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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

J.H.,

Defendant and Appellant.

B267383

(Los Angeles County
Super. Ct. No. CK88797)

APPEAL from a judgment and orders of the Superior Court
of Los Angeles County, Julie F. Blackshaw, Judge. Affirmed.

John L. Dodd, 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.

Jennifer Marie Lorson for the Minors.

I. INTRODUCTION

Jasmine H. (mother) appeals from the juvenile court's judgment of July 23, 2015 finding that her daughter A.H. (the child), born in 2014, comes under Welfare and Institutions Code, section 300 and declaring the child a dependent of the court.¹ She also appeals from the court's July 23, 2015 orders sustaining a section 342 petition concerning her children A.H., born in 2006, O.H., born in 2008, and J.H., born in 2010 (together, "the older children") and removing them from her custody. She contends substantial evidence does not support the findings and orders. She further contends the July 23, 2015 order limiting her education rights over the older children was an abuse of discretion. We affirm.

II. FACTUAL AND PROCEDURAL HISTORY

In 2011, the older children were living with mother when she gave birth to twins.² Mother failed to complete the training required to care for one of the twins, who was medically fragile. On February 24, 2012, the court found that mother's medical

¹ Hereinafter, all statutory references will be to the Welfare and Institutions Code, unless noted otherwise.

² Two other siblings lived with their fathers.

neglect of the medically fragile infant places the older children at substantial risk of abuse and neglect and declared the older children dependents of the court under section 300, subdivisions (b) and (j). The older children were placed in home of parent-mother under the supervision of the Department of Children and Family Services (department). Mother was ordered to participate in a program of individual counseling and parenting and to drug test.

In April 2012, one of mother's children was found outdoors in 40-degree weather wearing only a diaper. Further, O.H. had been sick for more than two weeks but mother had not taken him to the doctor. In April 2013, J.H. ran out of the home and crossed the street unsupervised.

O.H. was developmentally delayed and was a client of the Regional Center.³ He was non-verbal and autistic.

On February 6, 2014, the older children were detained and a section 342 petition was filed,⁴ because mother and her male companion, George N., who was the father of her then youngest

³ Regional centers assist persons with developmental disabilities and their families "in securing those services and supports which maximize opportunities and choices for living, working, learning, and recreating in the community." (§ 4640.7, subd. (a).)

⁴ Section 342 provides: "In any case in which a minor has been found to be a person described by Section 300 and the petitioner alleges new facts or circumstances, other than those under which the original petition was sustained, sufficient to state that the minor is a person described in Section 300, the petitioner shall file a subsequent petition."

child, engaged in violent physical altercations in the children's presence.⁵

Mother completed a domestic violence treatment program on April 16, 2014.

On April 17, 2014, the February 2014 section 342 petition was sustained. The court found under section 300, subdivision (b) that the children have suffered or are at substantial risk of suffering serious physical harm as a result of mother's failure to adequately supervise and protect and failure to protect the children from the conduct of another, in that mother and a male companion, George, have a history of engaging in violent altercations in the children's presence, including George choking and hitting mother, and mother is unable to protect the children from the domestic violence. At the dispositional hearing, on July 31, 2014, the court continued the home of parent-mother order and ordered mother not to move from her current residence in a domestic violence shelter without court permission. Mother was ordered to participate in individual counseling, parenting, domestic violence support group counseling, and parenting of special needs children.

On September 1, 2014, contrary to the order that she not move from the domestic violence shelter, mother signed a rental agreement for an apartment.

On October 15, 2014, after mother agreed to a plan for insuring the older children's safety, the court modified its July 31 order and granted mother permission to relocate from the shelter.

⁵ In 2013, George was convicted of misdemeanor spousal battery and obstruct/resist executive officer.

In October 2014, mother gave birth to A.H.⁶ The department did not detain the child.

When it appeared mother had difficulty comprehending information explained to her and was not able to understand how her actions affected her family, the court on November 7, 2014, ordered her to participate in mental health cognitive testing.

On November 14, 2014, the department filed a section 300 petition alleging A. was a child described by section 300. On November 16, 2014, the court ordered that the older children would remain in home-of-parent-mother on condition mother enroll them in school, re-enroll O.H. in the Regional Center, comply with services, and participate in an Evidence Code section 730 evaluation for a cognitive assessment.

In December 2014, George was incarcerated for violation of probation.

The home was chaotic. The older children were out of control, frequently acted out, were extremely active and defiant, did not follow directions, and screamed profanities at one another and at mother. They fought and injured each other. Mother was overwhelmed by their behaviors. She often had little or no reaction, or simply did not notice, when they engaged in physical fights or other dangerous conduct. She simply told them to stop. They did not listen. On one occasion, mother paid no attention when O.H. got a plastic knife and charged at J.H. with it. In late March 2015, O.H. sustained a laceration to his forehead. The older children had scars and bruises on their bodies. Mother allowed them to cook on the stove. Mother did not notice when J.H. pushed a chair to the sink, climbed on the chair, and stood

⁶ Hereinafter, A.H. and the older children will be referred to as “the children.”

on the sink . She was not able to comprehend information being explained to her concerning parenting.

Moreover, on numerous occasions, O.H. wandered away from the home unsupervised and was blocks away before he was found.

Mother neglected the children's hygiene, grooming, and clothing, while she kept herself well-dressed and well-groomed. The home was dirty and had a foul odor of urine. Usually, there was not enough food. Mother allowed the children to eat out of a bowl the dog had eaten from. Mother made eight year-old A.H. do the housework, clean up after and supervise the children, change A.H.s diapers, and feed and watch A.H.

J.H. and mother participated in therapeutic services to modify J.H.'s behaviors. Mother did not consistently apply the skills she was shown to manage the child's behavior, because she had a limited ability to retain them. She did not reinforce the emotional management skills the child was taught. These services were terminated after seven months because mother missed appointments.

In 2015, mother denied she was involved with any men. A man mother said was her uncle, and whom the children called "Goldie," frequented the home when the children were there, transported mother and the family in his car, and was allowed unsupervised access to the children. Mother denied he was ever in the home when children were there or had access to the children. It appeared to the social worker that this man may be sexually exploiting mother. Mother did not comply with the social worker's requests to provide information necessary to investigate his background.

Mother acted bizarrely. She thought she saw things and heard voices. She believed someone broke into her home, moved her belongings around, and sat on her sofa. She believed that people drove her van around. The police were often called to the house on matters related to mother's mental health.

On April 9, 2015, the older children and A.H. were detained from mother. A new section 342 petition concerning the older children was filed on April 14, 2015.

On May 5, 2015, the court heard A.H.'s section 300 petition. Mother's individual therapist reported mother was making progress addressing the issue of domestic violence. The mother acknowledged the factual allegations concerning her domestic violence with George were true, but stated she learned from her mistakes and the services she participated in. She stated there were no men in her life and none come to the home. Mother testified she had been in a domestic violence relationship with two of her children's fathers. She did not participate in a domestic violence treatment program after she moved into an apartment in October 2014. She testified that the last time she had contact with George was February 4, 2014. George was expected to be released from incarceration in August 2015.

The court sustained the petition, finding A.H. was a child described by section 300, subdivisions (a), (b), and (j),⁷ based on

⁷ Section 300, subdivision (a) describes a child who suffered or there is a substantial risk the child will suffer serious physical harm inflicted non-accidentally by the child's parent or guardian. Subdivision (b) describes a child who suffered or there is a substantial risk the child will suffer serious physical harm as a result of the parent's failure to adequately supervise and protect and failure to protect the child from the conduct of another with whom the child was left. Subdivision (j) describes a child whose

the following supporting facts: mother and her male companion George had a history of engaging in violent altercations in the presence of the child's siblings; on January 22, 2014, George forcibly held mother in a chokehold, causing her to have difficulty breathing; on prior occasions, he struck her in the siblings' presence; on prior occasions in 2013 and 2014, George and mother violated a criminal protective order; and mother failed to protect the siblings in that she allowed George to frequent the home and have unlimited access to the siblings.

The court stated: "A. is at risk of future domestic violence . . . because the mother has repeatedly failed to protect the other children from domestic violence. . . . There is a history of domestic violence with the fathers of the other children. . . . There is evidence of other violent relationships in [mother's] family. [¶] [Mother was not] completely forthright about that other violence[,] . . . even the violence with the fathers. Mother has not been . . . forthright about the men that have visited her. [¶] . . . I did order mother to stay in the [domestic violence] shelter. And the release of your children was because you were doing so well in the program. . . . And then you left. And it did coincide with an unidentified person that was seen with you at the shelter. You have not provided us with information who that is. [¶] [George] is now incarcerated, but he will be out in a couple of months. [¶] . . . The way for me to feel that your children are safe is for you to completely acknowledge and take responsibility for the violence that has occurred in your life and make changes. And I don't think you have done that yet. I think

sibling was abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk the child will be abused or neglected as defined in those subdivisions.

you have started to, and I think you have made some progress, but you haven't done it completely. And I do believe that A. is still at risk."

The section 342 petition was heard on May 5 and 6. Dr. Ronette Goodwin's Evidence Code section 730 report concerning mother's mental status was admitted into evidence. Mother had nine children; the oldest, age 12, was born when she was 16 years old. Mother was in abusive relationships involving physical violence with the father of her second child and another boyfriend. In 2013 and 2014, she sustained a significant head injury due to domestic violence, which left her with a ringing sound in her ears, memory difficulties, and a short attention span. Mother was also the victim of sexual physical violence: she was raped at age 15 by the brother of the father of her sister's children and at ages 16 and 25 by strangers. Mother was in the borderline range for intellectual functioning. She had particular difficulty learning new material. She dropped out of school in the eighth grade. She suffered from post-traumatic stress disorder resulting from domestic violence and her rape history. She also presented with situational depression. Her fears and odd statements and behaviors likely stemmed from post-traumatic stress disorder and unresolved trauma. "The above concerns coupled with the stress of single parenting and attending to children of special needs can be overwhelming, at best. [She] requires services to address her own mental health and medical needs, and specialized services to address the needs of her children."

Mother denied she was unable to supervise the children and neglected their hygiene, there was not enough food, and O.H. left the home while he was unsupervised. She denied she was overwhelmed.

On May 6, 2015, the court sustained the older children's section 342 petition, as amended, finding, under section 300, subdivisions (b) and (j) that: (1) mother had mental and emotional problems, including paranoia and hallucinations, which rendered her unable to provide regular care and supervision, she failed to obtain recommended mental health treatment, and such problems endanger the children and place them at serious risk of harm; and (2) mother failed to provide appropriate supervision of O.H., who was found to be wandering the streets without adult supervision, and such endangering situation and mother's failure to supervise placed the older children at serious risk of harm. The court stated: "The [Evidence Code section] 730 report . . . definitely does mention . . . the paranoid presentation that [mother] has, and also the [post-traumatic stress disorder][.] . . . And so that there is no question mental and emotional issues [are] at play with [mother]. . . . [T]here is a lot of evidence . . . about the observations of [a sibling's caretaker], the statements that mother has made to [the sibling's caretaker] about the people in the home, the indentations on the couches[,] the unknown Mexican people driving her van, et cetera." The court did not find mother's explanations credible. "[T]here is clearly an impact on the children because . . . the children were not being cared for properly. They were hitting each other and wearing dirty inappropriate clothing as well. . . . [¶] . . . [T]here is actually evidence that [O. wandered off] more than once[.] O. is a young

child . . . who is autistic and non-verbal and for him to be several blocks away from home is a huge risk. I do not have to wait until he is actually hit by a car to find that there is a risk. The fact that O. was not being supervised is also corroborated by the fact he had many unexplained bruises and bumps. [¶] Also J. has been seen wandering off[.] There are reports that O. bites other children[.] I clearly find a nexus of risk to O. and the other children as well.”

Also on May 6, the court made an interim order transferring the children’s education rights to each caregiver pending the disposition hearing.

The dispositional hearing for the children was held on July 22 and 23, 2015. Mother was continuing to address domestic violence and post-traumatic stress disorder issues in individual therapy. She said she did not understand what lead to the department’s involvement with her family. She continued to deny she neglected the children, the home was dirty, there was not enough food, O.H. left the home while he was unsupervised, and the children harmed one another and sustained injuries. She denied the older children regularly acted out. She denied she was overwhelmed by the requirements of caring for her children. She denied her mental health issues compromised her ability to care for the children. Maternal grandmother lived with two maternal aunts but she stayed with the family from time to time for a few days or a week to help out. Mother testified that, if the children were returned to her care, maternal grandmother and a maternal aunt could assist her in transporting the children to school and doctor’s appointments.

Linda Yi, who provided in-home training to teach mother how to parent O.H., testified she had no concerns about mother's ability to comprehend the material, but Yi did not test mother at the end of the training to determine whether mother understood what she had been taught. The court did not believe that Yi provided a true and complete picture of mother's ability to care for the children, because the visits were planned and maternal grandmother was present.

The court found by clear and convincing evidence return of the children to mother's custody presented a substantial risk of danger and there were no reasonable means to protect the children without removal. The children were ordered removed from mother's custody, and the department was ordered to provide family reunification services. Mother was ordered to take all prescribed medications, engage in family planning, and participate in individual counseling to address case issues including post-traumatic stress disorder, domestic violence, and child safety. The court ordered the older children's educational rights transferred to the caregivers and that mother be notified of all educational meetings and decisions.

"Certainly [there is] evidence before the court . . . that when - - on a daily basis when a support system such as the maternal grandmother is not there, mother is not able to control or take care of the children in a safe manner." Noting the children had been removed from and returned to mother twice, the court stated the goal was reunification but it was not appropriate to release the children to mother immediately. Two petitions concerning domestic violence were sustained. "[W]e haven't had a recent incident. It has involved domestic violence with different partners. I do find troubling and I do find it to

show that there continues to be a risk because [mother] is not really forthright about dealing with this issue and about her current relationship or the relationship with Mr. Goldie, which is the most recent relationship that is of concern. [¶] We have mother's mental illness issues and stability which again have been sustained in petitions, and have been found to . . . put the children at risk, including O.'s disappearance from the home and wandering the street which could have resulted in tragedy. The mental health issues are not being yet . . . completely addressed by [mother]. I'm glad that she is now in mental health treatment. It's been a short time, but [mother] is still not really able to face up to the fact that she put O. at risk." Interrupting the court to state O. never got out, mother left the courtroom. "The mental health issues have still not been addressed in a way that the court feels the mother has the stability to take care of the kids. We thought we had a good plan . . . about a year ago, when mother was in a shelter and the court . . . did release the children to her care, and then mother left the shelter. And then that has been followed by additional instability with all the different telephone numbers that mother has been using. And all of this having an impact on the safety of the children. [¶] . . . [¶] . . . I would like to give mother services for another six months, have the social worker have a very tailored plan for her. I want mother to continue in the mental health services that she is now engaged in. And hopefully we can get to a point of having a stable life, having the mental health issues addressed, understanding exactly whether she's in a safe relationship with men, and hopefully be able to return the children to her care."

III. DISCUSSION

A. Substantial Evidence

Mother contends substantial evidence does not support the jurisdictional findings of A.H.'s section 300 petition and the older children's April 2015 section 342 petition. She further contends substantial evidence does not support the dispositional order removing the children from her custody. We disagree with the contentions.

Our Supreme Court has stated the applicable standard of review: 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." (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) "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.]" (*In re Matthew S.* (1988) 201 Cal.App.3d 315, 321.)' (See *In re Angelia P.* (1981) 28 Cal.3d 908, 924.)" (*In re I.J.* (2013) 56 Cal.4th 766, 773.) If the judgment or finding is supported by substantial evidence, it

must be upheld, even though substantial evidence may also exist that would support a contrary judgment and the dependency court might have reached a different conclusion had it determined the facts and weighed credibility differently. (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 228.)

1. A.H.'s Section 300 Petition

Mother acknowledged that the factual findings concerning domestic violence between mother and George, and mother's failure to protect A.H.'s siblings from harm due to the domestic violence, are true, and she does not challenge them here. Her sole contention is there was no current risk of harm. We disagree with the contention.

"Exposure to domestic violence may serve as the basis of a jurisdictional finding under section 300, subdivision (b). . . .

"[D]omestic violence in the same household where children are living ... is a failure to protect [the children] from the substantial risk of encountering the violence and suffering serious physical harm or illness from it. [Citation.]" [Citation.] (*In re R.C.* (2012) 210 Cal.App.4th 930, 941.)

"[W]hile evidence of past conduct may be probative of current conditions, the question under section 300 is whether circumstances *at the time of the hearing* subject the minor to the defined risk of harm. [Citations.] Thus the past infliction of physical harm by a caretaker, standing alone, does not establish a substantial risk of physical harm; '[t]here must be some reason to believe the acts may continue in the future.' [Citation.]" (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 824.) "[T]he court may . . . consider past events when determining whether a child presently

needs the juvenile court's protection. [Citations.] A parent's past conduct is a good predictor of future behavior. [Citation.] 'Facts supporting allegations that a child is one described by section 300 are cumulative.' [Citation.] Thus, the court 'must consider all the circumstances affecting the child, wherever they occur' [Citation.]" (*In re T.V.* (2013) 217 Cal.App.4th 126, 133; see *In re Hadley B.* (2007) 148 Cal.App.4th 1041, 1050.)

Mother exposed her children to domestic violence in her relationships with the fathers of two of her children, including as recently as in 2014. She had a long history of failing and refusing to take measures to protect herself and her children from domestic violence. She did not report to the authorities the sexual domestic abuse she was subjected to, she voluntarily had contact with George who had inflicted a significant head injury, despite a protective order requiring him to keep away, and she refused to cooperate with the department's efforts to investigate whether it was safe for the children to be exposed to the companion she called her uncle. George was expected to be released from incarceration in August 2015. As he and mother have a child together, there is a risk mother and A.H. will have contact with George through visitation with that child. Moreover, the court's April 2014 finding that the older children were at current risk of harm from mother's involvement in domestic violence establishes that completion of a domestic violence group education program in April 2014 did not render her rehabilitated. It is reasonable to infer from the report mother was in the process of addressing her domestic violence issues in therapy that this work was not finished thus, she was not yet rehabilitated. Based on the foregoing, the court could reasonably conclude the children were at current risk of harm from domestic

violence. (Cf. *In re Daisy H.* (2011) 192 Cal.App.4th 713, 717 [physical violence between the parents at least seven years earlier which the children were not exposed to is insufficient to support finding that domestic violence created a current risk of physical harm].)

In contending her lack of ongoing contact with George requires the conclusion the children were not at current risk of harm from domestic violence, mother asks this court to reweigh the evidence. That is not within our province. (*In re Matthew S.*, *supra*, 201 Cal.App.3d at p. 321.) Our role is to determine whether substantial evidence supports the findings under section 300. The record contains ample evidence mother was not rehabilitated and there was a substantial risk the children would be harmed by exposure to domestic violence. Accordingly, we conclude the findings are supported by substantial evidence.

2. The Older Children's 2015 Section 342 Petition

Mother does not challenge the factual findings concerning her mental and emotional problems. Nor does she challenge the jurisdictional finding that her failure to supervise O.H. places the older children at risk of harm under section 300, subdivision (a), (b), and (j). Her sole contention is that substantial evidence does not support the finding her mental and emotional problems create a substantial risk of harm to the older children. We disagree with the contention.

“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.’ [Citation.]” (*In re I.J.*, *supra*, 56 Cal.4th 766, 773.) Where “the [challenged] finding . . . serves as the basis for dispositional orders that are also challenged on appeal,” the reviewing court has discretion to review the finding. (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762.)

The department contends we should not consider mother’s challenge to the finding her mother’s mental health places the older children at risk, because the unassailed finding the older children are endangered by mother’s failure to supervise O.H. is sufficient for juvenile court jurisdiction. Mother asks that we review the finding on the merits because, without the finding, no substantial evidence supports the dispositional orders removing the older children from her custody, requiring visits to be monitored, and ordering mental health counseling and medication compliance. The court had broad discretion to determine that reunification efforts would be facilitated and the children’s best interest promoted by orders directing mother to address her mental and emotional issues, even if the challenged allegation was not proven. (See § 362, subd. (d); *In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006-1008; *In re Nolan W.* (2009) 45 Cal.4th 1217, 1228-1229.) However, as the finding that mother’s mental health placed the children at risk was a substantial basis for the removal order, we exercise discretion and consider mother’s challenge on the merits, which we now address.

The evidence is overwhelming that mother did not provide the older children with proper care and supervision. She remained inattentive, passive, and ineffectual as dangerous chaos reigned in the home. She was unable to understand safety concerns or grasp instructions concerning how to maintain a safe home. The older children fought and physically injured each other. She let them do dangerous things, such as cook on the stove, brandish a plastic knife, and stand up on the sink. On occasions, O.H. left the home by himself and was blocks away before he was found. The older children were allowed to eat from a bowl the dog ate out of. The children were filthy, unkempt, and unhygienic.

A psychological evaluation found mother suffered from post-traumatic stress syndrome, unresolved trauma, and depression. She had memory difficulties, a short attention span, and difficulty learning new material. The evaluation report revealed that mother's mental problems and inability to provide proper care were linked. The evaluator concluded that mother's mental and emotional problems caused her to be overwhelmed by caring for her children and to be in need of services to enable her to parent her children safely and properly.

The foregoing is ample substantial evidence supporting the court's finding that mother's mental and emotional problems created a substantial risk of harm to the older children.

3. Removal Orders

Mother contends the order removing the children from her custody is not supported by substantial evidence. We disagree with the contention. “Before the court may order a child physically removed from his or her parent’s custody, it must find, by clear and convincing evidence, the child would be at substantial risk of harm if returned home and there are no reasonable means by which the child can be protected without removal. [§ 361, subd. (c)(1).] The jurisdictional findings are prima facie evidence the minor cannot safely remain in the home. [Citations.] The parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child. [Citation.]’ (*In re T.V.* (2013) 217 Cal.App.4th 126, 135-136 .)” (*In re J.S.* (2014) 228 Cal.App.4th 1483, 1492.) The juvenile court may consider both the parent’s past conduct and the present circumstances. (*In re John M.* (2012) 212 Cal.App.4th 1117, 1126; *In re Cole C.* (2009) 174 Cal.App.4th 900, 917.)

The sustained allegations that the children were at risk of harm from domestic violence, mother’s mental and emotional problems, and mother’s failure to supervise O.H. are evidence the children could not safely be returned home. Mother denied she neglected and failed to supervise the children and the older children were out of control. She had not completed work on her domestic violence and post-traumatic stress disorder issues, yet she asserted domestic violence was no longer an issue and her mental and emotional problems did not compromise her ability to parent the children. She had difficulty understanding what she

was taught about how to be an adequate parent. We disagree with mother's suggestion that conditioning return of the children on maternal grandmother living in the home and mother not being alone with the children was a reasonable means to protect the children without removal, as there is no evidence maternal grandmother was willing to live fulltime in the family home. Based on the foregoing, we conclude there is substantial evidence the children would be at substantial risk of harm if returned home and there are no reasonable means by which they can be protected without removal.

B. Abuse of Discretion

Mother contends the order limiting her educational rights was an abuse of discretion.⁸ We disagree with the contention.

At the initial hearing on the petition or anytime thereafter until the child is adjudged a dependent of the court, the court may temporarily limit the parent's right to make educational decisions for the child and appoint a responsible adult to make those decisions if specified conditions are found, but the order expires at the conclusion of the dispositional hearing. (§ 319, subds. (g)(1), (g)(4).) Any additional needed limitation of the parent's educational rights must be addressed pursuant to section 361 when dispositional orders are made. (§ 319, subd. (g)(4).)

⁸ The department takes no position on this issue.

Section 361 provides that the court may limit the parent's right to make educational decisions for the child and the limitations must not exceed that which is necessary to protect the child.⁹ (§ 361, subd. (a)(1).) When the court limits a parent's right to make educational decisions, it must appoint a responsible adult to make those decisions. (*Ibid.*)

On May 6, 2015, at the conclusion of the jurisdictional hearing, the court made an interim order designating the caretakers as the rights holders. Counsel for the children asked that the issue of educational rights be taken up again at the July 22, 2015 hearing, and the court agreed. In a Last Minute Information for the July 22 hearing, the worker reported it was difficult to reach mother as she changed her telephone number at least six times. When the issue was taken up again at the July 22 hearing, mother did not object she did not receive notice, ask to present evidence, or request a continuance to present evidence. After hearing argument, the court ordered educational rights transferred to the caregivers and mother notified of all educational meetings and decisions. The court stated: "The concern that I have is mother has had six different telephone numbers. She's not easy to reach. Educational rights decisions need to be made, and we need to have some responsible person that is available and that can make the decisions."

To the extent mother contends she was not give notice her educational rights might be limited, we disagree with the contention, as the May 6, 2015 order was an interim order and mother knew the issue would be taken up again on July 22, 2015

⁹ Unlike section 319, section 361 does not require that specified conditions be found. (Compare § 319, subd. (g)(1) with § 361, subd. (a)(1).)

before any final order was made.

We also disagree with the contention the order was an abuse of discretion. “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.*, *supra*, 50 Cal.App.4th at p. 1006.) Our Supreme Court has said that when a “determination [is] committed to the sound discretion of the juvenile court, and the trial court's ruling should not be disturbed on appeal unless an abuse of discretion is clearly established. . . . [W]e have recently warned: ‘The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court.’” (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.) Where substantial evidence supports the order, there is no abuse of discretion. (*In re Daniel C. H.* (1990) 220 Cal.App.3d 814, 839.)

The record supports the conclusion that it was difficult to reach mother because she frequently changed her telephone number. A responsible person needs to be available to make education decisions. As mother was not regularly available, it did not exceed the bounds of reason for the court to conclude that limiting her educational rights and appointing the caretakers to make educational decisions was necessary to protect the children. The order was not an abuse of discretion.

IV. DISPOSITION

The judgment and orders are affirmed.

NOT TO BE PUBLISHED IN THE
OFFICIAL REPORTS

TURNER, P. J.

We concur:

KRIEGLER, J.

RAPHAEL, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.