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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

B236919

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

(Los Angeles County  
Super. Ct. No. CK88541)

Plaintiff and Respondent,

v.

MARIBEL R.,

Defendant and Appellant.

APPEAL from orders of the Los Angeles County Superior Court.

Timothy R. Saito, Judge. Affirmed.

Matthew I. Thue, under appointment by the Court of Appeal, for Appellant.

Office of the County Counsel, John F. Krattli, Acting County Counsel, James M. Owens, Assistant County Counsel, and Kim Nemoy, Deputy County Counsel, for Respondent.

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The juvenile dependency court issued a disposition order directing Mother, Maribel R., to attend parenting classes. Mother appeals, challenging the order for parenting classes. We affirm.

### **FACTS**

Mother and Father, J.V., are the parents of U.R., born in 2005, and J.V., born in 2008. Mother and an absent party are the parents of A.R., born in 2003. Over a course of years leading up to and into 2011, Mother and Father lived with all three children in a family residence in Los Angeles. During the time Father lived in the family home, there was a history of domestic violence between Mother and Father.

On May 31, 2011, Mother called the school attended by A.R. and U.R., and told school officials not to release the children to Father. Mother would not provide a reason. When a school official asked A.R. if everything was fine at home, A.R. replied, “I don’t want to remember what my dad did to my mom. He hit my mom in the neck. My mom passed out and my dad grabbed a soda and poured it in my mom’s face.” A.R. also said that Father took a knife and broke the TV. The school made a referral to the Los Angeles Department of Children and Family Services (DCFS).

On July 1, 2011, DCFS filed a petition on behalf of A.R., U.R. and J.V., alleging domestic violence between Mother and Father placed the children at substantial risk of physical harm (§ 300, subds. (a), (b)) and that Father abused alcohol and Mother failed to protect the children from Father’s alcohol abuse (§ 300, subd. (b)).<sup>1</sup> At the conclusion of the detention hearing, the dependency court found a prima facie case had been established for detaining the children; they were released to Mother’s custody. The court issued a temporary restraining order against Father and ordered that his visits be monitored. As of the time of jurisdiction/disposition, Father’s whereabouts were unknown.

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<sup>1</sup> All section references are to the Welfare & Institutions Code.

DCFS's reports showed the following facts: A.R. reported to school personnel that Father had hit Mother on the neck, causing her to lose consciousness. Father then grabbed a soda and poured it on Mother's face. Father grabbed a knife, broke the television set, and kicked the dog's food. A DCFS social worker went to family home, where Mother admitted to the domestic violence allegations and added that after she passed out, Father not only poured soda on her face, he also sprayed her face with perfume. He then took a knife and scratched the television screen, and broke the stereo. Mother tried to call 911, but Father grabbed the telephone and threw it against the wall, breaking it. Mother stated that no one in the home heard them arguing and no one witnessed the abuse. Mother stated that Father left the family home after the incident, and had not returned since. She had no intention of permitting Father back into the home and did not want to resume a marital relationship with him. Mother stated that Father had hit her before and she had filed a restraining order against him in September 2009, which expired a few years ago.<sup>2</sup> She forgave him the first time he hit her, but was not willing to forgive him again and planned to call the police if he returned. During their seven-year relationship, Father was verbally abusive and called her profane names. The investigating social worker observed knife marks on the television screen.

During an interview with the social worker, A.R. reported witnessing the abuse, and noted that Father had been drinking alcohol. A.R. said he witnessed both parents hitting each other, which scared A.R. He told them to stop. A.R. saw Father hit mother on her neck, which caused her to pass out. He witnessed Father pour soda on Mother's face. Father left the home, and A.R. had not seen him since.

On October 12, 2011, following a series of interim hearings, the dependency court conducted the adjudication and disposition. It received DCFS's reports in evidence and heard argument from counsel. The court amended the petition by interlineations, and found true allegations that a history of and current domestic violence between the parents,

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<sup>2</sup> According to Mother, Father threw a bottle of water at her and slapped her. She had called the police, and Father was arrested.

in the presence of the children, and Mother's permitting Father to remain in the home after years of ongoing physical and verbal abuse, placed the children at risk of harm. The court declared the children to be dependents of the court pursuant to section 300, subdivision (b), permitted them to remain in Mother's custody, removed them from their respective fathers' custody, and denied reunification services to both fathers. The court ordered Mother to participate in domestic violence counseling for victims and, over Mother's objection, parenting classes.

Mother filed a timely notice of appeal.

### **DISCUSSION**

Mother contends the dependency court abused its discretion in issuing the order for parenting classes. Mother argues that with no evidence of anything other than that she was the victim of spousal violence, the court had no basis for ordering her to attend parenting classes. We find no abuse of discretion.

When jurisdiction over a child is established in the dependency court, section 358 requires the court to determine the appropriate disposition. The court is vested with wide discretion to determine what services will best serve and protect the child's interest and to fashion a dispositional order in accord with this discretion. On appeal, the court's disposition orders will not be reversed in the absence of a showing of clear abuse of discretion. (*In re Baby Boy H.* (1998) 63 Cal.App.4th 470, 474.) A court abuses its discretion when it renders a decision that is arbitrary, capricious or patently absurd. (*In re Mark V.* (1986) 177 Cal.App.3d 754, 759.) As to factual matters, appellate review is governed by the substantial evidence test. (*In re Jasmin C.* (2003) 106 Cal.App.4th 177, 180.) The two standards of appeal may overlay each other in that evaluating the factual basis for an exercise of discretion is similar to analyzing the sufficiency of the evidence for the ruling. (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1351.)

Here, there is substantial evidence in support of the dependency court's decision and no abuse of discretion. The family came to DCFS's attention when A.R. reported to school authorities that he saw Father hit Mother, knock her unconscious, and pour a soda

on Mother's face. Further, A.R. reported that Father got a knife and damaged a television set. Mother confirmed A.R.'s account, but denied that any of her children saw the abuse. Mother admitted there was ongoing physical and verbal abuse in the home during the three years that Father lived in the family home with her and her children.

Regardless of the evidence showing Mother's love, and her ability to perform the mechanical aspects of parenting her children such as feeding and clothing them, she was involved in violence in front of at least one of her children, and the violence was not a one-time incident. Indeed, she had obtained a restraining order against Father for prior abuse, yet allowed him back into the family home. Given these circumstances, the dependency court's decision to order parenting classes to help Mother appreciate the need for protecting children against domestic violence was not arbitrary, capricious or absurd.

We are not persuaded to reach a different conclusion based on Mother's reliance on *In re Jasmin C.*, *supra*, 106 Cal.App.4th 177. In *Jasmin*, the dependency court ordered a mother to participate in parenting classes even though the mother was a non-offending parent. Here, in contrast, Mother failed to protect her children from being exposed to a risk of harm from Father's physical and verbal abuse.

Mother's argument that it will be a hardship to participate in parenting classes does not make the dependency court's order irrational. We recognize that adding a new responsibility to an already difficult situation may be a hardship, but the issue on appeal is whether the order adding the responsibility is an abuse of judicial discretion. Because the order adding parenting classes is not irrational, we cannot declare the order to amount to an abuse of judicial discretion.

### **DISPOSITION**

The dependency court's orders are affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

FLIER, J.