

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

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

B340576

(Los Angeles County
Super. Ct. No. 20CCJP04771E)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

M.K.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County, Mary E. Kelly, Judge. Affirmed.

Anne E. Fragasso, under appointment by the Court of
Appeal, for Defendant and Appellant.

Dawyn R. Harrison, County Counsel, Kim Nemoy,
Assistant County Counsel, and Courtney Fisher, Deputy County
Counsel, for Plaintiff and Respondent.

Appellant M.K. (mother) appeals from a juvenile court's
order terminating dependency jurisdiction over her child R.M.
(Welf. & Inst. Code, §364.)¹ We affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

I. Background

Mother and father share three adopted children: M.M.
(born November 2007), A.M. (born November 2008), and R.M.
(born November 2009). Mother and father separated in 2018 and
finalized their divorce in May 2022. At the time the section 300
petition was filed and during the period of dependency
jurisdiction, father lived in Visalia, in Tulare County. Mother
lived in the home of Daniel V.² in Culver City, in Los Angeles
County. In May 2022, after a lengthy and contentious custody
dispute, the family court granted mother sole legal and physical
custody of the children and authorized father to have reasonable
visitation periods.

¹ All further undesignated statutory references are to the
Welfare and Institutions Code.

² Throughout the record, Daniel is referred to as mother's
roommate, best friend, and boyfriend, and as the children's uncle
and adoptive father.

Between 2016 to 2022, the Los Angeles County Department of Children and Family Services (DCFS) received 13 referrals related to this family. In eight of the referrals the allegations were deemed unfounded or inconclusive, three of the referrals were evaluated out, and a section 300 petition from August 15, 2020, was dismissed with prejudice due to insufficient evidence.

II. Current section 300 petition

On January 1, 2023, DCFS received a report indicating that M.M. had a physical altercation with A.M. M.M. stated that everyone in his home would try to provoke him, and Daniel would hit him and mother.³

Mother reported to a social worker that during their marriage, father would emotionally and physically abuse her in front of the children, and on several occasions both father and A.M. broke her finger. Mother reported that the family had to leave their prior home due to the children's abuse toward each other and toward her, as well as their suicidal threats. Mother reported she was afraid of her children. She said she previously tried to get her children into an in-patient treatment facility and claimed that her children lied about being abused by her, which caused her to be arrested and charged. She claimed that the children were removed from her care and placed in the care of father, who allowed them to use drugs and drink alcohol. Mother

³ On January 1, 2023, M.M. was arrested for threatening to kill A.M. and was transported to juvenile hall. He was not a subject of this dependency proceeding because at the time the section 300 petition was filed, he was suitably placed by the juvenile justice court. On April 6, 2023, M.M. was released from juvenile hall to father's home, over mother's objection.

asserted that when her children returned to her home, they had developed mental health problems and were drug addicts. She claimed that all three children were selling drugs at school and in the neighborhood, and that she had observed them purchasing drugs in front of the home. Mother reported that Daniel had helped her try to restrain the children when they physically attacked her. However, she denied that Daniel was abusive.

R.M. did not have any visible marks or bruises indicative of abuse or neglect, but he told the social worker that he did not feel safe in mother's home and did not want to live with mother. He said that Daniel was abusive to him and his siblings, and mother was constantly yelling at them. R.M. stated that M.M. had threatened to kill A.M. several times. R.M. admitted that he smoked marijuana but denied selling drugs. He alleged that his mother would lie to look like a better parent.

On January 21, 2023, DCFS received a report from law enforcement alleging R.M. and A.M. were chronic runaways, known drug users, and had been reported missing by mother. They returned home that day but ran away again the next day.

Father reported that he was aware that M.M. was in juvenile hall and that R.M. and A.M. had run away from home. He said that he received text messages from R.M. and A.M. and knew they were safe. Father stated that he was not interested in having the children live with him because they were too out of control to be in his care, however, he was willing to financially provide for them. Father alleged that many of the issues with the children were mother's fault.

On February 6, 2023, DCFS received a report from the Tulare County Child Protective Services indicating the Visalia Police Department had located "two run-aways," A.M. and R.M.,

in Visalia. The children were returned to the care of mother who reported she needed help with the children because they were using drugs and not attending school. The Tulare County Child Protective Services reported that R.M. was on informal probation, and mother said DCFS was not helping.

On February 9, 2023, mother called DCFS and said the children had deteriorated and were now chronic runaways and on drugs. Mother stated that she had been trying to reinstate mental health services in Los Angeles County but had problems doing so because their services had been transferred to Tulare County. The DCFS supervising social worker advised mother to advocate for an Individualized Education Program (IEP) through the children's school. A few hours later, mother called DCFS to report that R.M. was not at school when she went to pick him up. Mother filed a report in the runaway database and asked DCFS to place the children in residential care.

A DCFS social worker contacted the Department of Mental Health (DMH) to inquire about helping mother locate a residential treatment facility for A.M. and R.M. A DMH doctor advised that without DCFS involvement, mother could try to work through the school district, which could lead to the children going to a residential program out of state or the Tarzana Treatment Center.

On February 20, 2023, a referral alleged that Daniel physically abused R.M. and A.M. The reporting party stated that the two children began fighting in mother's van, and mother honked the horn for Daniel to come out of the house to stop the fighting. Daniel grabbed A.M. by the throat, and according to A.M., began choking her. R.M. stepped out of the car to defend his sister, said something in anger, and ran off to a neighbor's

house. A.M. threw rocks at Daniel's vehicle and ran to a neighbor's house. Mother denied that Daniel physically abused A.M. She alleged that A.M. and R.M. were using and selling drugs and requested that her children be placed in an in-patient treatment facility. She believed that her children would continue to make false allegations against her.

A.M. reported that mother allowed Daniel to attack her and admitted that she and R.M. threw rocks at mother and Daniel because they were upset. She reported she did not want to live in mother's home. R.M. also reported that he would prefer not to be in the home with mother.

DCFS concluded that the children's behavior placed them at very high risk of serious physical harm and found that mother and father were unable to protect the children.

A. Dependency petition and initial hearing

On February 28, 2023, DCFS filed a petition under section 300, subdivisions (b)(1) and (j) on behalf of A.M. and R.M., alleging Daniel physically abused A.M., and mother's failure to protect A.M. created a detrimental home environment and placed A.M. and R.M. at risk of serious physical harm and danger. The petition further alleged that mother and father had a limited ability to provide appropriate parental care and supervision to A.M. and R.M. due to the children's mental, emotional, and behavioral problems, which endangered the children's physical health and safety and placed them at risk of serious physical harm, damage, and danger.

At the initial hearing on March 14, 2023, the court found a prima facie case that R.M. and A.M. were persons described by section 300 and released them to mother's home.

In May 2023, DCFS received a referral stating that on March 27, 2023, mother reported that the children were physically and emotionally abused at father's home. Specifically, mother alleged the children had been hit and were smoking marijuana, and DCFS reported that A.M. was experiencing suicidal thoughts and was receiving services through the Tarzana Treatment Center.⁴ The referral was evaluated out due to insufficient details to support an allegation of abuse or neglect.

In the May 1, 2023, DCFS jurisdiction and disposition report, R.M. stated he strongly disliked school and frequently left mother's house without permission. He reported drinking whiskey and smoking marijuana, and stated he used to take Xanax, but had not used it in nine months. When asked about his relationship with his family, he said he got along with M.M., but had constant confrontations with A.M., and had not had any recent interactions with his father. R.M. told the social worker that he bought a gun with stolen money but refused to disclose where he stored the gun. DCFS investigated this claim and was unable to find a gun. R.M. later denied any gun ownership. R.M. also admitted that he was on probation for bringing a BB gun to school. R.M. said he was expelled from the sixth grade because he was caught with marijuana when arrested for the BB gun.

R.M. denied mother or father abused him and claimed that his brother and sister fabricated these allegations. However, he confirmed that Daniel physically hit A.M. on multiple occasions.

⁴ On March 27, 2023, A.M. was admitted to the Tarzana Treatment Center for a four-month program. On April 23, 2023, A.M. was detained from the custody of her parents and placed in foster care.

When asked about the cutting wounds on his arms and hands, R.M. acknowledged reporting that he was cutting himself about six months ago but denied any current self-harm behavior. He stated that he did not know why his mother claimed that he would run away when he only went to a friend's house and always returned home. The social worker noted that after the interview, R.M. fled the house through the side backyard without notifying mother. Mother reported that R.M. returned home that same night.

Addressing the incident on February 20, 2023, mother denied that Daniel physically abused A.M., and said he only held her and tried to stop her. Mother claimed that A.M. and R.M. broke two of Daniel's ribs and tried to destroy his car. She asserted that she had the ability to care for her children but claimed that they ran away because she imposed rules on them and supervised them. She alleged that father was to blame for the children's behavior because they did not have any rules when they lived at his home. She reported that their custody battle over the children lasted years, which included various DCFS investigations. Mother stated that after her previous DCFS case, she did more than two hundred hours of therapy, parenting classes, domestic violence classes, and anger management classes. She also submitted herself to a psychological evaluation and did not receive a diagnosis other than PTSD from experiencing domestic violence. When asked about her prior DCFS case, mother said that the children were wrongfully detained from her, and their behavioral problems stemmed from living with their father.

Mother initially said she was willing to go to therapy and believed R.M. might be willing to participate in Wraparound

services. He had been admitted to the Tarzana Treatment Center, but he ran away from the program. Mother later stated she would not need to participate in any services because “the children [were] the issue, not [her].”

Mother reported she had a medical marijuana card, and consumed marijuana for sleep and pain management, but denied using it in front of her children. Mother initially agreed to submit to a drug test, but later “became emotional and upset” and said DCFS should be concerned about the children’s drug use, not hers.

Mother reported to DCFS that the children’s biological father had a history of bipolar disorder, schizophrenia, and homelessness. She also stated that the children had never been evaluated through the regional center.

Father reported he believed the three children should not live together or with him. He expressed that he would not be interested in participating in any services or care for A.M. or R.M. because he needed to focus on helping M.M., and he knew how bad it would be to have all three children in his home. He believed R.M.’s problems stemmed from his drug use. Father was unaware of R.M.’s alcohol consumption. He admitted to having an alcoholic beverage daily but said that he was not an alcoholic.

A social worker from the prior dependency case reported that the children were frequently getting in trouble at school and leaving without permission. The social worker stated A.M. fabricated allegations that mother abused her so she could be with father. Father tried to put services in place for the children, but the children would not engage or would not be home to receive the services. At the time, R.M. was considered the calm child and exhibited the least amount of concerning behavior, but

he was experimenting with vaping, stealing marijuana, and watching pornography. The social worker suspected that all three children had underlying mental health needs, and that mother had unprocessed trauma.

DCFS found that the children's behavior placed them at a very high risk of serious physical harm, and that mother and father were unable to protect them. DCFS was "extremely concerned" that the parents were unable to work together to help their children. DCFS was also concerned that R.M. reported owning a firearm and storing it in an undisclosed location, and the parents were unaware of this.

On May 9, 2023, mother filed a missing person's report, asserting that R.M. was not present at school pick up. School personnel believed that he and A.M. left campus together. DCFS issued protective custody warrants for both children. On May 10, 2023, R.M. was located in Visalia, and the juvenile court recalled the protective custody warrant. On May 9, 2023, DCFS submitted a last minute information report indicating R.M.'s informal probation case was dismissed due to mother reporting good behavior.

B. May 18, 2023, adjudication and disposition hearing

At the May 18, 2023, adjudication and disposition hearing, the juvenile court sustained the allegations as amended,⁵

⁵ In the amended petition the court omitted: (1) the allegation that R.M. and A.M. were at risk of "damage, danger, physical abuse"; (2) the allegation that the parents have limited ability to provide appropriate parental care and supervision due to the children's "mental and emotional problems"; (3) the

declared R.M. a dependent of the court, placed him in the home of mother under DCFS supervision, and removed him from father. The court further ordered R.M. to participate in individual counseling and conjoint counseling with mother and father, and to have no contact with M.M. Mother and father were ordered to participate in Al-Anon, mental health counseling, and National Alliance on Mental Illness (NAMI) counseling, and were ordered to submit to a psychiatric evaluation and six random or on demand drug tests.

On November 16, 2023, DCFS issued a status review report and recommended services for mother and R.M. to continue for six months.⁶

The court continued R.M.'s section 364 judicial review hearing, originally scheduled for November 16, 2023, after finding R.M. AWOL and not present in court. He had run away from school, and it was reported he went to see M.M. in Visalia. The court issued a protective custody warrant for R.M. on November 20, 2023. R.M. returned to mother's home on November 28, 2023, and the court recalled the warrant.

allegation that the parent's limited abilities place the children at risk of "damage and danger"; and (4) the allegation that the children's "mental and emotional problems . . . including running away" limited the parents' abilities to provide appropriate care.

⁶ DCFS found a "high" risk of abuse and neglect if A.M. were reunified with mother and recommended another six months of services for A.M.

C. December 12, 2023, section 364 judicial review hearing

On December 12, 2023, the juvenile court continued family maintenance services for R.M. and set another section 364 judicial review hearing in six months and a three-month progress hearing.

At the progress hearing on March 12, 2024, DCFS reported that R.M. continued to attend middle school, however he had excessive absences or tardies, did not complete assignments, and was in danger of failing. An IEP was approved for R.M., which included 60 minutes weekly of individual counseling, and 140 minutes weekly of specialized academic instruction. On February 16, 2024, the IEP was updated to add additional Specialized Academic Instruction for 650 minutes weekly. Mother reported R.M. was doing better overall. However, he continued to talk on the phone with father and his siblings, which mother believed contributed to his behavioral problems. Mother reported on February 20, 2024, that R.M. ran away from home, stole her car, and drove to see M.M. in Visalia. On February 21, 2024, R.M. returned to Los Angeles with mother. R.M. continued to meet with DCFS, his Wraparound team, and his therapist. The Wraparound team met weekly with R.M.'s therapist, behavior therapist, and mother.

D. June 11, 2024, status review report

DCFS reported that R.M. continued to attend middle school but was failing six classes. He had an IEP with services including 60 minutes weekly of counseling and 650 minutes weekly of specialized academic instruction. R.M. admitted to

smoking marijuana, and mother reported that he had been coming home smelling like alcohol.

DCFS further reported that R.M. was participating in Wraparound services and individualized therapy. R.M.'s therapist, Alexander, submitted a progress letter recommending a lower level of care for R.M. Alexander indicated that R.M. had met some of his goals and was able to utilize skills of walking away and deescalating himself. Alexander also observed that R.M. was more aware of his surroundings and running away less. He explained that R.M.'s services had already been reduced after R.M. achieved some of his objectives. Alexander further explained that once the DCFS case was closed, the Wraparound team would provide resources to link R.M. to mental health services. Alexander indicated that R.M. could benefit from ongoing mental health services and from participating in a substance abuse program. The Wraparound team agreed that R.M. would benefit from a lower level of care and stated that mother had not been able to utilize all the Wraparound services due to her many conflicts with the team members.

DCFS reported that mother had not submitted to court-ordered drug testing or a psychiatric evaluation. However, she attended Al-Anon meetings, individual counseling, and NAMI classes. Furthermore, father provided no evidence that he had submitted to court-ordered drug testing or that he enrolled in any classes, counseling, or evaluations.

Father stated that he wanted R.M. to be safe, and if needed, he could stay at his home in Visalia along with M.M. Father mentioned a recent incident between R.M., mother, and Daniel. On June 15, 2024, R.M. was drinking and smoking marijuana on the front lawn at mother's house. The following

morning, Daniel asked R.M. to clean up the lawn and not engage in this behavior. Daniel began recording R.M. cleaning, which angered R.M. and caused an argument. R.M. threatened, “‘I will break his neck and kill him,’” and mother asked R.M. to leave the house, take a walk, and cool down. R.M. grabbed his things and went to a neighbor’s home.

Addressing the incident, R.M. told a DCFS social worker that everything at home was now fine. He stated that he met with his therapist the day after the incident and was able to address what had occurred. R.M. stated he felt safe in the home with mother and indicated that he wished to see father without being supervised. He reported that he would not engage in risky behavior while in father’s care.

Overall, DCFS concluded that the risk for ongoing abuse of R.M. by remaining in the home with mother was “moderate” and recommended termination of services with a family law order granting sole physical and legal custody to mother and monitored visits for father.

E. June 26, 2024, judicial review hearing

At the contested section 364 hearing⁷ on June 26, 2024, R.M.’s counsel indicated she agreed with terminating jurisdiction and with the proposed terms of the custody order. R.M.’s counsel told the court, “Although there are some issues that [R.M.] does need to work out . . . the case does not have any pending safety

⁷ This section 364 hearing was also a section 366.21, subdivision (f) hearing for A.M. Following DCFS’s recommendation, the juvenile court terminated mother and father’s reunification services with A.M. and scheduled a section 366.26 hearing.

issues and conditions that require the court to continue supervision.” R.M.’s counsel explained that both mother and R.M.’s therapist indicated that R.M. was improving and was learning to walk away and not engage in altercations. She pointed out that the Wraparound team recommended transitioning R.M. to a lower level of care and was trying to connect mother to a therapist for him once the case closed. R.M.’s counsel stated, “[T]he services that have been provided to [R.M.] are not ameliorating or relieving anything further. It looks like it’s at the point where he, himself, must be able to provide the initiative or the gumption to be able to change the circumstances in his life.”

Mother opposed terminating jurisdiction over R.M. Mother believed that it was too early and premature to close R.M.’s case and withdraw services since the services were helping him. Mother previously told DCFS that she believed R.M. “will not participate in services unless [they are] court ordered.” Mother also opposed R.M. having unmonitored visits with father.

Father opposed the recommendation to terminate jurisdiction over R.M. and asked the court to allow him unmonitored visits.

DCFS’s attorney submitted on DCFS’s recommendation and added that DCFS would not oppose the court ordering the parents to share legal custody over R.M., with unmonitored visits by father.

The court found, by a preponderance of the evidence, that the conditions that justified the initial assumption of jurisdiction under section 300 no longer existed, and were not likely to exist if supervision were withdrawn. Noting that R.M.’s family had received an “enormous amounts of services,” the juvenile court

stated, “as far as I can tell, the child is safe and I don’t believe that continued supervision is necessary.” Accordingly, the court terminated jurisdiction over R.M. and issued a juvenile custody order granting the parents joint legal custody, mother sole physical custody, and father unmonitored visits.

The court stayed its orders terminating jurisdiction so the parents could participate in mediation.⁸ On September 13, 2024, the juvenile court signed the custody order, lifted the stay, and terminated jurisdiction over R.M.

III. Notice of Appeal

Mother timely appealed the court’s orders terminating jurisdiction.⁹

DISCUSSION

Mother argues that the juvenile court abused its discretion by terminating jurisdiction. She further argues that the juvenile court erred by failing to address the risk to R.M. before terminating jurisdiction. We disagree. Mother did not meet her burden of demonstrating that the only conclusion the juvenile court could reach, after considering the totality of the evidence, was that continued court supervision was necessary.

⁸ The matter was trailed twice because the mediated custody order was not received.

⁹ Mother does not challenge the juvenile court’s order for joint legal custody. Accordingly, mother has waived or abandoned any challenge to that order. (See *In re Adrian L.* (2022) 86 Cal.App.5th 342, 344, fn. 1.)

I. Legal standards

Section 364 applies where “an order is made placing a child under the supervision of the juvenile court pursuant to Section 300 and in which the child is not removed from the physical custody of his or her parent or guardian[.]” (§ 364, subd. (a).) Once a child has been declared a dependent, the juvenile court must “review[] the status of the case every six months” and determine “ ‘whether the dependency should be terminated or whether further supervision is necessary.’ [Citations.]” (*In re Pedro Z.* (2010) 190 Cal.App.4th 12, 20.) “The juvenile court makes this determination ‘based on the totality of the evidence before it.’ [Citation.]” (*In re Aurora P.* (2015) 241 Cal.App.4th 1142, 1155 (*Aurora P.*)).

Under section 364, subdivision (c), “the juvenile court must terminate dependency jurisdiction unless either the parent, the guardian, the child, or the social services agency establishes by a preponderance of the evidence that the conditions justifying assumption of jurisdiction exist or will exist if supervision is withdrawn.” (*Aurora P.*, *supra*, 241 Cal.App.4th at pp. 1154–1156.) “[I]n the absence of a contrary showing at the review hearing, termination of dependency jurisdiction will be the ‘default result.’” (*Id.* at p. 1156.) Put differently, the party “seeking to persuade the juvenile court to do something other than follow the statutory presumption favoring termination of jurisdiction . . . [bears] the burden to establish the existence of conditions justifying retention of dependency jurisdiction. [Citation.]” (*Id.* at p. 1163.) Where, as here, a juvenile court rejects a parent’s argument to extend dependency jurisdiction at a hearing under section 364, subdivision (c), we conclude that the juvenile court found that the parent failed to carry her

evidentiary burden. (*In re J.M.* (2023) 89 Cal.App.5th 95, 111 (*J.M.*.)

II. Standard of review

Where the social services agency recommends termination of jurisdiction, and another party opposes that recommendation, the juvenile court determines whether the party bearing the burden of proving the existence of conditions justifying further supervision met that burden. (*In re N.O.* (2019) 31 Cal.App.5th 899, 925 (*N.O.*.) Our standard of review over a challenge to the juvenile court’s determination is “ ‘whether the evidence compels a finding in favor of the appellant[s] as a matter of law.’ ” (*Aurora P.*, *supra*, 241 Cal.App.4th at p. 1163; see also *N.O.*, at p. 926 [stating the test is whether appellant can show by undisputed facts that the juvenile court erred as a matter of law when it terminated dependency jurisdiction].) To meet the evidentiary burden, the appellant must establish that the evidence below was both “(1) ‘uncontradicted and unimpeached’ and (2) ‘of such a character and weight as to leave no room for a judicial determination that it was insufficient to support a finding.’ ” (*In re I.W.* (2009) 180 Cal.App.4th 1517, 1528). Thus, in the instant case, the test to be applied in analyzing mother’s claim of error is whether mother—who bore the burden of proof at the contested hearing—can show by undisputed facts that the juvenile court erred as a matter of law when it terminated jurisdiction over R.M. (See *Aurora P.*, at p. 1164.)

III. Analysis

Mother has not met her heavy burden of showing that the undisputed facts compel the conclusion that the juvenile court erred as a matter of law when it terminated jurisdiction over

R.M. *J.M.* is instructive. (*J.M. supra*, 89 Cal.App.5th at pp. 110–112.) In that case, the juvenile court assumed jurisdiction over the minor and her siblings, where the domestic violence and verbal altercations between mother and father in the children’s presence were causing them detrimental harm. (*Id.* at pp. 99–101.) The children were removed from the parents’ home to the home of their grandparents. (*Id.* at p. 101.) As the case progressed, the court eventually granted mother and father shared physical custody of the children. (*Id.* at p. 106.) When mother moved into her own apartment, the children spent most of their time with her, and the minor refused to have a relationship with father. (*Id.* at p. 107.) The juvenile court eventually terminated jurisdiction over the children, notwithstanding evidence that the parents were unable to coparent effectively and the minor continued to display “severe anxiety and mental health issues,” and father’s concerns that the minor refused to have a relationship with him, “was not going to school, was staying up all night, [and] never left the house.” (*Id.* at pp. 109–110.) Father appealed the juvenile court’s decision to terminate jurisdiction, arguing that it should have ordered six more months of services for the family based on the minor’s mental health issues. (*Ibid.*)

The reviewing court concluded that father failed to satisfy his burden. (*J.M., supra*, 89 Cal.App.5th at p. 111.) The court noted that the minor had not fully resolved her issues with anxiety and depression. (*Ibid.*) But she regularly attended individual therapy and conjoint therapy with mother, was taking medication, and mother was “committed to ensuring [minor’s] continued care.” (*Ibid.*) Thus, the court affirmed the order terminating jurisdiction, even though the minor’s problematic

behavior was still prevalent, because she had demonstrated signs of improvement, and conditions no longer existed to require the court's jurisdiction. Similarly, in *Aurora P.*, the reviewing court affirmed the juvenile court's termination of jurisdiction notwithstanding it had "some concerns" with mother's ability to care for her five children. (*Aurora P.*, *supra*, 241 Cal.App.4th at p. 1153.) In concluding the evidence did not compel a finding in the appellants' favor, the reviewing court emphasized the juvenile court's statement that the standard for termination of jurisdiction was not whether there were "some concerns," but rather, whether conditions existed which would justify the initial assumption of jurisdiction under section 300 or were likely to exist if supervision were withdrawn. (*Ibid.*)

Here, as in *J.M.* and *Aurora P.*, R.M.'s behavioral issues were not fully resolved, and concerns remained regarding R.M.'s use of alcohol and marijuana and his failing grades. Nevertheless, the record does not compel the finding that the juvenile court erred as a matter of law when it terminated jurisdiction. Rather, the record demonstrates that R.M. improved since DCFS's involvement, and that conditions did not exist which would justify the initial assumption of jurisdiction under section 300 and were not likely to exist if supervision were withdrawn. (See § 364, subd. (c).)

First, R.M.'s therapist, Alexander, reported "no safety concern[s]" for R.M. Indeed, R.M. told DCFS that he felt safe in the home with mother. Alexander provided that through therapy, R.M. learned to walk away and deescalate himself when he needed to cool off after a confrontation or incident, and he became more aware of his surroundings. As a result, Alexander reduced R.M.'s weekly therapy sessions to twice per month

because R.M. had met some of his goals and objectives. Alexander reported that he had also worked with R.M. to identify his stressors and to help him stay safe if he engaged in risky behaviors. He also noted that R.M. had not attempted to run away in the last four months. Alexander further stated that R.M. was open to ongoing therapy with a new provider once his case was terminated. Alexander intended to link R.M. to an appropriate service provider to address his ongoing needs for mental health and ensure R.M. was comfortable with the new therapist.

Second, R.M.'s Wraparound team agreed that he would benefit from a lower level of care, and he had the resources, through his IEP and through therapy with an appropriate service provider, to continue to participate in services once jurisdiction terminated. Third, although the May 2023 jurisdiction report indicated that R.M. admitted to intentionally cutting his arms approximately six months earlier, there was no evidence in the record he had engaged in any self-harm during the thirteen-month family maintenance period.

Fourth, the record contains evidence that mother, through partial compliance with the case plan, took steps to improve herself and overcome the situation that resulted in jurisdiction. Specifically, mother participated in Wraparound services for R.M. and was active with his team and needs. She attended Al-Anon classes and reported that she obtained valuable information from them, including an understanding of how to deal with her children's substance use. Mother also attended individual therapy and reported that her therapist helped her process past trauma and current situations with her children. Mother's therapist reported that she was "doing better than when she first

started,” appeared calmer, and took “more responsibility” instead of “trying to deflect.” Additionally, mother completed the NAMI family-to-family eight-week program and reported “learn[ing] a lot.”

Under these circumstances, there was ample evidence supporting the juvenile court’s decision to follow the recommendation of DCFS and conclude that conditions no longer existed to require its jurisdiction.

Mother fails to identify undisputed evidence that compels the conclusion that continued jurisdiction over R.M. was warranted. For instance, mother argues that the juvenile court failed to consider the family’s long history of encounters with child protective services, as well as R.M.’s siblings’ behavioral issues which “caused turmoil in the home.” The record overwhelmingly shows that DCFS and the juvenile court extensively considered the family’s numerous encounters, including his siblings’ well-documented behavioral issues, before terminating jurisdiction. Moreover, R.M.’s siblings no longer live with him at mother’s home. Therefore, the possible future impact of the siblings’ behavior on the home environment is not undisputed evidence that compels the conclusion that continued jurisdiction over R.M. was warranted.

Mother also argues that it is not clear from the record whether the juvenile court appropriately considered that R.M. was suspended for bringing a BB gun to school and that he claimed to own a gun. The record does not support mother’s allegation. On the contrary, at the May 18, 2023 hearing, the juvenile court explicitly expressed its concerns about R.M.’s claimed gun ownership and noted his suspension for bringing a BB gun to school. The court had also received information that

DCFS investigated and found no evidence that R.M. owned a gun. In response to the court's statement that it was "very concerned" about R.M.'s claimed gun ownership, R.M.'s attorney informed the court that R.M. stated he no longer owned a BB gun and admitted that his claims of gun ownership were not true. Thus, nothing in the record suggests that the court overlooked or failed to consider R.M.'s claimed gun ownership or his suspension for bringing a BB gun to school. Although mother argues that it "would be wise" to provide R.M. with six months of additional services to "address these issues," that is not the standard for reversal. Lastly, as to mother's unsupported belief that father may have possessed a gun in his home, there is no evidence in the record, let alone undisputed evidence, that there was a gun in father's home, or that R.M. had access to a gun. Finally, the record contradicts mother's assertion that the juvenile court failed to address risk to R.M. when it terminated jurisdiction. The juvenile court explicitly found that continued supervision was not necessary because R.M. was "safe." Moreover, the juvenile court considered DCFS's recommendation to terminate based on its finding that the risk for ongoing abuse of R.M. remaining at the home with mother had gone from "very high" to "moderate," as well as DCFS's counsel's statements to the court that "the case does not have any pending safety issues and conditions that require the court to continue supervision."

R.M.'s continued use of alcohol and marijuana, frequent truancy, and poor grades raise concerns. These circumstances do not, however, compel the conclusion that the juvenile court erred as a matter of law when it concluded that the conditions that brought the case before the court no longer existed and were not likely to exist if supervision were withdrawn. At most, mother's

arguments in support of reversal “direct us to evidence in the record that might have supported a conclusion different from that reached by the juvenile court.” (*Aurora P.*, *supra*, 241 Cal.App.4th at p. 1164.) But this is insufficient to meet her heavy burden of proof. Since the totality of the evidence does not compel a finding in mother’s favor, we affirm the juvenile court’s decision to terminate jurisdiction.

DISPOSITION

The juvenile court order is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

HANASONO, J.

We concur:

EGERTON, Acting P. J.

ADAMS, J.