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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re J.T. et al., Persons Coming Under the  
Juvenile Court Law.

B235905  
(Los Angeles County  
Super. Ct. No. CK 51631)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

JOSE T.,

Defendant and Appellant.

Appeal from an order of the Superior Court of Los Angeles County. Marguerite Downing, Judge. Appeal dismissed.

Kimberly A. Knill, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, and Denise M. Hippach, Deputy County Counsel, for Plaintiff and Respondent.

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Jose T. (father) challenges the jurisdictional findings of the court in this dependency action. Father has three daughters with M.E. (mother). The children were living with mother when they were detained in June 2011 due to her absence as a caretaker and filthy living conditions. Father and mother had separated more than three years earlier, but father continued to visit the girls and paid child support to mother. The Department of Children and Family Services initially placed the three girls with father but removed them two days later when the Department learned that a petition had been sustained against father in 2003 involving their older half sister.

At the adjudication hearing, the court sustained counts against mother involving domestic violence between her and the father of her baby, mother leaving the children alone without adult supervision, and mother maintaining a filthy and unsanitary home. Mother did not appeal, and father does not challenge the jurisdictional findings as to mother. The court sustained allegations against father under Welfare and Institutions Code section 300, subdivisions (b)(1) and (j)(2), that father had a previous sustained petition for acts committed against a then-15-year-old sibling. The court had denied reunification services to father in that case, and the sibling was adopted by an unrelated party. The court also sustained allegations that father had unmonitored visits in the previous case in violation of court orders. After sustaining the amended petition, over the objection of the Department the court ordered reunification services for father, including conjoint counseling with his daughters, parenting and individual counseling. The court ordered monitored visits three times weekly for two hours.

Father argues there is no evidence of a present risk of harm to his daughters because the previous sustained allegations were stale and provided no basis for current jurisdiction. We find father's jurisdictional challenge is without merit, both because father acknowledges facts to be true in his appellate brief which establish the jurisdictional findings are supported by substantial evidence, and because the jurisdictional findings that mother's abuse and neglect placed the girls at risk of harm render nonjusticiable father's challenge to the jurisdictional findings of his own abuse. We therefore dismiss.

Father acknowledges in his appellate brief that in 2003, the court sustained allegations pursuant to Welfare and Institutions Code section 300, subdivision (i) as follows:

“On an uncertain date in November 2002, . . . [father] inflicted bruises to the child [K.]’s face by punching the child’s face with his fist, causing her to fall, hit her head on the floor and become unconscious and then forcibly raping her by inserting his penis into her vagina while she remained unconscious. Further, on the same occasion, [father] further physically abused the child [K.] by forcibly grabbing her by the throat and choking her while threatening to beat her to death if she disclosed the said physical and sexual abuse. Further, on or about 3/5/2003, [father] physically abused the child [K.] by hitting the child with a plastic clothes hanger on her right hand and right leg, resulting in bruises and welts. Further, on a daily basis, [father] inflicted bruises and marks to the child’s body by striking the child with his fists and hands and various objects including, but not limited to, a belt and clothes hanger and by throwing objects at the child. . . .”

Father also acknowledges in his appellate brief that the court did not order reunification services for him in the previous dependency case, which ended when the court terminated jurisdiction over the two children then born to father and mother with a family law exit order. Further, father acknowledges in his brief that, as a result of K.’s allegations against him, he was convicted, after pleading no contest, of misdemeanor willful cruelty to a child. These facts demonstrate there was substantial evidence supporting the sustained allegations in this petition, and we disagree the 2003 sustained petition involves “stale” facts that are no longer probative of present risk. Father does not claim to have ever participated in any therapy before he enrolled in individual counseling and parenting classes in July 2011, the day before the adjudication hearing in this case. Moreover, father still adamantly denies that he ever physically or sexually abused any child. In light of the 2003 sustained allegations of severe physical and sexual abuse of his children’s half sister, his misdemeanor conviction of child cruelty, his denial of any wrongdoing, and his failure to seek counseling until the day before the adjudication hearing, the trial court properly asserted jurisdiction over father.

In any event, the unchallenged jurisdictional findings of mother's abuse and neglect of the girls render father's challenge to jurisdiction nonjusticiable. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491-1492.) "[I]t is necessary only for the court to find that one parent's conduct has created circumstances triggering [Welfare and Institutions Code] section 300 for the court to assert jurisdiction over the child. [Citations.] Once the child is found to be endangered in the manner described by one of the subdivisions of section 300 . . . the child comes within the court's jurisdiction, even if the child was not in the physical custody of one or both parents at the time the jurisdictional events occurred. [Citation.] For jurisdictional purposes, it is irrelevant which parent created those circumstances. A jurisdictional finding involving the conduct of a particular parent is not necessary for the court to enter orders binding on that parent, once dependency jurisdiction has been established. [Citation.] As a result, it is commonly said that a jurisdictional finding involving one parent is ' "good against both. More accurately, the minor is a dependent if the actions of either parent bring [him] within one of the statutory definitions of a dependent." ' (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161 [].) For this reason, an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence." (*Ibid.*)

#### **DISPOSITION**

Appeal is dismissed.

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GRIMES, J.

WE CONCUR:

RUBIN, Acting P. J.

FLIER, J.