

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re M.R. et al., Persons  
Coming Under the Juvenile  
Court Law.

B293790

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

(Los Angeles County  
Super. Ct. Nos. DK23643A,  
DK23643B)

Plaintiff and Respondent,

v.

G.R.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County, Steven E. Ipson, Commissioner. Affirmed.

Cristina Gabrielidis, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Navid Nakhjavani, Principal Deputy County Counsel, for Plaintiff and Respondent.

---

G.R. (father) challenges the juvenile court's jurisdictional and dispositional orders concerning his children, nine-year-old daughter, M.R., and seven-year-old son, F.R. Father contends substantial evidence did not support the juvenile court's findings. We disagree and affirm.

## **BACKGROUND**

### **I. Detention**

On May 9, 2017, the Los Angeles County Department of Children and Family Services (DCFS) received a call that the children's mother had been arrested for child endangerment. M.R. told DCFS that her family had left Florida because father abused mother. M.R. saw father choking mother. In addition to domestic violence, M.R. also reported that father had touched her vagina with his hands and made her touch his penis. However, F.R. denied father had inappropriately touched him.

In its detention report, DCFS indicated that the Department of Mental Health told DCFS that mother moved to California to get away from father due to the physical abuse and indicated father had sexually abused M.R.

In May 2017, the juvenile court found a prima facie case for detaining M.R. and F.R. and that they were children described by Welfare and Institutions Code section 300.<sup>1</sup>

---

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

## II. Investigation

In November 2016, M.R told a Los Angeles County Sheriff's deputy that when she was between the ages of three and four, father would put his hands down her pants and touch her vagina. While she was asleep, father would place his hands down her pants and rub her vagina. Father would touch inside her vagina, causing pain. Further, father would rub her buttocks and place his fingers in her rectum, causing her severe pain. Out of fear father would harm her, M.R. concealed her pain. She also reported seeing father's penis, describing it as hairy.

In June 2017, M.R. told a forensic evaluator that father had touched her vagina and made her touch his penis with her hand. M.R. described several instances of sexual abuse. On one occasion, father put his hands inside M.R.'s pants and underwear while she and her brother were at her uncle's shop. F.R. was in the room but he was playing with a cell phone.

M.R. described another incident where her father penetrated her anus with his fingers while she was taking a bath, causing intense pain. He only stopped when mother came home. On other occasions, father would sneak into her bed and either touch her genital area or force her to touch his.

M.R. explained that when the family was in California, mother's friend discovered M.R. had vaginal bleeding and notified mother. Mother told M.R. to keep the sexual abuse secret.

In November 2017, M.R.'s therapist expressed concerns about M.R. visiting with, or talking to, father. When father was in California for a court date, M.R. became very nervous and cried excessively. The therapist believed M.R. had not yet processed the trauma regarding her father.

In February 2018, father's counsel requested that M.R. testify to the sexual abuse allegations because M.R.'s statements could be the product of mother's undue influence and that alleged discrepancies in her statements made them unreliable. Children's counsel argued that M.R. would be psychologically damaged by being required to testify. The juvenile court ruled M.R. would testify in chambers, but only regarding the issue of coaching.

In June 2018, M.R. had a psychiatric evaluation and was prescribed medication for severe anxiety. M.R. completed trauma focused therapy but still needed weekly therapy based on her anxiety and post-traumatic stress disorder.

### III. Jurisdiction/Disposition

In July 2018, M.R. testified in chambers at the jurisdiction and disposition hearing. M.R. told the juvenile court about the bleeding from her vaginal area. Both mother and mother's friend told M.R. not to tell anyone about the incident. M.R. had since discussed the sexual abuse with social workers and therapists. When asked whether anyone had told her what to say, M.R. responded, "I don't remember. No." The hearing was continued to September 2018.

Since her last court appearance, M.R. had told DCFS it was good to see her father. M.R. had requested telephone calls with father and stated she missed him. However, her therapist reported that it was not uncommon for M.R. to want contact with her father, especially since he offered to give her presents.

The DCFS investigator testified that she had 16 years of experience and had received training related to sexual abuse. The investigator believed M.R. was truthful about the sexual abuse allegations. She had no reason to believe mother had coached

M.R. M.R. was very verbal for her age and was able to recall the time she lived in Florida including specific details about the sexual abuse allegations. M.R.'s statements regarding the abuse were consistent from interview to interview, which suggested she had not been coached.

The juvenile court sustained the petition and found M.R. and F.R. to be children described by section 300, subdivisions (a), (b), (d), and (j). The juvenile court found M.R.'s statements credible. It noted injuries inflicted during sexual abuse disappear within a few days and that children have varying reactions to sexual abuse. The juvenile court did not believe the children were differently situated, explaining that both were at risk of harm either through direct abuse or exposure to it.

The juvenile court addressed M.R.'s statement that it had been good to see father and her request for telephone contact, noting that those statements were related to the children receiving gifts, which was not an essential component of fatherhood and potentially indicative of predatory behavior. It also found that reunification services were not in the children's best interest because M.R. met the definition of a minor who had been severely sexually abused and father had not improved his outlook or behavior.<sup>2</sup>

## **DISCUSSION**

Father challenges the juvenile court's jurisdictional findings and dispositional orders concerning M.R. and F.R.,

---

<sup>2</sup> Mother filed a waiver of rights form with the juvenile court and pled no contest to the allegations against her.

arguing they are not supported by substantial evidence.<sup>3</sup> Father also argues the juvenile court improperly denied him reunification services.

I. Substantial evidence supports the finding that father sexually abused M.R.

We review the juvenile court's jurisdictional findings for substantial evidence. (*In re Roxanne B.* (2015) 234 Cal.App.4th 916, 920.) Substantial evidence is any evidence which is reasonable, credible, and of solid value to support the juvenile court's finding. (*In re Ricardo L.* (2003) 109 Cal.App.4th 552, 564.) We resolve all conflicts in favor of the prevailing party and defer to the juvenile court on issues of credibility. (*In re Albert T.* (2006) 144 Cal.App.4th 207, 216.)

Father argues that M.R. was not credible due to her young age. Further, father contends that M.R.'s statements were unduly influenced by the time M.R. spent living exclusively with her mother in California.

The record does not support father's arguments. M.R.'s statements were consistent throughout the pendency of the case. She repeatedly described an incident that occurred at her uncle's shop and provided details such as the manner in which she was touched and that F.R. was in the room playing on a cell phone. To the extent father contends that mother coached M.R., the

---

<sup>3</sup> We exercise our discretion and review father's challenge to the sexual abuse allegations because those findings have and will continue to affect him in the instant dependency and other future family law proceedings. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451.)

juvenile court rejected this contention and found M.R.'s testimony to be credible.

Relying on *In re I.C.* (2018) 4 Cal.5th 869 and *In re Cindy L.* (1997) 17 Cal.4th 15, father contends that M.R.'s statements required corroboration to sustain the sexual abuse allegations. Those cases, however, involved statements from three- to four-year-old children who could not distinguish the difference between the truth and a lie. (*Cindy L.*, at pp. 19–20; *I.C.*, at p. 875.) In contrast, M.R. was eight years old when she testified regarding whether she had been coached by mother. She stated clearly that she understood the difference between the truth and a lie. She said, "It's important to tell the truth everywhere and anywhere."

Moreover, M.R.'s statements regarding the sexual abuse were corroborated. M.R. exhibited sexualized behavior, which she said she learned from her father. During a forensic interview, M.R. mimicked how father would touch her genital area.

Father's contention that the physical examination of M.R. was inconclusive regarding sexual abuse is also of no moment. As the juvenile court correctly pointed out, any injuries a child may suffer during sexual abuse disappear within a few days. To the extent there were inconsistencies in M.R.'s statements, the juvenile court resolved that credibility determination in favor of M.R. and found that there are myriad ways abuse can be disclosed and an equal number of ways a child can react to that abuse. As such, there was substantial evidence to sustain the sexual abuse allegations against father.

II. Substantial evidence supports the juvenile court's finding that F.R. was also at risk of harm.

Father next contends that even if the sustained sexual abuse allegations regarding M.R. are upheld, substantial evidence did not support the finding that F.R. was also at risk of harm. Specifically, father argues that, because F.R. was unaware of any sexual abuse, which occurred years earlier, the risk to F.R. had been eliminated. Father also contends that the abuse of M.R. was not severe enough to warrant jurisdiction over F.R. These contentions are meritless.

“Cases overwhelmingly hold that sexual abuse of one child may constitute substantial evidence of a risk to another child in the household—even to a sibling of a different sex or age or to a half-sibling.” (*Los Angeles County Dept. of Children & Family Services v. Superior Court* (2013) 215 Cal.App.4th 962, 968.) In *In re I.J.* (2013) 56 Cal.4th 766, 770 to 771 our Supreme Court upheld jurisdiction over three boys based on their father's sexual abuse of their sister, despite no evidence that the father sexually abused or mistreated any of the boys. Similarly, we upheld jurisdiction over a three-year-old grandson after the juvenile court found that grandfather had sexually abused his two stepgranddaughters. (*In re Ricky T.* (2013) 214 Cal.App.4th 515, 517.) We concluded that the grandson was at risk of being exposed to grandfather's sexual abuse of other children in grandson's presence, which would constitute molesting a child. Thus, grandson was also at risk of being a victim of sexual abuse. (*Ibid.*)

Here, M.R. repeatedly recalled the details of the incident where father sexually abused her while F.R. was in the room. F.R. may have been unaware of the abuse or too young to



appreciate what was happening, but father's actions still placed him at a risk of harm. (See *In re I.J.*, *supra*, 56 Cal.4th at pp. 770–771.)

We also reject father's attempt to minimize the sexual molestation of his daughter. Although M.R. described only a few incidents in detail, it is clear from the record that the abuse happened on more than those occasions and at least once in F.R.'s presence. She demonstrated the way father would touch her vagina and said father did "bad, really really bad, disgustingly bad things" to her, touching the inside of her vagina and causing her pain, and putting his finger insider her rectum, causing her severe pain.

Yet, father again directs us to the inconclusive results of M.R.'s physical examination. But, as stated above, a physical examination would not necessarily reveal the occurrence of sexual abuse which happened years earlier or its relative severity. Instead, underscoring the severity of the sexual abuse is that three years after the sexual abuse had occurred, M.R. continued to be afraid of father and felt anxious about seeing him. At the time of adjudication, M.R. had anxiety and post-traumatic stress disorder.

We therefore find there was substantial evidence of the severity of the sexual abuse to warrant removal of F.R. Father's behavior placed both M.R. and F.R. at risk of future harm.<sup>4</sup>

---

<sup>4</sup> Because the allegations of sexual abuse were supported by substantial evidence and those were the basis for the juvenile court's denial of family reunification services for father, we do not consider the merits of the sustained domestic violence allegations. (See *In re Alexis E.*, *supra*, 171 Cal.App.4th at p. 451.)

III. The juvenile court properly denied reunification services

Father contends the juvenile court erred by denying him reunification services under section 361.5, subdivision (b)(6)(B). We disagree.

There is a presumption in dependency cases that parents will receive reunification services. (*Cheryl P. v. Superior Court* (2006) 139 Cal.App.4th 87, 95.) However, the juvenile court can bypass reunification services if the child has been adjudicated a dependent as a result of severe sexual abuse by a parent, and the juvenile court finds by clear and convincing evidence that it would not benefit the child to pursue reunification services with the offending parent.<sup>5</sup> (§ 361.5 subd. (b)(6)(A).)

We review the juvenile court's dispositional order for substantial evidence keeping in mind the heightened burden of proof of clear and convincing evidence. (*In re A.E.* (2014) 228 Cal.App.4th 820, 825–826.) “Clear and convincing evidence requires a high probability, such that the evidence is so clear as

---

<sup>5</sup> “A finding of severe sexual abuse . . . may be based on, but is not limited to, sexual intercourse, or stimulation involving genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between the parent or guardian and the child or a sibling or half sibling of the child, or between the child or a sibling or half sibling of the child and another person or animal with the actual or implied consent of the parent or guardian; or the penetration or manipulation of the child's, sibling's, or half sibling's genital organs or rectum by any animate or inanimate object for the sexual gratification of the parent or guardian, or for the sexual gratification of another person with the actual or implied consent of the parent or guardian.” (§ 361.5, subd. (b)(6)(B).)

to leave no substantial doubt.” (*In re Isayah C.* (2004) 118 Cal.App.4th 684, 695.)

Similar to his contention that F.R. could not be at risk of harm because the sexual abuse was not severe, father argues that the sexual abuse was not severe enough to warrant bypass of family reunification services. We have already rejected that characterization.

Father then offers this argument: the juvenile court did not find, and there is no evidence to conclude that father’s sexual abuse of M.R. was for his sexual gratification. However, this is an inference clearly supported, if not compelled, by common sense. M.R. learned sexualized behavior from her father and he made her touch his penis. Accordingly, we find the juvenile court’s finding of severe sexual abuse is supported by substantial evidence. (§ 361.5, subd. (b)(6)(B).)

Lastly, father has not met his burden to show that family reunification services would be in the best interests of the children. (See *In re William B.* (2008) 163 Cal.App.4th 1220, 1227.) The juvenile court considered the nature of the sexual abuse, its emotional impact on M.R., and determined father had done nothing to address his behavior or the underlying case issues. Accordingly, the juvenile court correctly denied father reunification services.

**DISPOSITION**

The orders are affirmed.

NOT TO BE PUBLISHED.

DHANIDINA, J.

We concur:

EDMON, P. J.

LAVIN, J.