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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re M.G., a Person Coming Under the
Juvenile Court Law.

B266647
(Los Angeles County
Super. Ct. No. CK56441)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

MARTHA G.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County.

Annabelle G. Cortez, Judge. Affirmed.

Lisa A. Raneri, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Acting Assistant County Counsel, and Tyson B. Nelson, Deputy County Counsel, for Plaintiff and Respondent.

Martha G. (Mother) appeals the juvenile court's dispositional orders, challenging the court's jurisdictional findings that she failed to provide her mentally and emotionally troubled son (M.G.) with appropriate supervision and care. Mother claims that the juvenile court's findings were not supported by substantial evidence, and that M.G.'s problems were a result of his own refusal to cooperate rather than Mother's failure to provide appropriate care. We disagree and affirm.

BACKGROUND

At the time of the juvenile court proceedings, M.G. was 12 years old. He lived with Mother, who is an elementary school teacher. His father (Father) had been incarcerated since September 2014 as a result of an incident involving threats against Mother and a violent confrontation with police.¹ Different counts in the juvenile court petition concern the conduct of Father and Mother, which are discussed separately below.

1. Father's Conduct

Counts a-1 and b-3 in the petition by the Los Angeles County Department of Children and Family Services (DCFS), which are identical, alleged a history of "violent altercations" between Father and Mother, and sought jurisdiction under Welfare and Institutions Code section 300, subdivisions (a) and (b).²

Father was convicted in August 2014 of various counts relating to an incident of domestic violence that occurred on February 28, 2014. At the time, Father was separated from Mother but was living in Mother's garage. On that afternoon, M.G. went to the garage to take Father some food. Father told M.G. to " 'listen carefully' " and to tell Mother that " 'if she did not give him \$2,000.00 he would kill her or find someone to kill her.' " Mother took the threat seriously and called the police. A stand-off ensued, during which Father fired several arrows from a crossbow through the garage door. M.G. told

¹ Father did not appeal from the juvenile court's order.

² Undesignated statutory references are to the Welfare and Institutions Code.

the police that Father had hit him in the past and Father had also told M.G. before, “ ‘I’ll beat you. I don’t care if I go to jail. When I get out I’ll beat you again.’ ”

In January 2014 Father had smoked marijuana and heroin in front of M.G. M.G. also reported that Father would use methamphetamine in his presence and had M.G. hide the drug in the refrigerator when DCFS was involved. Prior abusive conduct by Father was also the subject of a DCFS petition in 2004 while Father was living with another woman.

2. Mother’s Conduct

Count b-1 of the DCFS petition alleged that Mother was unable to provide M.G. with appropriate parental care and supervision due to the child’s mental and emotional problems. Count b-2 alleged that Mother had failed to obtain necessary mental health services for M.G. and had failed to ensure that M.G. took his psychotropic medication. Those counts sought jurisdiction under section 300, subdivision (b).

On March 23, 2015, DCFS received a report that M.G. was emotionally disturbed and had attempted to harm himself. The caller reported that she had observed M.G. cut himself with a piece of glass, and that M.G. abused the family cat. The caller also stated that M.G.’s mother did not have M.G. in any kind of mental health treatment even though M.G. had been hospitalized the previous year for mental health issues.

A social worker made an unannounced visit to Mother’s residence the following day, March 24, and met with Mother and M.G. Mother stated that she knew that M.G.’s “learning coach” had made the report to DCFS. The learning coach (who was also apparently M.G.’s baby-sitter) assisted M.G. with his on-line school, which M.G. attended because he had been bullied in his prior schools.³

The learning coach had quit on March 19, reporting in an e-mail to Mother on March 20 that M.G. was cutting himself and repeatedly abusing the cat. The learning coach told Mother that, when she tried to help M.G. think of other stress-relieving

³ The DCFS jurisdiction/disposition report reflects that M.G. had not completed his on-line assignments and had participated in only three hours of on-line instruction during the semester.

techniques, the only thing he could think of was to find a different place to “ ‘scratch’ ” where no one could see. The learning coach said that she was afraid of “how much more [M.G.] will hurt himself,” of “what he will do to his mom,” and of “the day he kills the cat.”

At the March 23 meeting with the social worker, Mother said that she did not think M.G. was actually cutting himself but believed that M.G. had told that to the learning coach just for attention and to scare her. Mother thought that she would have seen evidence in the form of “blood or pieces of glass” if M.G. had actually been cutting himself. Mother said that she had given the family cat to the learning coach because of the way M.G. treated the animal. However, M.G. became hysterical when he found out, and Mother therefore asked the learning coach to return the cat, which she did on the day that she quit.

Mother told the social worker that M.G. had been hospitalized several times the previous year after he had struck her, and he had been prescribed medication.⁴ However, M.G. “refused to go to therapy or see a psychiatrist,” and when Mother gave him the medication, he would spit it out later.

The social worker also spoke to M.G. on March 23 and observed superficial scratches on his arms. M.G. admitted to the social worker that he was cutting himself. He said that he had not told Mother about the cutting, but he had told his learning coach and had scratched his arm with a piece of glass in front of her. M.G. told the social worker that he did not want to take any medications because they made him tired. However, at the conclusion of the interview M.G. agreed to try therapy.

On March 24, Mother forwarded an e-mail to the social worker that she had sent to a mental health facility on March 22, seeking help with M.G. The following day, March

⁴ Hospital records introduced below show that M.G. was hospitalized in January 2014 and April 2014 after violent incidents at school and at home and threats that he would harm himself. Following the April hospitalization he was diagnosed with bipolar disorder and prescribed medication.

25, she reported to the social worker that the director of the mental health facility had declined to help because the facility did not take children with animal cruelty issues.

On March 26, a Department of Mental Health (DMH) representative contacted Mother in response to a referral from DCFS. The DMH representative attempted to schedule a risk assessment, but Mother declined. The DMH representative urged Mother to get an appointment for mental health services through her private insurer immediately. In a later call on March 26, Mother told the DMH representative that Mother had called 911 twice the previous day because M.G. had threatened to harm himself with a kitchen knife. The DMH representative told Mother to lock up all the knives and also gave her several mental health referral numbers.

On March 30, the social worker inquired about Mother's progress in getting mental health services through her private insurance company. Mother said she had a " 'good list of providers' " to call, but she had not yet called them. She promised to make the calls that day. Mother also met with the DMH representative on March 30. When the DMH representative suggested that Mother make calls for mental health services "right then," Mother made excuses and did not do so.

On April 7, the social worker followed up to check on Mother's progress in getting mental health assistance. Mother mentioned various unsuccessful efforts to get help through M.G.'s schools, which the social worker had previously recommended because M.G. had a prior Individualized Education Plan (IEP) for "emotional disturbance." She still had not found any mental health services through her private insurance and reported that "Blue Shield told her that it would be difficult to find services because of the animal cruelty."

On April 8, Mother told the social worker that she had called eight different psychologists but no one had called her back. She also reported that she had scheduled an IEP meeting for April 15 with M.G.'s on-line school, but said that she could not find a copy of M.G.'s prior IEP.

After a number of unsuccessful attempts to interview Mother in early July in advance of the jurisdiction hearing, a DCFS dependency investigator (DI) was finally

able to meet with Mother on July 8.⁵ Mother told the DI about an incident the previous day when she and M.G. were driving back from a vacation. Mother said that M.G. was hitting the window of the car and using profanities toward her. Mother said that M.G. was oppositional and defiant any time he did not get his way, and she admitted that she “ ‘[n]eeds [h]elp.’ ”

3. The Jurisdiction/Disposition Hearing

A combined hearing on jurisdiction and disposition took place on July 17, 2015. The hearing proceeded on the basis of the DCFS reports and argument of counsel. M.G.’s counsel joined with DCFS’s request for jurisdiction and the recommended services. Mother’s counsel opposed jurisdiction on the grounds alleged in counts b-1 and b-2, but pointed out that the court would nevertheless have jurisdiction if it sustained counts a-1 and b-3 concerning Father. In the event the court did sustain those counts, Mother’s counsel was “in agreement with the case plan put forward by the Department.”

The court sustained all the counts in the petition after amending count b-1 to “conform to proof,” adding that Mother “failed to provide” M.G. with appropriate parental care and supervision in addition to the allegation that she was “unable” to do so. With respect to the counts concerning Mother’s conduct, the court found that Mother made “some efforts,” but that “those efforts were insufficient to adequately address [M.G.’s] needs.” The court declared M.G. a dependent of the juvenile court and ordered that he remain placed with Mother with family maintenance services.

DISCUSSION

We review the juvenile court’s jurisdictional findings for substantial evidence. (*In re Jeannette S.* (1979) 94 Cal.App.3d 52, 58.) A finding supported by substantial evidence that is “reasonable in nature, credible and of solid value” will be upheld even

⁵ Mother disputes the DI’s claim that she was uncooperative in scheduling this interview. We will not reweigh the evidence on this appeal, and must resolve all conflicts in favor of the prevailing party. (*In re Precious D.* (2010) 189 Cal.App.4th 1251, 1259 (*Precious D.*)). In any event, Mother’s lack of cooperation on this occasion is not a critical component of the evidence supporting the juvenile court’s jurisdiction finding.

though substantial evidence to the contrary also exists. (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 228.) We “resolve all conflicts and make all reasonable inferences from the evidence to uphold the court’s orders, if possible.” (*In re David M.* (2005) 134 Cal.App.4th 822, 828.)

1. The Juvenile Court’s Findings Concerning M.G.’s Father Are Sufficient to Support Jurisdiction

As Mother acknowledges, this court may affirm the juvenile court’s order if the evidence supports any of the grounds on which the order is based. “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 re Alexis E.* (2009) 171 Cal.App.4th 438, 451.) In particular, “[b]ecause the juvenile court assumes jurisdiction of the child, not the parents, jurisdiction may exist based on the conduct of one parent only.” (*In re J.C.* (2014) 233 Cal.App.4th 1, 3–4.)

Here, Mother does not challenge the juvenile court’s findings with respect to counts a-1 and b-3 in the petition, which concern Father’s conduct. Because those findings independently support jurisdiction, the order must be affirmed.⁶

Nevertheless, this court has discretion to consider the juvenile court’s findings with respect to the counts concerning Mother’s conduct if those findings (1) serve as the basis for dispositional orders that are also challenged on appeal; (2) could be prejudicial to her or could potentially impact the current or future dependency proceedings; or (3) could have other consequences for Mother beyond jurisdiction. (*In re Drake M.* (2012)

⁶ As mentioned above, Mother agreed to DCFS’s recommended dispositional case plan in the event the court sustained the allegations pleaded against Father in counts a-1 and b-3 of the petition (which are not challenged on appeal). Although Mother makes a cursory assertion in her reply brief that juvenile court intervention was “unnecessary” because M.G. was taking medication and attending therapy by the time of the jurisdiction hearing, she does not challenge any particular aspect of the juvenile court’s dispositional order.

211 Cal.App.4th 754, 762–763.) Mother argues that factors (2) and (3) support the exercise of such discretion here because the juvenile court’s findings could affect future dependency proceedings and might have negative consequences for her teaching career.

As Mother points out, in this case the jurisdiction/disposition report included a section discussing prior dependency proceedings. Because it is possible that the juvenile court’s jurisdictional findings concerning Mother could be relevant to future dependency proceedings, we exercise our discretion to review them.

2. The Juvenile Court’s Jurisdictional Findings Concerning Mother Are Supported by Substantial Evidence

Mother claims that she did all that she could with a difficult and uncooperative child. Relying on *Precious D.*, *supra*, 189 Cal.App.4th 1251, Mother argues that, in the absence of evidence of parental unfitness or neglect, a parent’s mere “inability . . . to adequately supervise or protect the child” is insufficient to support a jurisdiction finding under section 300, subdivision (b). (*Id.* at p. 1260.)

In *Precious D.*, the child was a 17-year-old girl who repeatedly ran away both from her home and from foster homes, engaged in inappropriate sexual activity, misbehaved at school, and made unsupported allegations of abuse. The juvenile court in that case made only one finding that was critical of the mother’s parenting skills or conduct, and that finding was contradicted by the evidence. (*Precious D.*, *supra*, 189 Cal.App.4th at p. 1259.) DCFS admitted that it sought dependency court jurisdiction because of the child’s “incurable” behavior and her need for court-ordered services, not because of neglectful conduct by the mother. (*Ibid.*) This court concluded that due process principles and the dependency process viewed as a whole precluded a finding of jurisdiction in the absence of any evidence of parental unfitness or neglect. (*Id.* at p. 1260.)⁷

⁷ Our Supreme Court granted review in *In re R.T.* (2015) 235 Cal.App.4th 795 to consider the limited issue of whether section 300, subdivision (b)(1) authorizes dependency jurisdiction “without a finding that parental fault or neglect is responsible for the failure or inability to supervise or protect the child.” (Review granted June 17, 2015,

Here, unlike in *Precious D.*, the record shows parental neglect in addition to the problems posed by a troubled and rebellious child. The juvenile court’s findings contradict Mother’s claim that she did all she could for M.G. The court specifically amended count b-1 of the petition to include a finding that Mother “*failed* to provide and is unable to provide” M.G. with appropriate parental care and supervision. (Italics added.) In its oral findings, the court noted that Mother made “some efforts” to meet M.G.’s needs, but concluded that those efforts were insufficient. There is substantial evidence in the record to support that finding.

Mother did not obtain any mental health services for M.G. for more than a year after he had twice been hospitalized for violent outbursts and threats of self-harm, despite a diagnosis of bipolar disorder. She also did not ensure that he took his prescribed medication. While M.G. resisted both counseling and the medication, Mother accepted her inability to deal with this resistance rather than seeking outside help. Mother points out that M.G. was receiving counseling and medication at the time of the jurisdictional hearing, after DCFS became involved. But this simply serves to highlight her failure earlier to seek the resources necessary to get M.G. to accept the help he needs.

Even after the involvement of DMH and DCFS, Mother delayed in seeking assistance for M.G. Despite repeated contacts by the DCFS social worker and DMH staff over the week from March 24 to March 30 — during which Mother had to call 911 twice because M.G. was threatening to harm himself with a kitchen knife — Mother had not yet contacted any mental health providers and made excuses rather than doing so during a meeting with the DMH staff person on March 30. By April 8, Mother could report only that she was still “waiting for someone to get back to her” after calling eight different psychologists.

S226416.) In *In re R.T.*, Division Two of this court held that no showing of parental fault or neglect was necessary for jurisdiction, disagreeing with the decision by Division One of this court in *Precious D.*, *supra*, 189 Cal.App.4th 1251. Because we find sufficient evidence of neglect here, we need not address this conflict.

Mother's acceptance of M.G.'s destructive behavior when faced with resistance is also exemplified by the incident with the family cat. M.G.'s learning coach reported significant abuse of the cat, including aggressive squeezing until the cat defecated, spinning the animal in a carrying case, and placing it in the refrigerator. Mother also admitted that M.G. hit the cat, played rough with it "like a swing," and held it upside down. Mother initially attempted to address this conduct by giving the cat to the learning coach, but when M.G. became hysterical Mother returned the animal to him. M.G.'s abuse of the animal created hurdles to obtaining mental health assistance and also was a factor leading to the learning coach's decision to quit.

Mother also showed a resistance to acknowledging the seriousness of M.G.'s problems. She initially refused to believe that M.G. was cutting himself, and speculated that M.G. had just told the learning coach that he was cutting to get attention and to "scare her." When the social worker told her that M.G. had admitted to cutting in his interview with her, Mother still minimized the conduct, saying that she had not seen him cut and that he probably cut in the presence of the learning coach just to "agitate her."

Thus, unlike in *Precious D.*, here there is evidence that the threat of harm to M.G. was not simply due to his own intransigence, but was also caused by Mother's acceptance of M.G.'s destructive behavior and her lengthy failure to take adequate steps to seek help for her 12-year-old son's mental and emotional problems. Mother unquestionably faced a difficult situation involving an uncooperative child with a mental illness. While the record supports Mother's claim that she cares for her son and took some steps to help him, it also supports the juvenile court's conclusion that those steps were not enough. Mother's failure to take adequate measures to help her troubled child is sufficient evidence of neglect to support a jurisdictional finding under the holding of *Precious D.*

DISPOSITION

The juvenile court's jurisdictional findings and dispositional orders are affirmed.
NOT TO BE PUBLISHED.

LUI, J.

We concur:

CHANEY, Acting P. J.

JOHNSON, J.