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IN THE COURT OF APPEAL OF THE STATE OF
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re A.J., a Person Coming
Under the Juvenile Court Law.

B271545
(Los Angeles County
Super. Ct. No. DK14304)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

APRIL A.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los
Angeles County, Marguerite Downing Judge. Affirmed.

Judy Weissberg-Ortiz, under appointment by the Court
of Appeal, for Defendant and Appellant.

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

* * * * *

In this appeal, mother challenges the sufficiency of the evidence of jurisdiction over her four-year-old daughter A.J. We find strong evidence supported the juvenile court's jurisdictional order and affirm.

BACKGROUND

On November 18, 2015, Los Angeles County Department of Children and Family Services (DCFS) filed a Welfare and Institutions Code section 300 petition, which, as later sustained, alleged mother abused methamphetamine, marijuana, and alcohol. Mother used controlled substances while A.J. was in her care and mother's substance abuse interfered with her ability to provide regular care for A.J. The petition further alleged that mother endangered A.J. by leaving her outside without appropriate adult supervision.

Although mother later denied the following statements, in November 2015 she told a social worker that she used methamphetamine and marijuana. Mother reported that she had smoked methamphetamine three days earlier. She also reported frequently using marijuana, but denied smoking in A.J.'s presence. Mother reported drinking alcohol two or three times weekly. Mother stated that A.J. plays in the park in her housing complex and is watched by security guards.

On November 10, 2015, mother tested positive for marijuana. On January 5, 2016, mother did not report for her scheduled drug test.

A.J. told a social worker that mother leaves her “outside by herself at night and it is scary.” A.J. also reported that mother leaves her alone inside when mother goes outside to smoke.

When DCFS became involved in this case, A.J. had been living with her maternal grandmother. Maternal grandmother explained that A.J. was with her because mother scheduled A.J.’s birthday party very late at night, and maternal grandmother found the time inappropriate for a four-year-old. Maternal grandmother also was concerned that there was a lot of “traffic” in and out of mother’s home. Maternal grandmother believed that mother was using drugs. Maternal grandmother also worried that mother allowed four-year-old A.J. to play outside by herself. (At the jurisdictional hearing, maternal grandmother denied having any concerns about mother’s parenting.)

DCFS placed A.J. with her maternal great aunt, and A.J. described the new home as her “safe place.”

Following a hearing, the juvenile court sustained the allegations in the petition. Mother now appeals from the jurisdictional order, challenging the sufficiency of the evidence to support the order.

DISCUSSION

“ ‘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]." ' ' ' ' (In re I.J. (2013) 56 Cal.4th 766, 773.)

The evidence overwhelmingly supported the jurisdictional order. Mother admitted to using methamphetamine and marijuana. She had a positive drug test for marijuana and missed her other drug tests. Although mother later denied using drugs, the juvenile court was not required to credit her denials especially in light of her prior admission. Moreover, strong evidence showed that mother's drug use affected her parenting of A.J. Mother left four-year-old A.J. inside by herself so that mother could smoke outside. Mother also left A.J. unattended outside. A.J. was frightened when she was left alone outside. Thus, both the allegation of substance abuse and that of failure to supervise were strongly supported.

Mother's arguments to the contrary ignore the standard of review and border on the frivolous. First, mother argues that at the time of the jurisdictional hearing, there was no evidence she posed a risk to A.J. But all of the evidence

supported that conclusion. The evidence was that she used multiple substances and left A.J. unattended causing other family members to become alarmed and take custody of A.J. and causing A.J. to be frightened. No evidence showed that mother had addressed these concerns by the time of the jurisdictional hearing. Next, mother's argument that her drug use was not documented is not persuasive because mother admitted to using drugs, failed one drug test, and did not show up for another. In short, substantial evidence supported the juvenile court's jurisdictional order.

DISPOSITION

The juvenile court's jurisdictional order is affirmed.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.