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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re C.H., et al., Persons  
Coming Under the Juvenile  
Court Law.

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LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

CARLOS H.,

Defendant and Appellant.

B294067

Los Angeles County  
Super. Ct. Nos.  
18CCJP04316B,  
18CCJP04316C

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APPEAL from a judgment of the Superior Court of  
Los Angeles County. Kristen Byrdsong, Juvenile Court Referee.  
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 William D. Thetford, Principal  
Deputy County Counsel, for Plaintiff and Respondent.

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## INTRODUCTION

Carlos H. (father) appeals from the juvenile court's jurisdictional and dispositional findings that his biological sons C.H. and M.H. (children) were at risk of sexual abuse or other harm due to father's alleged sexual abuse of their half sister, father's stepdaughter, and removing them from father's custody. We conclude substantial evidence supports the juvenile court's finding that the children were subject to the court's jurisdiction under Welfare and Institutions Code<sup>1</sup> section 300, subdivision (j), and affirm the court's judgment.

## FACTS AND PROCEDURAL BACKGROUND

Because resolution of this appeal turns on the existence of substantial evidence supporting the juvenile court's jurisdictional findings, we state the facts in the light most favorable to the court's decision. (*In re I.J.* (2013) 56 Cal.4th 766, 773 (*I.J.*).)

### 1. ***Alleged abuse triggering the dependency petition***

At the time the family came to the attention of the Los Angeles County Department of Children and Family Services (DCFS), mother and father were married and had been in a relationship for over 10 years. They have two children, C.H., born April 2008, and M.H., born April 2012. C.H. has autism, and M.H. suffers from cerebral palsy. Mother's child from a

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

previous relationship, Andrea, born July 2002, also lived with the family. Mother and Andrea are not parties to this appeal.

In June 2018, mother went to Andrea's school to speak to a counselor: Andrea had disclosed she was a victim of sexual abuse by father, her stepfather, from fifth grade until eighth grade. At the time, Andrea was finishing tenth grade and almost 16 years old.

A social worker and police separately interviewed Andrea at her school. She also was interviewed by a forensic examiner after DCFS filed its petition.

Andrea reported the sexual abuse began when she was in fifth grade after M.H. was born with cerebral palsy, and mother had to spend time in the hospital, away from home. While mother was at the hospital, father was to take Andrea to the babysitter's house after picking her up from school. Several times, father picked Andrea up from school and first took her home instead of driving directly to the babysitter's house. During the drive home, father had Andrea sit in the front seat and told her to kiss him on the cheek. She complied because she felt she had no choice, but when she attempted to do so, father turned his head and kissed Andrea on the mouth. He also touched her knee, caressed her cheek, and told her she was pretty. C.H. was in the car during at least some of these trips.

Andrea reported that once during fifth grade, father wrapped her in a blanket, faced her downward, and began rubbing his penis against her bottom, simulating intercourse. When she asked him what he was doing, he told her, "I am playing with you.'" Father stopped when mother called to check if he had taken Andrea to the babysitter's house. Father and

Andrea were in the bedroom of their one-bedroom home, and C.H. was in the living room.

Andrea also reported that father exposed his penis and masturbated in front of her while she sat in the living room watching television. He smiled “creepily” at Andrea and told her to look at him. The incidents usually took place while mother was bathing C.H. and M.H. in the bathroom. The incidents occurred between four and eight different times over the course of two years; the last time, Andrea was in eighth grade.

Almost every week, father also touched or slapped Andrea’s buttocks while she washed the dishes and mother was out of the room. Andrea also reported she woke up to father caressing her face on more than one occasion. That usually happened around 6:00 a.m. when mother was in the shower.

As Andrea got older, father told her, “ ‘I’ll buy you anything you want,’ ” but she told him she did not want anything. He also threatened to have her and her mother deported if she told anyone about the sexual abuse.

Andrea began distancing herself from the family and locking herself in her room to avoid father. She felt depressed and in sixth or seventh grade began to cut herself to alleviate the pain. She felt sadness, shame, and anger at father and contemplated suicide when she was in ninth grade.

Andrea said father never made her touch him. She denied that he put his penis inside her vagina or buttocks. She denied that mother was aware of the abuse; Andrea never told anyone what father was doing. She viewed father as a father figure and assumed that was how fathers treated their daughters. She learned his behavior was wrong when she read assigned books on child sexual abuse in ninth grade. She was afraid to tell anyone

because she did not want her brothers to lose their father, ruin her mother's happiness, or separate the family. She said she was ashamed she did not report the abuse sooner and cried throughout the interviews.

A social worker also met with C.H. and M.H. C.H. said he did not like his father much because father asked him to do things for him, and if C.H. did not do them, father would get angry and hit C.H. with his hand. C.H. showed no signs of abuse, distress, or neglect. He said no one had ever touched his private parts, and he had never seen father touching his siblings' private parts. He denied feeling sad and did not disclose any physical, sexual, or emotional abuse or neglect. M.H. also showed no signs of abuse or neglect. He was not able to provide a meaningful statement due to his delayed language skills and cerebral palsy.

Father denied Andrea's allegations. Father was arrested, but was not charged with a crime.

## **2. *Detention, finding of jurisdiction, and custody order***

On July 3, 2018, the juvenile court gave DCFS authorization to remove the children from father's custody. On July 11, 2018, DCFS filed a petition on behalf of the children under section 300, subdivisions (b)(1) (child has suffered or is at risk of harm), (d) (child has been or is at risk of being sexually abused), and (j) (child is at risk of abuse based on abuse of sibling). For all counts, the petition alleged:

“[F]ather . . . abused . . . Andrea beginning when the child was 10 years old. On a prior occasion, . . . father held the child down onto a bed and thrust [his] body against the child simulating sexual intercourse. On a prior occasion, . . . father rubbed [his] penis on the

child's body. On prior occasions, . . . father exposed [his] penis and masturbated [his] penis in the presence of the child. [F]ather directed the child to watch [him] masturbate. On prior occasions, . . . father touched the child's breasts and buttocks. On prior occasions, . . . father kissed the child's mouth and cheek. . . . Such sexual abuse of the child on the part of . . . father . . . endanger[s] the child's physical health and safety and place[s] the child and the child's siblings, [C.H.] and [M.H.], at risk of serious physical harm, damage, danger, sexual abuse, and failure to protect."

At the July 12, 2018 detention hearing, the juvenile court ordered C.H. and M.H. detained from father and released them to mother. The court also issued a restraining order protecting Andrea from father.

The court held a jurisdiction and disposition hearing on November 14, 2018. The court received into evidence the Department's and father's exhibits.<sup>2</sup> The parties stipulated that if called to testify, Andrea would testify to the following facts: the boys were not present for any of the incidents she described; she never saw father act "sexually inappropriate" with the boys; and she has had no contact with father since the dependency case began. The court accepted the proffered testimony.

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<sup>2</sup> Father submitted evidence that he was participating in a sexual offenders group therapy program, parenting classes, and individual counseling.

Father asked the court to dismiss the petition or alternatively sustain it as to Andrea only. He denied the alleged sexual abuse and argued C.H. and M.H. were not at risk of sexual abuse or harm from him.

The juvenile court struck mother from the petition and sustained the amended allegations against father as to his sons (and Andrea) under section 300, subdivisions (b)(1), (d), and (j). The court declared the children dependents, removed them from father's custody—finding by clear and convincing evidence that remaining with him would place them at substantial risk of harm—and released them to mother.

The court then terminated its jurisdiction, which was stayed pending its receipt of a custody order awarding mother sole legal and physical custody of C.H. and M.H. with monitored visits for father. The custody order stated father's visits were to be supervised because he had not completed a sexual abuse treatment or awareness program for offenders, parenting classes, and individual counseling. The court entered the custody order and terminated its jurisdiction on November 21, 2018. Father filed a timely notice of appeal from the juvenile court's November 14, 2018 orders and findings.

### **DISCUSSION**

Though father appeals from both the jurisdictional and dispositional findings, he offers no argument regarding the disposition. Thus, we do not address the propriety of the court's disposition order and presume father requests reversal of the disposition only if jurisdiction is reversed.

Father contends substantial evidence does not support the juvenile court's jurisdictional findings that C.H. and M.H. are

at substantial risk of being abused based on the abuse of their half sister.

**1. *Father's appeal is not moot***

We preliminarily address the issue raised by father of whether his appeal is moot given the juvenile court terminated its jurisdiction. We agree with father that his appeal is not moot. The juvenile court's jurisdictional findings adversely affected father by resulting in the removal of his children from his custody and could negatively affect him in future family law or dependency proceedings. (*In re Daisy H.* (2011) 192 Cal.App.4th 713, 716 [father's appeal not moot where court placed children with mother at disposition, but then terminated jurisdiction and awarded joint custody].) Accordingly, we consider the merits of father's appeal. (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488-1489.) DCFS does not contest our jurisdiction.

**2. *Standard of review and applicable law***

We review a juvenile court's jurisdictional findings for substantial evidence. (*In re D.C.* (2015) 243 Cal.App.4th 41, 51.) "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].” ’ [Citation.]” [Citation.]’ ” (*I.J.*, *supra*, 56 Cal.4th at p. 773.) “ ‘The appellant has the burden of showing there is no evidence of a sufficiently substantial nature to support the findings or order.’ ” (*D.C.*, at p. 52.)

Here, the juvenile court sustained the petition’s allegations against father and declared the children dependents of the court under section 300, subdivisions (b)(1), (d), and (j). “ ‘When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court’s jurisdiction, a reviewing court can affirm the juvenile court’s finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.’ ” (*I.J.*, *supra*, 56 Cal.4th at p. 773.) Because section 300, subdivision (j) most closely describes the situation regarding C.H. and M.H., we will focus on that subdivision. (*I.J.*, at pp. 773-774.)

Section 300, subdivision (j) applies if (1) the child’s sibling has been abused or neglected as defined by section 300, subdivision (a), (b), (d), (e), or (i); and (2) there is a substantial risk the child will be abused or neglected similarly. (*I.J.*, *supra*, 56 Cal.4th at p. 774.) Only the second prong is at issue in this appeal.<sup>3</sup>

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<sup>3</sup> The juvenile court found true by a preponderance of the evidence the petition’s allegations that Andrea was sexually abused by father as defined in section 300, subdivision (d),

Subdivision (j) directs the juvenile court to consider a list of factors to determine if there is a substantial risk to the child based on the abuse of his sibling: “The court shall consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent . . . , and any other factors the court considers probative in determining whether there is a substantial risk to the child.”<sup>4</sup> (§ 300, subd. (j); *I.J., supra*, 56 Cal.4th at p. 774.) The juvenile court is to base its determination, therefore, on “ ‘the totality of the circumstances of the child and his or her sibling.’ ” (*I.J.*, at p. 774.) Thus, the court has “ ‘greater latitude to exercise jurisdiction as to a child whose sibling has been found to have been abused than the court would have in the absence of that circumstance.’ ” (*Ibid.*)

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as well as that she was physically harmed or at risk of harm as defined by section 300, subdivision (b). The first prong of section 300, subdivision (j) is thus met. Father does not challenge the court’s findings as to Andrea on appeal; we therefore presume they are true for purposes of our analysis. We note father denied the allegations during the dependency proceedings and presumably still denies them based on his description of the “alleged abuse” in his briefs.

<sup>4</sup> Subdivision (j) does not require the child to be at risk of abuse or neglect “ ‘as defined in the same subdivision that describes the abuse or neglect of the sibling.’ ” (*I.J., supra*, 56 Cal.4th at p. 774, italics omitted.) Rather, the juvenile court considers “ ‘whether there is a substantial risk that the child will be harmed under subdivision (a), (b), (d), (e) or (i) of section 300, notwithstanding which of those subdivisions describes the child’s sibling.’ ” (*Ibid.*)

As our Supreme Court has explained, “ ‘to determine whether a risk is substantial, the court must consider both the likelihood that harm will occur and the magnitude of potential harm.’ ” (*I.J.*, *supra*, 56 Cal.4th at p. 778.) “In other words, the more severe the type of sibling abuse, the lower the required probability of the child’s experiencing such abuse to conclude the child is at a substantial risk of abuse or neglect under section 300. If the sibling abuse is relatively minor, the court might reasonably find insubstantial a risk the child will be similarly abused; but as the abuse becomes more serious, it becomes more necessary to protect the child from even a relatively low probability of that abuse.” (*Ibid.*)

**3. *Substantial evidence supports the juvenile court’s jurisdictional findings***

Father argues the nature of the abuse here was not so egregious as to presume his sons were at risk of similar abuse. He contends there was no basis for the court to find the boys at risk of abuse otherwise, particularly because the abuse had ended three years earlier, C.H. and M.H. had not been abused themselves or exposed to any abuse of Andrea, and they were differently situated as his biological male children. We are not persuaded.

“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.” (*Los Angeles County Dept. of Children & Family Services v. Superior Court* (2013) 215 Cal.App.4th 962, 968 (*Los Angeles*), citing *I.J.*, *supra*, 56 Cal.4th 766, among other cases.) In *I.J.*, our Supreme Court resolved a conflict among courts of appeal as to whether the sexual abuse of a female child by itself could support

finding a male sibling subject to the juvenile court's jurisdiction. (*I.J.*, at pp. 772, 774-775.) There, the father had sexually abused his then-14-year old daughter over the prior three-year period, including by forcibly raping her and forcing her to watch pornographic videos. (*Id.* at p. 771.) There was no evidence father had sexually abused or harmed his three sons. (*Ibid.*) The Court concluded the father's sexual abuse of his daughter supported the juvenile court's declaring his sons to be dependents of the court, including under section 300, subdivision (j), even though the sons themselves had not been abused and had not been aware of their sister's abuse. (*I.J.*, *supra*, 56 Cal.4th at pp. 770-771, 774, 780.)

Father contends "[t]his is not an egregious case," but we cannot agree.<sup>5</sup> Father's abuse of Andrea may not have been as shocking as that in *I.J.*, but it nevertheless constituted "aberrant" behavior supporting "the commonsense conclusion" that his sons were at risk of harm. (*In re Ana C.* (2012) 204 Cal.App.4th 1317, 1332 (*Ana C.*)). As the children's counsel summarized at the

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<sup>5</sup> Father relies on *In re Alexis S.* (2012) 205 Cal.App.4th 48, where the court of appeal found father's inappropriate touching and kissing of his stepdaughter alone was insufficient to support removing his sons from his custody at disposition. (*Id.* at pp. 49-51.) There, the court reversed the dispositional order only; the father did not seek reversal of the jurisdictional order. (*Id.* at p. 50 & fn. 1.) We also note the boys' counsel there had asked the court to grant father joint custody of them, while here, counsel for C.H. and M.H. argued the court should sustain the petition and did not object to the custody order. (*Id.* at p. 52.) Moreover, as father acknowledges, in *I.J.* our Supreme Court disapproved of *In re Alexis S.* and other cases to the extent they were inconsistent with its opinion. (*I.J.*, *supra*, 56 Cal.4th at pp. 780-781.) We do not find it persuasive.

jurisdictional hearing, the evidence the juvenile court had before it was: that “father repeatedly masturbated in front of Andrea; that he held her down and simulated sexual intercourse; that he would touch her breasts and her buttock[s]; and that he kissed her mouth and cheek.”

This behavior certainly constituted what our Supreme Court has called “a fundamental betrayal of the appropriate relationship between the generations.” (*In re Kieshia E.* (1993) 6 Cal.4th 68, 76-77 (*Kieshia E.*)). That father did not remove Andrea’s clothing or rape her in contrast to the abuser in *I.J.* does not render the abuse Andrea suffered “relatively minor,” so as to require the court to find the risk to C.H. and M.H. “insubstantial,” as father seems to imply. (*I.J.*, *supra*, 56 Cal.4th at p. 778.) As we explained in *In re P.A.* (2006) 144 Cal.App.4th 1339, 1347 (*P.A.*), “aberrant sexual behavior by a parent places the victims’ siblings who remain in the home at risk of aberrant sexual behavior.”<sup>6</sup>

It may be true that there is a low degree of probability that father would molest his sons, but the possibility exists—father’s behavior toward Andrea demonstrates he has unnatural and unchecked impulses. Because the magnitude of harm would

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<sup>6</sup> We reject father’s contention that any risk has been eliminated because he moved out of the family home. In the absence of dependency jurisdiction, the court would have been unable to enter the custody order placing C.H. and M.H. with mother; they would be free to spend unsupervised time alone with father, away from mother, arguably placing them at greater risk. (See *Los Angeles*, *supra*, 215 Cal.App.4th at p. 970 [female sibling of abused sister at greater risk where father not living with mother, “providing greater opportunity for sexual abuse”].)

be great if C.H. and M.H. were similarly abused, the risk is substantial. The juvenile court, therefore, properly exercised its judgment impliedly to find the abuse here was sufficiently severe under the circumstances and to conclude the boys were at substantial risk of harm under section 300. (*I.J.*, *supra*, 56 Cal.4th at p. 779 [“[A]fter considering the nature and severity of the abuse and the other specified factors, the juvenile court is supposed to use its best judgment to determine whether or not the particular substantial risk exists.”].)

Moreover, that father’s conduct was not more severe could have been due to lack of opportunity, rather than any restraint on his part. In her forensic interview, Andrea said father was about to unwrap her from the blanket over which he was simulating intercourse with her when mother called him to find out where he was. When the interviewer asked Andrea if father ever made her do anything to him, Andrea responded “no” because mother generally did not leave Andrea alone with father.

But we need not speculate to conclude the record supports the court’s jurisdictional findings. Father began abusing Andrea when she was in fifth grade and almost ten years old, a pre-pubescent age. And, father *repeatedly* subjected Andrea to the described abuse (except for the incident involving simulated intercourse that happened once). He continued to abuse her for three years until the summer of 2015 at the end of eighth grade. Such repeated sexual abuse was “fundamentally at odds with ‘the role of parent,’ ” and supported the court’s finding that father’s sons also were at risk of harm from him, as father had “abandon[ed]” his “parental role.” (*Kieshia E.*, *supra*, 6 Cal.4th at pp. 77-78; see also *Los Angeles*, *supra*, 215 Cal.App.4th at p. 970 [describing “incest,” as written by one authority, as

“‘encompass[ing] not only sexual relations between a child and a biological parent, but also between a child and an adult who has assumed a parenting role toward the child, whether that adult is married or cohabits with the child’s parent’ ”].)

Nor are we persuaded by father’s contention that his abuse of Andrea was too remote in time to create a current risk of harm to his sons, who were differently situated from her. (See *Los Angeles, supra*, 215 Cal.App.4th at p. 970 [evidence father last abused stepdaughter five to six years earlier did not support dismissal of biological daughter from petition for lack of risk of abuse].) In determining whether a risk of harm to a child exists based on the totality of the circumstances of the sibling’s abuse, the court may consider “the violation of trust shown by sexually abusing one child while the other children were living in the same home and could easily have learned of or even interrupted the abuse.” (*I.J., supra*, 56 Cal.4th at p. 778.) Thus, courts have found dependency jurisdiction appropriate for a child who was not abused, where that child was capable of observing, but did not witness, abuse of a sibling. (See *Ana C., supra*, 204 Cal.App.4th at pp. 1319-1321, 1332 [capability of father’s sons to observe his abuse of his cohabitant’s daughter that occurred almost two years earlier supported finding that they were at risk of abuse].)

C.H. and M.H. may not have seen father abuse Andrea, but they were present in the small family home when he abused her. At a minimum, C.H.—who was between four and seven years

old during the period of abuse—easily could have interrupted or witnessed father abusing Andrea.<sup>7</sup>

C.H. was alone in the living room when father simulated intercourse with Andrea in the only bedroom of the family home. He could have walked in and witnessed the abuse at any time. C.H. also could have walked into the living room from the bathroom and seen father masturbating in front of Andrea, for instance, if mother was preoccupied with bathing M.H. Indeed, during one incident father had to “quickly put it away” and “run” to mother when she called for him to help her with the boys. Andrea also was sleeping in that same accessible living room when she would awake to father caressing her face in the morning. Finally, although Andrea’s stipulated testimony was that the boys did not witness any of the abuse she described, based on Andrea’s forensic interview the court could conclude that C.H. was in the car at least some of the times when father drove Andrea either to or from the babysitter’s house. Thus, the court reasonably could infer C.H. witnessed or could have witnessed father caress and kiss Andrea in the car. That the abuse had ended three years before the dependency proceedings does not erase father’s violation of his children’s trust and contravention of his parental role.<sup>8</sup> (*I.J., supra*, 56 Cal.4th at p. 778.)

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<sup>7</sup> M.H. was three years old and younger during this period. Even so, he too was capable of discovering the abuse if left unattended in the house.

<sup>8</sup> Of course, father also betrayed Andrea’s trust by taking advantage of his parental role with her. Father had been in Andrea’s life since she was five or six years old; she looked upon him as a father figure. Moreover, Andrea did not disclose the



The juvenile court also reasonably could have concluded the ages of C.H. and M.H. contributed to their risk of harm even though father had not abused them. Where “a child has been sexually abused, any younger sibling who is approaching the age at which the child was abused, may be found to be at risk of sexual abuse.” (*P.A.*, *supra*, 144 Cal.App.4th at pp. 1345, 1347 [father’s sexual abuse of his daughter placed his sons at risk of harm, despite no evidence they were abused, where sons were approaching age of daughter when abuse began and father routinely had access to boys].) At the time of the dependency proceedings, C.H. was ten years old, about the same age as Andrea when father first began to abuse her,<sup>9</sup> potentially putting him at risk. The court also could conclude M.H. was particularly vulnerable to abuse given his young age of six years and inability to communicate clearly due to his cerebral palsy. (See, e.g., *In re Ricky T.* (2013) 214 Cal.App.4th 515, 517, 523 [recognizing three-year-old grandson with autism “especially vulnerable” in considering risk of abuse based on abuse of granddaughters].)

Accordingly, we reject father’s argument that his sons are not at substantial risk of abuse or other harm because they were not abused previously and are differently situated from Andrea,

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abuse in part because she thought father’s conduct was “a way that a father acts with a daughter,” until she learned differently in ninth grade. She then was afraid she would split up the family if she reported the abuse. We note the child in *Ana C.* also did not report her stepfather’s abuse for almost two years because she was afraid something would happen to him. (*Ana C.*, *supra*, 204 Cal.App.4th at p. 1321.)

<sup>9</sup> Andrea turned ten in July 2012, a few months after M.H. was born, when father began to abuse her.

who was not his biological child and is female.<sup>10</sup> (*I.J.*, *supra*, 56 Cal.4th at pp. 777-778, 780-781 [disapproving court of appeal decisions to the extent they conclude a father’s sexual abuse of a daughter cannot alone establish risk of sexual abuse of a son without evidence the father had an interest in sexually abusing male children].) Rather, “when a father severely sexually abuses his own child [or stepchild], the court may assume jurisdiction over, and take steps to protect, the child’s siblings.” (*Id.* at p. 780; *Ana C.*, *supra*, 204 Cal.App.4th at pp. 1319, 1332 [father’s sexual abuse of companion’s daughter placed all children in home at risk of abuse, including father’s own sons].)<sup>11</sup>

We thus do not find the juvenile court’s assertion of jurisdiction over father’s sons was “an overbroad application” of *I.J.*, as father argues. We recognize our Supreme Court did not hold “that the juvenile court is compelled, as a matter of law, to assume jurisdiction over all the children whenever one child is sexually abused.” (*I.J.*, *supra*, 56 Cal.4th at p. 780.) Here, the risk to C.H. and M.H., considering father abused Andrea in the family home, the length and nature of the abuse, and the other evidence discussed, was not “nonexistent or so insubstantial that

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<sup>10</sup> Father also argues his sons did not face a current risk of harm because they were bonded to him at the time of the jurisdictional hearing. The boys said they missed and wanted to see their father, and DCFS reported father’s monitored visits with C.H. and M.H. went well with father acting appropriately. But father’s good relationship with his children did not require the court to find no risk existed. As DCFS notes, the same was true in *I.J.* (*I.J.*, *supra*, 56 Cal.4th at p. 771 [father’s sons “felt safe in the home and liked living with their parents”].)

<sup>11</sup> Nothing in *I.J.* suggests a different analysis when the abused sibling is not the abuser’s biological child.

the juvenile court [could] not take steps to protect the sons from that risk.” (*Ibid.*)

Moreover, as the Court in *I.J.* recognized, section 300 does not require that a child actually be abused before the juvenile court can assume jurisdiction; it requires only a substantial risk of abuse. (*I.J.*, *supra*, 56 Cal.4th at p. 773.) “‘The juvenile court is mandated to focus on “ensur[ing] the safety, protection, and physical and emotional well-being of children who are at risk” of physical, sexual or emotional abuse.’” (*Id.* at p. 780.) That is precisely what the juvenile court did here. It was not required to “‘wait until [the children were] seriously abused or injured to assume jurisdiction and take the steps necessary to protect’” them. (*Id.* at p. 773.) Substantial evidence supports the juvenile court’s decision to assert its jurisdiction here.

**DISPOSITION**

The judgment of the juvenile court is affirmed.

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

EGERTON, J.

We concur:

EDMON, P. J.

LAVIN, J.