Filed 3/15/17 In re Sophia F. CA2/4

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re Sophia F., et al., Persons Coming Under the Juvenile Court Law.	B267646 consolidated with B271334 (Los Angeles County Super. Ct. No. DK11300)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. JACOB F., Defendant and Appellant.	

APPEAL from orders of the Superior Court of Los Angeles County, Annabelle G. Cortez, Judge. Affirmed.

Anne E. Gragasso, under appointment by the Court of Appeal, for Defendant and Appellant.

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

Appellant Jacob F. (father) is the father of two young daughters, Sophia F. and Nevaeh F., who came under the jurisdiction of the dependency court and were placed in his home after their mother pled no contest to allegations under Welfare and Institutions Code section 300, subdivision (b).[1] Father contends the court abused its discretion by retaining jurisdiction rather than issuing a family law exit order granting him full custody. He also challenges as unsupported by substantial evidence subsequent orders sustaining a section 387 petition and requiring him to participate in services. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A. *Initial Referral, Investigation, and Petition*

In March 2015, the Los Angeles County Department of Children and Family Services (DCFS) received a report that Sophia (born March 2012), Nevaeh (born September 2014), and their older half-brother Andres C. (born February 2006) were being left unsupervised while their mother, Natalie A. (mother), worked late at night. The reporter further alleged that infant Nevaeh was not receiving proper medical care, and that the motel room in which mother and the children resided was "a mess," with donuts, trash, and dirty diapers on the floor. Mother consented to placing all three children with their maternal grandmother while DCFS investigated the allegations.

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[1] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

During its investigation, DCFS contacted father, who did not live with mother and the children. He reported that he was convicted of misdemeanor domestic violence against mother in 2011 and that mother "has some type of stay away order against him." Father further reported that the children had no such order, and that he visited them when mother permitted it. He also stated that he paid child support and insured Sophia on his health insurance plan. (He stated that he missed the enrollment deadline to place Nevaeh on the plan.) DCFS assessed father's home, which he shared with his parents, the paternal grandparents, and concluded that there were no health or safety factors that would preclude placing the girls there. Father informed DCFS that he had a medical marijuana card and used marijuana to treat his back problems. He denied using marijuana around the girls and expressed a willingness to seek a prescription for ibuprofen as an alternative. Father agreed to take a drug test, which came back positive for marijuana only.

On May 11, 2015, DCFS detained the children from mother. It placed Sophia and Nevaeh with father, and Andres with his father, Jose C. DCFS filed a petition under section 300, subdivision (b) on May 15, 2015. The petition alleged, as relevant here, that mother placed the children at risk by neglecting to obtain timely medical care for Nevaeh (count b-1) and by leaving all three children alone at night (count b-2). DCFS also alleged that father had a history of marijuana abuse that placed Sophia and Nevaeh at risk (count b-4).

At the May 15, 2015 detention hearing, the court found prima facie evidence that the children were described by section 300. It ordered the children released to their respective fathers. The court referred mother and father for random drug testing

and ordered family maintenance services for all parties.

B. *Initial Jurisdiction and Disposition Report and Findings*

DCFS filed a jurisdiction/disposition report on August 27, 2015. DCFS reported that an investigator interviewed father, mother, and maternal grandmother separately in mid-August. Father told the investigator that he was learning how to care for the girls and wanted them to remain living with him. He reported he was employed at a home improvement store and was "able to work mostly on weekends," when paternal grandmother could care for Sophia and Nevaeh. He further stated that he had a medical marijuana card for his back pain but "willingly stopped when the girls were brought" to him and had no plans to use marijuana in the future. He denied using other drugs and expressed willingness "to test for DCFS for as long as I need to." Mother reported that father "uses a lot of drugs as far as I know," and that she recently had heard he was using cocaine and ecstasy. She also reported that he has a history of drug problems. Maternal grandmother told the investigator, "I never suspected that Jacob was doing drugs. I never had any concerns about Jacob except that he is young and doesn't have experience with young children. I told him I can help him any time. He seems like a good dad. He is young, but he tries."

DCFS noted in the report that father had taken four additional drug tests. The first two, in July, were negative. The third and fourth tests, both in August, were, respectively, a no-show and negative.[2] Father had not enrolled in any supportive

[2] Father also did not appear for a test on August 17, 2015. It is unclear why this missed test is not noted in the jurisdiction/disposition report, which was filed on August 27, or

services at the time of his interview. DCFS reported, "although he wants to be cooperative he does not plan on enrolling in services unless Court orders him to." It continued, "Father reported that he is working and caring for his two children and does not feel that he has additional time to take classes that he does not feel that he needs. Father admitted that being a full-time parent to two young children has been difficult but he has learned how to do things through assistance from extended family."

DCFS recommended that the court sustain the allegations in the petition, release the girls to father, and order family maintenance services for him. "Although it was requested by Court that DCFS assess this case for termination of jurisdiction, there is much strife between mother . . . and father . . . and this has continued with mother refusing to communicate with father . . . and reporting to DCFS that she is getting threatening texts from father's current girlfriend. . . . Please note that all concerns that mother has reported have been thoroughly investigated and have no merit. Due to this strife, in addition to DCFS desire to monitor father's drug tests for a period of time, DCFS respectfully recommends that the Court order six months of Family Maintenance Services for father."

At the August 27, 2015 jurisdiction/disposition hearing, mother pled no contest to count b-2 and an amended version of count b-1. The court dismissed the b-4 count against father after finding that DCFS had not demonstrated a nexus between father's marijuana use and any risk to the girls. The court declared all three children dependents.

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in a last-minute information that was filed the same day.

At the disposition phase of the hearing, DCFS, mother's counsel, Jose's counsel, and the children's counsel all requested that the case remain open to facilitate the provision of services. Father's counsel, however, requested that that the court terminate jurisdiction as to Sophia and Nevaeh. He argued that he was a nonoffending parent with a stable home, and that the girls were doing well and were not at risk while in his care.

The court declined to terminate jurisdiction as to the girls. Citing the girls' young ages, and the "minor concerns that are raised in the report" regarding father's potential substance abuse and inexperience with young children, it found that continuing jurisdiction was "appropriate to make sure that they . . . continue to safely remain in his care." The court ordered father to continue random drug testing and participate in family preservation services including parenting classes. Father immediately appealed the jurisdiction and disposition order.

C. *Subsequent Developments and Investigation*

Five days later, on September 1, 2015, father failed to appear for an on-demand drug test. A DCFS case worker met with father at his home on September 10, 2015 and advised him that missing tests "risk[ed] the possibility of his children being detained from his care." Father prepared and signed an affidavit stating, "If I miss more Drug test or continue to miss test there is a chance that Sophia & Nevaeh can be taken away." Father nevertheless missed another drug test on September 21, 2015, prompting DCFS to file a last-minute information requesting that the court order him to participate in a substance abuse program. DCFS "walked" the case into court on October 16, 2015, and the court ordered DCFS to provide transportation assistance to father and make efforts to locate a test site closer to his job.

The court also ordered that any further missed tests would require father to enroll in a substance abuse program.

Father did not miss any more drug tests. However, on November 4, 2015, he dropped off the girls for a monitored visit with mother with "dirty and moldy" bottles in their diaper bag. DCFS reported that this was the third such incident; the girls had moldy bottles at two of their August visits with mother, and a DCFS case worker previously had advised father "about the importance of keeping the children's items neat and clean for their health and safety." A DCFS case worker contacted father by phone, and he told her that paternal grandfather had packed the bottles. Paternal grandfather said the same thing when the case worker conducted an unannounced visit to the family's home. The case worker advised paternal grandfather during the visit that Nevaeh had not yet received her one-year well-child exam or vaccines that were due in September. Nevaeh's doctor confirmed that an appointment had been scheduled for November 6, 2015.

Father met with the case worker on November 5, 2015 to create a safety plan for the girls. During that meeting, the case worker "addressed the following issues: failed to take Neveah [*sic*] to her medical follow-up, lack of consistency with drug testing, lack of enrolling into a parenting education program." Father agreed to obtain information about a parenting class by November 9. He prepared and signed an affidavit memorializing this agreement, and further stated therein that he would keep consistent with drug testing and cleaning the girls' bottles. He also stated in the affidavit that he would keep DCFS updated regarding the girls' medical information and would comply with all court orders.

On November 16, 2015, mother sent the case worker a text message stating, "'I am concerned about Sophia [*sic*] arm she won't tell me what happen [*sic*] can you please look into this.'" The message was accompanied by a photograph DCFS described as depicting "a small child's arm with a severe burn mark." A DCFS case worker telephoned mother, who reported that she had noticed the burn when she changed Sophia's shirt during a monitored visit on November 13. Two DCFS case workers made an unannounced visit to father's house on November 16, 2015, to investigate. Father informed them that Sophia had received the burn from a heater "a couple days ago." Father further stated that Sophia had not cried or complained, and that he had been putting aloe vera ointment on the burn. The case workers examined Sophia's arm and "observed a lateral burn mark approximately three inches in length." Sophia responded affirmatively when the case workers asked if the burn had hurt her. The case workers did not observe any other markings or bruises on Sophia.

The case workers instructed father to take Sophia to an urgent care facility to receive treatment for the burn. Father told them he had to work but would ask paternal grandfather to take Sophia instead. A physician's assistant examined Sophia the same day and determined that the burn was of the second degree.

On November 23, 2015, a DCFS case worker met with father regarding "pictures this [case worker] had received of Sophia's butt." Father disrobed Sophia, and the case worker "observed small red circular markings on both butt cheeks." Father told the case worker that Sophia "likes to pinch herself on her butt and she thinks it [*sic*] funny." Father did not know why Sophia would pinch herself and "chuckled" and stated, "No, I

don't know" when the case worker asked if Sophia might have observed other pinching in the home.

The case worker also examined Nevaeh and "observed two bright red spots, approximately half an inch in diameter on Nevaeh's vaginal area and red spots trailing down to her rectum." Father told the case worker that he believed Nevaeh's markings were attributable to the diapers mother used during her visits with the girls. He had not taken either child to see a doctor about the marks, so the case worker told him to take both girls to the HUB clinic. When father said that he had to work, the case worker called his manager and got permission for him to take the afternoon off to take the girls to the doctor. The nurse practitioner who examined the girls noted "healing rashes" on Sophia's buttocks, a "faint green bruise" on her shin, and "healing burn mark" on her right arm. The nurse practitioner diagnosed Nevaeh with "mild diaper rash" and noted that she had "healed scratch marks" on her right knee. She did not note any other "significant findings" on either girl.

DCFS obtained a warrant and removed the girls from father's care on November 24, 2015. They were placed in a foster home. On November 30, their foster mother reported that both girls had "severe head lice." The foster mother further reported that, during the first two days of the placement, "Sophia dropped her pants and underwear, exposing her private parts and began to laugh."

D. *Supplemental Petition and Reports*

On December 1, 2015, DCFS filed a supplemental petition under section 387. The sole count alleged, "The children Sophia [F.] and Nevaeh [F.]'s father, . . . failed to comply with Juvenile Court orders to regularly participate in random drug/alcohol

testing and a parenting class. The father failed to participate in drug/alcohol tests scheduled for 9/21/15, 9/1/15, 8/17/15, and 8/3/15. On prior occasions, the father failed to ensure that the children receive timely medical care. The father's failure to comply with Juvenile Court orders endangers the children's physical health and safety and places the children at risk of physical harm and damage." DCFS attached a detention report, from which the narrative in section C above was drawn.

The court held a detention hearing on December 1, 2015. It found that DCFS had made a prima facie case for detention and ordered the girls to remain in foster care. The court ordered monitored visits and family reunification services for both mother and father.

DCFS submitted a status review report in advance of the jurisdiction and disposition hearing scheduled February 25, 2016. The report noted that father enrolled in a parenting class on December 3, 2015, attended it consistently, and completed the course on February 3, 2016. It further stated that DCFS had received photographs of Nevaeh near a device used to smoke marijuana. DCFS believed the photograph was an old one, and father denied owning the device and smoking marijuana around his children. Father had not missed a drug test since September and all of his results were negative. He had one diluted test on January 5, 2016, however.

Father had regular monitored visits with the girls twice per week. The foster mother reported that the girls returned from the visits monitored by a paternal uncle "with 'gunk' in their hair that is counterproductive to the medication" she was applying for their head lice, and that the girls' "lice condition had gotten noticeably worse after visits with the father." DCFS instructed

father to locate a new monitor, and subsequent visits supervised by paternal grandfather and the foster mother were "appropriate." Father missed one visit and attributed his absence to a change in his work schedule that he forgot to discuss with the foster mother. DCFS recommended that father continue to have monitored visits and receive family reunification services.

DCFS also filed a jurisdiction/disposition report on February 24, 2016. The report included notes from an interview with father regarding the section 387 petition. During that interview, father told the DCFS investigator that he had only missed two drug tests, the ones in September 2015. He attributed one no-show to being out of town for Nevaeh's birthday and the other to his work schedule. Father emphasized that he had been testing clean for many months and denied using any type of drug since the girls initially were placed in his care.

Father also told the investigator that he had forgotten to make an appointment for Nevaeh's well-child exam because he had been very busy at work; he described the error as an "overlook." Father also explained that he did not take Sophia to the doctor for her burn because he believed it was minor and his family treats minor burns with aloe vera. He "admitted if the department had not learned of the child's injury, he probably would have not taken the child to the doctor, but he would have continued to apply aloe Vera [*sic*] on the child's arm until the burnt [*sic*] healed."

Father told the investigator that being a single parent was "sometimes overwhelming for him,' but never to the point where 'he intentionally neglect [*sic*] his children." The girls' foster mother also stated that father "easily becomes overwhelmed with the children" and allowed her to take over during visits. She did

not have any safety concerns, and described father as "bonded" to the girls, but "expressed that she believes that the father needs more practice in attending to the child's needs." DCFS noted that both girls were generally healthy and developing appropriately.

DCFS recommended that the court sustain the section 387 allegation. It reported that it still had "concerns" about father's missed drug tests and his delay in seeking medical care for the girls. DCFS also noted that it took father "over 4 months from the original court order date (August 2015) to enroll into parenting classes," and opined that he "appears to lack an understanding of the impact his decision not to, or to partially comply with court orders has on the children." DCFS further opined that father "can benefit from individual counseling to address being a single parent with the goal to strengthen family bond, provide him with the tools he needs to successfully navigate difficult circumstances, and decrease stress which can lead to abuse and neglect to his children."

E. ***Supplemental Petition Hearing and Rulings***

At the jurisdiction and disposition hearing, the court admitted into evidence the detention report, the status review report and the jurisdiction/disposition report. It also took judicial notice of "the prior sustained petition, disposition case plans, and all minute orders." The court found that father completed his parenting class and struck the portion of the section 387 petition alleging he failed to do so. The court further found that, based on "the totality of the facts in the record," DCFS met its burden of proving by a preponderance of the evidence the remainder of the allegations in the section 387 petition. The court specifically noted "the multiple instances of the moldy and dirty bottles" and "the delayed reporting the fact that the child was injured in the

care of the father," an apparent reference to Sophia's burn.

The court released the girls to father's care, however. It found that DCFS "did not meet its burden, by clear and convincing evidence, which is a much higher burden, to show that there are no services in place to keep the kids at home safely and that removal from the father's care is warranted." It explained, "Since the kids were removed from [father], he has completed a parenting class. And that's significant because a lot of the issues that were raised in the initial removal, I think, are parenting issues, where he needs to continue to work on those skills."

The court found that individual counseling "would be necessary and helpful to ensure that he continues to address appropriate parenting and child protection now that he's completed the parenting class so that the kids can remain in his care safely." Father's counsel asked the court to order an advanced, one-on-one parenting class that father was interested in attending rather than the individual counseling, as father was not sure that his schedule would accommodate both. The court accordingly revised its order: "The Department to assess having the parenting class that [father] is mentioning, in lieu of the individual counseling. If it is appropriate . . . I think that would be very beneficial to him, and I think it would be something that would be helpful in this case and would address the issues in this case. So the Department is just to follow up and assess." The court's minute order directed DCFS "to work with father re: services to be put in place" and ordered father to "cooperate with family preservation" and "participate in a program of counseling as directed by DCFS." The final case plan noted that DCFS had the discretion "to allow 1:1 parenting instead of [individual counseling] if appropriate." Father timely appealed the court's

order. We consolidated this appeal with his previous appeal for purposes of briefing, oral argument, and decision.

DISCUSSION

I. First Appeal: Continued Jurisdiction and Services

Father first appeals the court's August 27, 2015 jurisdiction and disposition order. He contends that the trial court erred by continuing jurisdiction rather than granting his request to terminate jurisdiction and enter a family law exit order granting him full custody of Sophia and Nevaeh. He further argues that the court's order that he receive family maintenance services was not supported by substantial evidence. We disagree.

Section 361.2, subdivision (a) requires a court removing a child from his or her custodial parent to determine whether there is a noncustodial parent willing to assume custody of the child. If there is, the court must place the child with the noncustodial parent unless it finds that such placement would be detrimental to the child's well-being. (§ 361.2, subd. (a).) Here, no such finding was made, and the court placed the girls with father upon their removal from mother's care.

Once a child is placed with a formerly noncustodial parent pursuant to section 361.2, subdivision (a), the court may take one of three courses of action pursuant to section 361.2, subdivision (b): "(1) Order that the parent become legal and physical custodian of the child. . . . 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. . . . [¶] [or] (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 . . .

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. . . ."

The juvenile court has broad discretion in deciding among the three options in section 361.2, subdivision (b). (See *In re Gabriel L.* (2009) 172 Cal.App.4th 644, 651-652.) The determination whether to terminate juvenile court jurisdiction is reviewed for abuse of discretion, and the factual question whether continued court supervision is necessary is reviewed for substantial evidence. (*In re A.J.* (2013) 214 Cal.App.4th 525, 535, fn. 7.) "Evidence is "'[s]ubstantial'" if it is reasonable, credible and of solid value. [Citation.] We do not pass on the credibility of witnesses, attempt to resolve conflicts in the evidence or weigh the evidence. Instead, we draw all reasonable inferences in support of the findings, view the record favorably to the juvenile court's order, and affirm the order even if other evidence supports a contrary finding. [Citations.] The appellant has the burden of showing there is no evidence of a sufficiently substantial nature to support the findings or order. [Citation.]" (*In re T.V.* (2013) 217 Cal.App.4th 126, 133.)

Here, the court chose the third option under section 361.2, subdivision (b)(3)—it placed the girls in father's custody subject to the court's continuing supervision, and provided services to both parents. The court explained that it wanted to ensure that father was not using marijuana or other drugs, as mother had alleged, and provide father with parenting classes to resolve minor concerns about his ability to care for the two young girls. Father argues that the court should have chosen the first option.

He contends no substantial evidence supports the court's determination because he denied using drugs aside from marijuana and was willing to stop using that. He further maintains that he was capable of caring for Sophia and Nevaeh without supervision because he was gainfully employed, demonstrated his ability to provide for the girls by paying child support and providing Sophia with health insurance, and had a strong support network through

Substantial evidence showed a need for continuing supervision. Father tested positive for marijuana at his first drug test in April 2015, and he failed to appear for testing in August. Father admitted he had a history of domestic violence against mother, and DCFS reported continued "strife" between the parents. Maternal grandmother told DCFS that father did not have any experience with young children, and father admitted to a DCFS worker that "being a full-time parent to two young children has been difficult" for him. Father also stated that he did not believe he needed help and would not seek assistance through services "unless the Court orders him to." This constellation of circumstances supported the trial court's decision to retain jurisdiction and order father to continue drug testing and enroll in a parenting class even though the girls appeared "happy and comfortable" during a DCFS visit. "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" (*In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006), and the court did not abuse that discretion in concluding that father and the girls would be well served by court monitoring of father's continued sobriety and improved parenting skills. Moreover, mother expressed a desire

to receive services, maintain a relationship with the girls, and ultimately reunite with them. Given parents' history of "strife" and domestic violence, continuing jurisdiction to facilitate both parents' appropriate and continued involvement in the girls' lives was reasonable.

II. Second Appeal: Section 387 Findings and Disposition Order

In his second appeal, father contends that neither the court's section 387 jurisdictional findings nor its order that he participate in individual counseling was supported by substantial evidence. We again disagree.

A supplemental petition filed under section 387 is used to change the placement of a dependent child to a more restrictive level of court-ordered care. (§ 387, subd. (a); *In re T.W.* (2013) 214 Cal.App.4th 1154, 1161.) "A section 387 petition need not allege any new jurisdictional facts, or urge different or additional grounds for dependency because a basis for juvenile court jurisdiction already exists. [Citations.] The only fact necessary to modify a previous placement is that the previous disposition has not been effective in protecting the child. [Citations.]" (*In re T.W.*, *supra*, 214 Cal.App.4th at p. 1161; see also § 387, subd. (b).) We review jurisdictional findings and disposition orders made under section 387 for substantial evidence. (*In re T.W.*, *supra*, 214 Cal.App.4th at p. 1161; *In re F.S.* (2016) 243 Cal.App.4th 799, 811.) Father, as the party challenging the juvenile court's findings and orders, bears the burden of showing a lack of substantial evidence. (*In re F.S.*, *supra*, 243 Cal.App.4th at p. 811.)

Father has not carried that burden. The record showed that father repeatedly left the girls with dirty and moldy bottles, after being advised "about the importance of keeping the children's items neat and clean for their health and safety." Rather than accept responsibility for the incidents, father blamed paternal grandfather and his work schedule. Even now, father minimizes the potential risk the bottles posed to the children, asserting that dirty bottles "did not place the children at risk of physical harm or damage," despite the obvious risks of digestive and allergic reactions associated with consuming mold or spoiled milk. Father also minimized the severity of Sophia's second-degree burn, about which he did not advise mother or seek medical attention for, and did not make an appointment for Nevaeh's annual exam or vaccinations until prompted by DCFS. He likewise delayed in enrolling in court-ordered parenting classes until the girls were detained from his custody. Father consistently attended his drug tests after missing four in August and September and tested negative for all substances, but recently presented a sample too diluted to be tested.

Each of these incidents, standing alone, perhaps would not warrant intervention. But, taking them together, the court reasonably could conclude that the order placing the girls with father had not been effective in protecting them. The court emphasized that DCFS made this showing only by a preponderance of the evidence and returned the girls to father's care at the dispositional stage of the hearing. This approach was reasonable and supported by substantial evidence.

So too was the court's order concerning individual counseling. After finding that individual counseling would help father address case issues including "child protection,

appropriate parenting, the impact of removal from the parents, as well as the stress of being a single parent," and acknowledging father's request that he attend an advanced, one-on-one parenting class instead, the court ordered DCFS to assess whether it would be appropriate for father to attend the class in lieu of counseling. Father contends this was improper and not supported by substantial evidence, because he "offered to participate in a service . . . thereby addressing a need specifically identified by the foster mother," and there was no evidence that his participation in individual counseling would ameliorate the issues that prompted the initial section 300 petition. We find no error.

Father's willingness to participate in an advanced parenting class is commendable, particularly given his reluctance to participate in the parenting class the court initially ordered. However, there is no evidence in the record of what the proposed class entailed or whether it would address all the outstanding issues identified by the court, such as the stress of being a single parent and the effect the proceedings may have been having on the girls. The court appeared to accept the possibility that the class could be an effective substitute for counseling and ordered DCFS to look into the matter. This ruling was supported by substantial evidence that father remained stressed and at times overwhelmed by his parenting duties, and the reasonable inference that a parenting class, even one taught in a one-on-one setting, may not address those issues as adequately as individual counseling. The court's concern that supportive services resolve all the issues in the case, not just those initially posed by mother or within the scope of a parenting class, was appropriate, and its disposition order was supported by substantial evidence.

DISPOSITION

The orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

COLLINS, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.