody in order to allow that parent to retain later custody without court supervision, or that services be provided to both parents, in which case the court shall determine, at review hearings held pursuant to Section 366, which parent, if either, shall have custody of the child." (Italics added.)

The juvenile court's finding regarding the need for continuing supervision is reviewed for substantial evidence. (*In re Austin P.* (2004) 118 Cal.App.4th 1124, 1134.)

Mother urges that the juvenile court erred by failing to terminate its jurisdiction under section 361.2, subdivision (b)(1) because substantial evidence did not support a need for the court's continued supervision. We do not agree. First, Noah had had little contact with his father before DCFS became involved with the family, and he had been placed with father only a few months before the disposition hearing. Thus, both the parent-child relationship and the custodial placement were of very recent origin. Second, Noah's attorney expressed concern that mother would attempt to abduct Noah, and therefore requested that Noah's visits with mother be closely supervised by DCFS. Such supervision could occur only if the case remained open. Third, DCFS had reported that Noah did not want to continue to visit mother because the visits were causing him "stress and fear." DCFS therefore requested that Noah be provided individual counseling, which, again, could be provided only if the case remained open. Finally, father was supportive of DCFS's continued involvement in Noah's placement and of its provision of family preservation services. For all of these reasons, requiring

DCFS to continue to monitor Noah's placement was eminently reasonable and supported by substantial evidence.

In re Austin P., *supra*, 118 Cal.App.4th 1124, on which mother relies, supports—rather than undermines—the juvenile court's continuing jurisdiction. In that case, nine-year-old Austin was removed from the custody of his mother and placed with his father. Despite the father's request that the court terminate its jurisdiction and order that father be Austin's sole legal and physical custodian, the court maintained its jurisdiction over the child. (*Id.* at p. 1128.) The Court of Appeal found the continuing jurisdiction order was supported by substantial evidence, noting that father and Austin had had only sporadic contact over the preceding 10 years, there was conflict between mother and father, the social worker believed Austin needed individual and conjoint therapy with the parents, and father and his wife were worried about coping with mother's erratic behavior. (*Id.* at p. 1134.)

The present case is analogous. As in *Austin P.*, father and Noah are newly establishing a relationship with one another, DCFS believes Noah requires individual therapy, and mother's behavior throughout these proceedings has been erratic and difficult. Indeed, in the present case, there is an even greater need for continuing DCFS involvement, because of the concerns that mother will attempt to abduct Noah and mother's repeated use of the legal system to attempt to have him removed from placements. For all of these reasons, the juvenile court did not err in maintaining its jurisdiction pursuant to section 361.2, subdivision (b)(3).

V.
The Juvenile Court Did Not Abuse Its Discretion by Limiting Mother's Educational Rights to Noah

" 'Parents have a constitutionally protected liberty interest in directing their children's education. [Citations.] However, when a child is a dependent child, a court may limit a parent's ability to make educational decisions on the child's behalf . . . .' (*In re R.W.* (2009) 172 Cal.App.4th 1268, 1276.) 'In all cases in which a minor is adjudged a dependent child of the court on the ground that the minor is a person described by Section 300, the court may limit the control to be exercised over the dependent child by any parent or guardian and shall by its order clearly and specifically set forth all those limitations. Any limitation on the right of the parent or guardian to make educational or developmental services decisions for the child shall be specifically addressed in the court order. The limitations may not exceed those necessary to protect the child.' (§ 361, subd. (a)(1).) 'We review the juvenile court's order limiting parents' educational rights under an abuse of discretion standard [citation], bearing in mind "[t]he focus of dependency proceedings is on the child, not the parent" [citation].' (*R.W.*, at p. 1277.)" (*In re D.C.* (2015) 243 Cal.App.4th 41, 58.)

Mother contends that the juvenile court abused its discretion by limiting her educational rights to Noah. We do not agree. There is abundant evidence that mother has gone to great lengths throughout these proceedings to disrupt her children's placements, including by obtaining restraining orders against the children's caregivers, encouraging the children to falsely report physical and sexual abuse by caregivers, and physically attacking

the caregivers. Further, there was evidence that D.G. had reported "having difficulty focusing in school due to the mother constantly going to the school." In view of mother's demonstrated efforts to disrupt her children's lives and placements, the juvenile court's order limiting mother's educational rights to Noah was well within its broad discretion.

VI.
The Juvenile Court Did Not Abuse Its Discretion by Ordering Mother to Submit to Drug Testing or Participate in Domestic Violence Education

Mother contends that the juvenile court abused its discretion by ordering mother to participate in a domestic violence class and submit to drug testing. For the reasons that follow, we do not agree.

"At the dispositional hearing, the juvenile court must order child welfare services for the minor and the minor's parents to facilitate reunification of the family. (§ 361.5, subd. (a); Cal. Rules of Court, rule 1456(f)(1) [now, rule 5.695(g)(1)].) The court has broad discretion to determine what would best serve and protect the child's interest and to fashion a dispositional order in accord with this discretion. [Citations.] We cannot reverse the court's determination in this regard absent a clear abuse of discretion. [Citation.]" (*In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006.)

Drug testing. Mother contends that the juvenile court abused its discretion by ordering her to submit to drug testing, but the appellate record does not reflect that the juvenile court ever made such an order. Although DCFS included drug testing

in its *proposed* case plan, it appears that the court omitted such testing from its signed order.

Domestic violence education. Mother urges that she should not have been ordered to attend a domestic violence class because "no evidence existed that mother was involved in any domestic violence as defined under Family Code section 6211." Not so. As defined by Family Code section 6211, subdivision (e), "domestic violence" includes "abuse perpetrated against . . . [*a*] *child of a party*." (Italics added.) Family Code section 6211, subdivision (e) "is drawn from former Civil Code Section 7020 *and eliminates any implication that children are not covered by this statute*." (Law Rev. Comm. Comments to Fam. Code § 6211, italics added; see also *Riehl v. Hauck* (2014) 224 Cal.App.4th 695, 701 ["if a minor child is 'abused' as defined in [Family Code] section 6203, he or she is a protected person pursuant to [Family Code] section 6211, subdivision (e)"].) Accordingly, mother's physical abuse of D.G. constituted "domestic violence" within the meaning of Family Code section 6211 and, thus, supported the juvenile court's disposition order that mother attend domestic violence prevention classes.

DISPOSITION

The jurisdictional findings and disposition order are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

EDMON, P. J.

We concur:

LAVIN, J.

GOSWAMI, J.*

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