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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re DARLA B., a Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

F.B.,

Defendant and Appellant.

B275991

(Los Angeles County
Super. Ct. No. CK99054)

APPEAL from an order of the Superior Court of
Los Angeles County, Emma Castro, Juvenile Court Referee.
Affirmed.

Mitchell Keiter, under appointment by the Court of Appeal,
for Defendant and Appellant.

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

INTRODUCTION

F.B. appeals from the order of the juvenile court declaring his presumed daughter Darla (age 17 months) a dependent of the court (Welf. & Inst. Code, § 300, subd. (b)).¹ He contends that there is no evidence that Darla is at risk of harm because she is too young to have reached the drugs and firearm locked in her closet by father, an alleged drug dealer. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On October 28, 2015, just over a month after Darla was born, father allegedly participated in a stabbing incident. In January 2016, the police searched the home where father lived with Darla, mother M.R., and mother's son Angel R. (age 3).² Also living in the house were several other adults, many of who were suspects in the attempted murder. In the search, the police recovered from the top shelf of the children's closet a safe containing packages of methamphetamine and cocaine, a digital scale, and a plastic card with narcotic residue. The police also found a gun box on the closet floor containing a semi-automatic handgun and an ammunition magazine containing cartridges. Concluding that father was selling illegal drugs, the police arrested him and another adult in the house and charged father with attempted murder with a gang allegation, possession of

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

² Mother and Angel are not parties to this appeal.

controlled substances for sale, and possession of illegal narcotics while armed with a firearm. Father was held on \$1 million bail.

The police detained the children and notified the Department of Children and Family Services (the Department). The reporting party stated that drug sales were being conducted from the home and that the house was in a “‘deplorable condition[].’” The investigating social worker found the home to be unkempt and unclean, with several safety hazards, and several boxes, piles of clothing, and bags of other items blocking passageways. The social worker also saw a pipe and several containers with medical marijuana accessible to the children.

Father admitted he had been abusing cocaine, methamphetamine, and marijuana for about two years. He admitted that all of the drugs that the police found were his. He also divulged that he had been arrested on charges of domestic violence.

Mother stated that the marijuana belonged to father who had a medical card. She claimed that father was storing the other drugs for someone else. Mother declined to answer when the social worker asked her about a previous incident, described by Angel’s father, in which father attempted to strike Angel. Informed that father had disclosed his domestic violence arrest, mother revealed that in May 2015, when she was pregnant with Darla, father wanted mother to give Angel medicine to stop his fussiness and crying so father could sleep. Mother called Angel’s father at 2:00 a.m. to pick the child up. She hit father on the face with an open hand and he grabbed her arms and bit her on the back. She called the police who arrested father. Mother refused to go to court and so the charges were dropped. Mother claimed the violence occurred after Angel left but father stated that Angel

was present during their fight. The juvenile court detained the children.

In advance of the jurisdiction hearing, father admitted to the social worker that he had been using marijuana for about four years and methamphetamine and cocaine for about three years. He claimed mother was unaware that the drugs were located at his house. He also stated he drinks excessively two to three times a week but only when mother and the children are not home.

The social worker did not believe mother was being honest because mother told inconsistent stories. For example, mother claimed she both knew and was ignorant of the firearm and drugs in the house. She also told one social worker that the children did not reside with father but told another that they did. The jurisdiction report listed previous dependencies for mother and Angel. The parents denied there had been any violence between them since May 2015.

The juvenile court sustained the petition and declared the children dependents after finding true the allegations that the parents engaged in domestic violence (§ 300, subd. (a) [serious physical harm]), and father had an unresolved and untreated history of drugs and alcohol abuse (§ 300, subd. (b) [failure to protect]).

With particular relevance to this appeal, the juvenile court also found true the allegations in count b-1 that mother and father placed the children in a detrimental and endangering home environment because illicit drugs, including methamphetamine, cocaine, marijuana, drug paraphernalia, and a firearm were found in the home where the children resided, and on January 20, 2016, father was arrested for possession of illicit

drugs and possession of a firearm (§ 300, subd. (b) [failure to protect]).

The court removed the children from their parents' custody. (§ 361, subd. (c)(1).) Father filed this appeal.

CONTENTIONS

Father contends that the jurisdiction order is not supported by substantial evidence.

DISCUSSION

We review the juvenile court's jurisdictional findings under the substantial evidence test. (*In re I.J.* (2013) 56 Cal.4th 766, 773.) "Substantial evidence is evidence that is reasonable, credible, and of solid value." (*In re Veronica G.* (2007) 157 Cal.App.4th 179 ,185.) In determining whether there is substantial evidence, "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." (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.)

To challenge the count b-1 finding that drugs and a firearm were found in the home, father relies on *In re W. O.* (1979) 88 Cal.App.3d 906, to contend that the illegal drugs do not place Darla at substantial risk of serious physical harm because she was so young that she could neither reach nor open the safe in which they were stored.

Thirty-eight years ago, the appellate court in *In re W. O.*, held that two infants should not have been declared dependents based on the parents' use and the presence in the home, of cocaine and marijuana. Other than the drugs, the children were receiving excellent care in a well-kept and adequately furnished

home. (*In re W. O.*, *supra*, 88 Cal.App.3d at p. 908.) The *W.O.* court found no evidence that parental custody would harm the children, as the drugs were beyond the children's reach, and the accessibility of the drugs was no different than the accessibility of household hazardous substances like cleaning compounds found under the sink. (*Id.* at pp. 909-911.) Even the juvenile court in *W.O.* had found there was only a " 'remote possibility' " that the children could be endangered by their environment. (*Id.* at p. 910.) The sole issue in *W. O.* with respect to the drugs was whether the children could get access to and consume them.

Noting that the juvenile court here amended the petition by striking the words " 'within access of the children' " and replacing them with " 'in the home where the children resided,' " father argues that, as in *W.O.*, the court knew the drugs were not within Darla's reach.

But, the circumstances here are different, and the risk of harm to the children here is far more extensive and serious than in *W.O.* Unlike *W.O.*, Angel is not an infant; he was three years old when he was detained. The social worker found father's marijuana and paraphernalia within Angel's reach and hence accessible to Darla. Also unlike *W.O.*, the house where the children live was in a " 'deplorable condition[],' " with several safety hazards. And, mother and father admitted to engaging in domestic violence, a fact significantly absent from *W.O.*

More important, father gravely understates the risk to Angel and Darla here. Unlike *W.O.*, father is involved in far more dangerous activities than merely storing drugs in the house, and the risk to the children is far more extensive than simply consuming drugs. The evidence indicates, as the police concluded, that father, a suspected gang member who is in jail on

charges of attempted murder, has been using and selling drugs, which along with a firearm, he keeps in the house where the children live. And there were other residents of the children's home who were arrested with father. Father is a significant participant in inherently dangerous criminal activity with people known to him to be dangerous. (See, e.g., *People v. Bland* (1995) 10 Cal.4th 991,1005.)

We are mindful that the "paramount purpose" of dependency proceedings is to protect the child. (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1214; § 300.2.) The Legislature has declared that "[t]he provision of a home environment free from the negative effects of substance abuse is a necessary condition for the safety, protection and physical and emotional well-being of the child." (§ 300.2.) The juvenile court was entirely justified in its implied finding that storing narcotics in and selling drugs from the home, a negative effect of substance abuse, put the children at a clear risk of serious harm. Therefore, the record amply supports the order sustaining count b-1 and declaring the children dependents under section 300, subdivision (b).

Father urges us, even though we conclude that the evidence supports jurisdiction on count b-1, to address remaining jurisdictional findings. However, when a petition alleges multiple grounds, we can affirm the the juvenile court's finding of jurisdiction over the child if any one of the statutory bases is supported by substantial evidence. In such a case, we as the reviewing court need not consider whether any of the other alleged statutory grounds for jurisdiction is supported by the evidence. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451; accord, *In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875.) Given our conclusion that the evidence supports jurisdiction over Darla

under count b-1, we need not consider whether the record supports other statutory bases alleged in the petition.

DISPOSITION

The order appealed from is affirmed.

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ALDRICH, J.

We concur:

EDMON, P. J.

LAVIN, J.