Filed 6/12/13 In re S.R. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re S.R. et al., Persons Coming Under the Juvenile Court Law.	B244694 (Los Angeles County Super. Ct. No. CK94885)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. IRENE R., Defendant and Appellant.	

APPEAL from orders of the Superior Court of Los Angeles County. Elizabeth Kim, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed with directions.

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

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

The mother, Irene R., appeals from the jurisdictional and dispositional orders concerning her two children, S.R. and B.R., who are 16 and 10 years old respectively. The Department of Children and Family Services (the department) argues we should remand the case to permit compliance with the Uniform Child Custody Jurisdiction and Enforcement Act as to B.R.. (Fam. Code, § 3400 et seq.) We reject the mother's contentions and agree with the department.

First, the mother contends there is insufficient evidence to support the jurisdictional orders. This contention has no merit. We review this contention for substantial evidence. (*In re I.J.* (2013) 56 Cal.4th 766, 773; *In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) There is evidence the mother struck S.R. repeatedly every few months. S.R. was struck all over her body. The mother's mental state was unpredictable, "oddly different" and bipolar in nature according to S.R. The mother, who was upset, threatened to move S.R. into a garage. S.R. was told she would be thrown out of the home if she did not have a job by her sixteenth birthday. During a home visit, the mother was found to be disheveled and claimed to have Radio Frequency Identification Chips implanted with the use of chlorophyll inside her skull. During a home visit, the mother: exhibited paranoia; stated the government was persecuting her because of a blog; professed the government was listening into her conversations; said that "satellites are trying to make . . . an issue" of her mental illness; and averred that "satellites are creating sub-dermal burns using lasers." On another occasion, the mother indicated that her home was "'bugged'" and the public, including her neighbors, have joined a conspiracy against her.

The foregoing is substantial evidence S.R. is at risk of suffering serious bodily harm. This is because S.R. is regularly struck by the mother. Additionally, the mother regularly exhibits extreme mental disturbance. (Welf. & Inst. Code, § 300, subd. (b); *In re R.V.* (2012) 208 Cal.App.4th 837, 843; *In re Mariah T.* (2008) 159 Cal.App.4th 428, 438.) As to B.R., the findings under Welfare and Institutions Code section 300, subdivision (b) support the jurisdictional order as to him. (Welf. & Inst. Code, § 300, subd. (j); *In re Maria R.* (2010) 185 Cal.App.4th 48, 64, disapproved on a different point

in *In re I.J., supra*, 56 Cal.4th at pp. 780-781.) The decisional authority cited by the mother is materially different from the facts of this case.

Second, the mother contends there was insufficient evidence to warrant removal of the two children from her custody. This contention has no merit. We review this contention for an abuse of discretion. (*In re Baby Boy H.* (1998) 63 Cal.App.4th 470, 474; *In re Mark V.* (1986) 177 Cal.App.3d 754, 759.) The following constitutes sufficient evidence to justify the removal order: S.R. was afraid of the mother and wanted to live elsewhere; S.R. had been repeatedly struck without provocation; the mother had engaged in paranoid behavior; the mother had experienced paranoid delusions; and the fathers of the two children were willing to care for the youngsters. (*In re Cole C.* (2009) 174 Cal.App.4th 900, 917; *In re Mariah T., supra*, 159 Cal.App.4th at p. 438.)

Third, the department raises a point not presented by B.R. or the mother in the juvenile court or on appeal. The department notes B.R. is the subject of a prior custody determination by a Georgia court. Thus, it was mandatory the juvenile court here communicate with the Georgia court before making child custody determinations. (Fam. Code § 3424, subd. (d); *In re C.T.* (2002) 100 Cal.App.4th 101, 110.) We agree with the department we should affirm the judgment but direct the juvenile court, upon remittitur issuance, to contact the Georgia court and then issue appropriate orders. We leave these matters in the good hands of the juvenile court.

The orders under review are affirmed. As to B.R., the juvenile court, upon remittitur issuance, is to proceed to comply with Family Code section 3424, subdivision (d).

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TURNER, P. J.

We concur:

KRIEGLER, J.

O'NEILL, J.*

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