Filed 12/29/25 In re K.P. CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re K.P., A Person Coming Under the Juvenile Court Law. _____ LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. KH.P., Defendant and Appellant.	B341859 (Los Angeles County Super. Ct. No. 24CCJP02649B)

Appeal from orders of the Superior Court of Los Angeles County, Natalie Nardecchia, Judge. Affirmed.

Michelle L. Jarvis, under appointment by the Court of Appeal, for Defendant and Appellant Kh.P.

Dawyn R. Harrison, County Counsel, Kim Nemoy, Assistant County Counsel, and Jessica S. Mitchell, Deputy County Counsel, for Plaintiff and Respondent Los Angeles County Department of Children and Family Services.

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Appellant Kh.P. (Father) challenges the juvenile court's jurisdictional findings against him in dependency proceedings concerning K.P., Father's now five-year-old son with special needs. Father also challenges dispositional orders (1) removing K.P. from his custody, (2) restricting Father to monitored visits with K.P., and (3) requiring Father to submit to six random, on-demand drug tests. Father contends the challenged findings and orders are based exclusively on his prior criminal record, and that such evidence is insufficient to support jurisdiction, removal, and the other dispositional orders.

We conclude that substantial evidence supports the jurisdictional findings and removal order: In addition to Father's criminal history, the record contains evidence supporting that, even after the Department of Children and Family Services (DCFS) initiated its investigation in this case, Father persisted in criminal conduct involving illegal drugs and firearms that would pose a substantial risk to K.P. were he in Father's custody. And the record reflects that Father failed to take any steps to secure services to address K.P.'s special needs.

Based on this same evidence, we further conclude that the court acted within its discretion in issuing the visitation and drug testing orders.

Accordingly, we affirm.

FACTUAL AND PROCEDURAL SUMMARY

We summarize here only the facts and procedural history relevant to our resolution of this appeal.

A. DCFS Referral and Resulting Investigation

In July 2024, DCFS received a report that Mother had abandoned K.P. at his maternal grandmother's home. The caller further reported that, on July 5, the maternal grandmother had

been hospitalized for colon cancer. The maternal grandmother died approximately two weeks later. Although a maternal great aunt stepped in to care for K.P. temporarily, she allegedly told the reporting party she could not do so on a long-term basis.[1]

On July 16 and 17, 2024, a social worker interviewed K.P. and the maternal great aunt. The social worker reported that K.P., then four years old, was "non-verbal, in diapers, unable to make eye contact, hyperactive[, and] unable to focus and listen to voice commands." The maternal great aunt told the social worker that Mother was "nowhere to be found." As to Father, the maternal great aunt knew only that he "[went] by the moniker 'Black.' " In addition, the maternal great aunt confirmed the caller's report that she did not feel she could provide a permanent home for K.P. in light of his special needs. To the maternal great aunt's knowledge, neither the maternal grandmother nor K.P.'s parents had attempted to secure any services for K.P. to address his special needs.

On August 13, 2024, Mother contacted the assigned social worker. Mother stated she was homeless and living temporarily in Las Vegas, Nevada. The social worker asked Mother why she did not come back to care for K.P. after the maternal grandmother died. Initially, Mother failed to provide a responsive answer, but eventually she explained: " 'I do want my kids[,] but I'm not ready right now. I do not know where to start. I think that is my biggest worry, where would I go?' "

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[1] The reporting party made these same allegations concerning Kaden D., Mother's son by another father. Because K.P. is the sole subject of this appeal, we reference Kaden only to the extent relevant to K.P.'s dependency proceedings.

When the social worker asked whether Father might be able to care for K.P., Mother replied:

"[K.P.'s] dad is really inconsistent, I don't know. I went through a lot of domestic violence with him. He gave me like [six] black eyes. I really do not want to say anything bad about him. I do not want to get him in trouble[,] but I do not care anymore. I went through a lot of stuff with him. It was hard to leave my son with him. He is just not reliable."

On August 14, 2024, the social worker interviewed Father telephonically. Father remarked he was "so glad" the social worker had contacted him because Mother had told him K.P. was in Ohio and Father had "been looking for [K.P.]" Father explained " 'this ha[d] not been [the family's] situation since [K.P.] was born. [Mother and I] were actually together. We were living together and [Mother] was working at [a local university]. We were together for two years before . . . K.P. was born. The last year and a half, everything went bad for them." Father further explained that the maternal grandmother, Mother, and K.P. had been experiencing housing instability, and that Mother had blocked Father's phone number. Mother would reach out to Father only when she needed money. As a result, Father had seen K.P. only three times in the last 18 months.

Notwithstanding Father's infrequent contact with K.P., Father told the social worker, "I want my son fully." He reported he was employed and that his sister (with whom he lived), brother, girlfriend, and the mothers of his other children[2] would serve as his support system in caring for K.P. Father did not expressly address K.P.'s special needs, apart from stating: "I do need help with [K.P.]

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[2] Father has seven children. It appears from the record that K.P. is the only child he and Mother share.

I know he has been sheltered a lot." When the social worker asked Father about his criminal history, Father explained he "ha[d] a criminal background" and had been arrested very recently for possessing a gun because he "was not supposed to have one." He further explained his "lawyer [was] fighting" the issue.

B. Section 300 Petition and Initial Hearing

On August 22, 2024, DCFS filed a three-count Welfare and Institutions Code[3] section 300 petition on behalf of K.P. The petition alleged dependency jurisdiction over the child based on a substantial risk of harm arising from his parents' failure to protect and provide for him. (§ 300, subd. (b)(1)(A) & (C); *id.*, subd. (g).)

In counts b-1 and g-1, DCFS alleged that "[o]n numerous prior occasions and since April of 2023," Mother had left [K.P.] with [his] maternal grandmother "without making an appropriate plan for [his] ongoing care and supervision" or providing the maternal grandmother with a means of contacting her. DCFS further alleged that, after the maternal grandmother died in July 2024, Mother again failed to make an appropriate plan for K.P.'s care. Finally, DCFS alleged that "[K.P.] has special needs which require parental consent[,] but . . . [M]other failed to provide for the needs of the child."

In count b-2, DCFS alleged that Father "ha[d] a long criminal history includ[ing] for possession of [a] controlled substance[, assault,] robbery, spousal abuse, and is a registered sex offender and a registered substance abuse offender." (Capitalization omitted.) DCFS further alleged that "[F]ather's criminal history

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[3] Further statutory references are to the Welfare and Institutions Code.

and conduct endangers [K.P.'s] physical safety and emotional well-being[,] placing the child at risk of serious physical and emotional harm and damage."

In advance of the August 23, 2024 initial hearing on the petition, DCFS filed a report indicating DCFS had placed K.P. with paternal cousin L.M. and recommending the court detain K.P. from both parents. As relevant here, the report described Father's criminal history as too "extensive to summarize" and directed the court to consult several attachments purporting to document the history. DCFS, however, neglected to provide the court with the referenced attachments.

Father appeared at the August 23 hearing, and his appointed counsel argued that Father's "criminal history [was] not a basis for detention" because "there [was] no nexus between [the] alleged criminal history and [K.P.'s] safety." Father's counsel further argued that Father lived with K.P. "from [K.P.'s] birth [in 2020] to 2023, and there [was] no evidence to show that [K.P.] was abused, neglected, or placed at risk of harm during those three years."

The court rejected Father's arguments and detained K.P. from both parents. The court further ordered that K.P. remain in his temporary placement with paternal great aunt L.M. and set the adjudication hearing on the petition for September 19, 2024.

Between the initial detention hearing and the scheduled adjudication hearing, paternal great aunt L.M. told DCFS that K.P. was "too much for [her] to care for" because "[h]e need[ed] around-the-clock care." DCFS then placed K.P. with paternal great aunt T.P. K.P. remained in this placement for the duration of the proceedings giving rise to this appeal.

C. Adjudication and Disposition Hearings

At the scheduled September 19, 2024 adjudication hearing, Father's counsel appeared and requested a continuance because Father had been arrested, was incarcerated in the county jail, and therefore could not appear for the hearing. (At a subsequent hearing, Father's counsel informed the court that authorities had arrested Father for misdemeanor battery (see *post*).) The court continued the adjudication to September 26, 2024.

DCFS filed a "jurisdiction/disposition" report in preparation for the hearing. (Capitalization omitted.) In the report, DCFS recommended that the court remove K.P. from both parents and order family reunification services.

In support of the recommendation, DCFS provided the court with a California Law Enforcement Telecommunications System (CLETS) report summarizing Father's criminal history. The CLETS report indicated authorities had arrested Father many times, and that Father had suffered nearly a dozen convictions dating back to 1997, including for drug and firearm-related offenses. In addition, the report included three entries supporting that Father previously had engaged in domestic violence: (1) a dismissed 2015 charge for battery against a current or former romantic partner, or current cohabitant (Pen. Code, § 243, subd. (e)(1)), (2) a 2016 conviction for infliction of corporal injury upon a current or former romantic partner, or current or former cohabitant (Pen. Code, § 273.5, subd. (a)), and (3) a dismissed 2018 charge, again for infliction of corporal injury upon a romantic partner or cohabitant (Pen. Code, § 273.5, subd. (a)). Finally, the CLETS report identified Father as a registered sex offender and registered substance abuse offender, although the report provided no information concerning the nature or circumstances of the offenses leading to those designations.

The "jurisdiction/disposition" report also included statements from Mother and Father providing context for some of the entries in the CLETS report. (Capitalization omitted.) For example, as to Father's history of domestic violence, Mother stated: "My kids [have] never seen domestic violence, it happened in 2017. . . . [Father and I] haven't been together in years." And as to the sex offender and substance offender designations, Father explained:

" 'The sexual offender was a misdemeanor and that happened while I was in jail. I was standing in the visiting area and had my hands in my trouser area. The officer stereotyped me and gave me indecent exposure for holding my hands in my pants. I was profiled. This was 2006 or 2007. The substance offender is from something when I was young. This was over 20 years ago. I am not using.' "

Finally, the "jurisdiction/disposition" report indicated that Father admitted he previously had used ecstasy and cocaine, but had been "clean for the past [four] years."[4] (Capitalization omitted.) The report further noted that Father had submitted to a drug test on August 21, 2024, and tested negative for all substances.

The day before the rescheduled hearing, DCFS also filed a "last minute information" report indicating that the district attorney recently had charged Father with possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)(1)). The charges stemmed from an incident that took place on August 8, 2024—i.e., two weeks before DCFS filed the section 300 petition.

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[4] The "jurisdiction/disposition" report also states that Father "admitted to regular marijuana use" (capitalization omitted), but the report fails to provide any information concerning when or to whom Father allegedly made this admission.

At the September 26, 2024 continued adjudication hearing, Mother waived her right to trial, and the court sustained "with some line edits" the b-1 and g-1 counts alleged against her.[5] Father urged the court to dismiss the b-2 count against him. Father's counsel acknowledged that authorities had arrested Father twice within the preceding two months, but urged that DCFS had failed to demonstrate that Father's conduct posed a risk of harm to K.P.:

"[Father's counsel]: . . . So we have some recent arrests. [Father] would like to be honest with the court that he was recently arrested for misdemeanor battery. That's why he was recently arrested. But that got dismissed and, clearly, he's here; he's in court. And prior to that, he was arrested for possessing a gun, but I don't see any nexus or current risk from either one of these arrests. . . . So, Your Honor, there's zero evidence that [K.P.] was harmed or placed at risk of harm by any of [Father's] criminal conduct, [much] of which occurred years and years prior to [K.P.] being born."

During argument, the court and parties discovered that DCFS inadvertently had failed to provide certain documents to Father's counsel in advance of the hearing. The court therefore continued the remainder of the adjudication hearing to October.

In preparation for the continued hearing, DCFS filed additional documents concerning Father's criminal history. The documents indicated, inter alia, that in 2007, Father suffered a conviction for misdemeanor indecent exposure (Pen. Code, § 314). The documents further indicated that, in March 2014, the criminal court sentenced Father to 100 days in jail due to his "fail[ure] to

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[5] The sustained, interlineated petition does not appear in our record.

comply with [the] terms and conditions of supervised release, attend sex offender treatment[,] and charge [his] GPS tracking device."

DCFS also filed copies of the incident report memorializing Father's August 8, 2024 arrest. The incident report stated that officers observed a recreational vehicle with expired registration parked in a lot. As they approached the vehicle, Father and a woman opened its passenger's side door. The officers ordered Father and the woman to exit the vehicle and then searched Father and the vehicle itself. From Father's person, officers recovered a dollar bill "folded into a bindle with visible residue of a white crystalline substance resembling methamphetamine," a "plastic bag containing a white, crystalline substance resembling methamphetamine," and a cell phone. Inside the vehicle, officers found a loaded gun with the serial number removed, another cell phone, and a small scale. The incident report opined that the items recovered from Father's person and the vehicle supported that Father "was in possession of methamphetamine for the purpose of sales."

Finally, DCFS provided a copy of the felony complaint against Father filed as a result of the August 8 incident. The complaint charged Father with a single count—possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)(1)). The charge remained pending for the duration of the dependency proceedings at issue in this appeal.

Following additional continuances, Father's adjudication hearing went forward on October 30, 2024. At the hearing, Father's counsel again argued that DCFS had failed to establish a nexus between Father's criminal history and any risk to K.P. Father's counsel further argued that the materials produced by DCFS confirmed that Father's sex offender status resulted from a conviction for misdemeanor indecent exposure committed while

Father was incarcerated and thus necessarily outside the presence of any minors. Father's counsel therefore requested dismissal of the b-2 count against Father.

In response, DCFS urged the court to sustain the allegations against Father, arguing in pertinent part:

"The fact that . . . Father is a felon is not sufficient in and of itself to be jurisdictional . . . and therefore, [Father] will be assessed on his actions and how they pertain to [K.P.'s] safety[,] rather than on a recitation of his arrests and convictions. [¶] . . . [¶] [Father's criminal history records] reflect that [he] failed to comply with [the] terms and conditions of supervised release, including failing to attend sex offender treatment and failing to charge his GPS tracking device, and he was jailed for [100] days as a result of these violations. [¶] . . . [¶] There is a current risk because there's no evidence of any change in . . . Father's conduct or any change in circumstances. Just a few weeks ago, he was incarcerated on his most recent pending criminal charges . . . . [¶] . . . [¶] . . . Father's criminal history of multiple felony domestic violence arrests and convictions, as well as his history for convictions of several other violent crimes involving firearms and drugs, and the requirement to register as a sex offender[,] considered with Mother's statements confirming that . . . Father perpetrated domestic violence against her, supports a nexus between . . . Father's past violent conduct and criminal history and a risk of harm to [K.P.]"[6]

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[6] DCFS did not argue before the juvenile court (and does not argue on appeal) that Father's sex offender status gave rise to a presumption that K.P. was at risk of abuse or neglect. Section 355.1, subdivision (d) creates such a presumption in certain circumstances (e.g., where a parent has suffered a felony conviction that requires registration as a sex offender) (see § 355.1, subd. (d)),

K.P.'s counsel likewise urged the court to sustain the b-2 count against Father, arguing that "[e]xposing a four[-]year[-]old, especially one like [K.P.] who has special needs and is very active and very handsy and likes to grab stuff . . . to . . . meth[amphetamine and] guns . . . [is] very risky."

The juvenile court sustained the allegations against Father, explaining:

"This case . . . required very careful analysis because . . . [DCFS] can't rely exclusively on a list of convictions or incarcerations for a parent. . . . [¶] . . . DCFS has to establish a nexus between past conduct and current risk of harm. It can't be speculative and there has to be something to suggest that the crimes would involve children or put a child at risk . . . .

"[¶] . . . [¶]

"But I do think, in this case, . . . the evidence . . . regarding domestic violence . . . coupled with the very recent criminal activity, only a couple months ago, where [Father] also had a meth[amphetamine] amount much larger than for personal use, [a] gun without a serial number on it . . . . [¶] . . . [T]hose things are also endangering situations. If the child was to be in his care, meth[amphetamine] use, meth[amphetamine] sales, firearm unlawfully possessed. . . . [¶] So I do think in this case, [DCFS] did establish a nexus. . . . [T]here's more than just a criminal history. There are facts that fl[e]sh out the risks to [K.P.,] who's four and does have special needs as well. . . . [¶] So I think based on the totality of all the evidence, [DCFS] did meet its burden on the b-2 count . . . , so I will sustain that."

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but DCFS does not contend the subdivision applies where, as here, a parent's sex offender status appears to result from a misdemeanor indecent exposure conviction.

The court then proceeded to the dispositional phase of the hearing and removed K.P. from both parents. The court explained it was removing K.P. from Father "for the reasons the court went over earlier in the trial, the nexus of harm. . . . [¶] Namely, very recent arrests and evidence . . . that there was substantial meth[amphetamine] use, sales, firearms, . . . [and Father's] failure to address the different concerns, including the sex offender terms that were part of the parole, and given [K.P.'s] age and special needs."

Finally, the court ordered Father to complete six random, on-demand drug tests, and restricted Father to monitored visits with K.P.

Father timely appealed the court's jurisdictional and dispositional orders.[7]

DISCUSSION

A. Substantial Evidence Supports the Jurisdictional Findings

Father contends no substantial evidence supports the juvenile court's jurisdictional findings against him. We disagree.

Preliminarily, we note our agreement with the parties that we should address Father's jurisdictional argument on the merits. Although the court's unchallenged findings involving Mother create an independent basis for jurisdiction, review of the jurisdictional

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[7] Father's notice of appeal incorrectly identifies October 28, 2024 as the date of the adjudication and disposition hearing. We construe the notice as identifying the correct, October 30, 2024, hearing date. (See *Russell v. Foglio* (2008) 160 Cal.App.4th 653, 661 [notice of appeal must be liberally construed to protect the right of appeal whenever it is " 'reasonably clear what appellant was trying to appeal from' "].)

findings against Father is appropriate because they serve as the basis for the dispositional orders he challenges. (See *In re D.P.* (2023) 14 Cal.5th 266, 283 (*D.P.*) [where a jurisdictional finding serves as the basis for dispositional orders that are also challenged on appeal, the appeal is not moot]; *In re S.R.* (2025) ___ Cal.5th ___ [2025 WL 3441901].)

"In reviewing a challenge 'to the sufficiency of the [juvenile] court's jurisdictional findings, our power begins and ends with a determination as to whether substantial evidence exists, contradicted or uncontradicted, supporting the . . . court's determinations. We review the evidence in the light most favorable to the . . . court's findings and draw all reasonable inferences in support of those findings. [Citations.] Thus, we do not consider whether there is evidence from which the [juvenile] court could have drawn a different conclusion but whether there is substantial evidence to support the conclusion that the court did draw.' [Citation.]" (*In re J.N.* (2021) 62 Cal.App.5th 767, 774 (*J.N.*).)

"Under section 300, subdivision (b), the juvenile court may assert jurisdiction over a child when '[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child . . . or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse." (*In re John M.* (2012) 212 Cal.App.4th 1117, 1124 (*John M.*), criticized on an unrelated ground in *In re Zoe H.* (2024) 104 Cal.App.5th 58, 61.)

"In order to sustain a petition under section 300, a significant risk to the child must exist ' "at the time of the jurisdiction

hearing." ' [Citations.] DCFS 'has the burden of showing specifically how the minor[ ] ha[s] been or will be harmed.' [Citation.] Evidence of past conduct may be probative of current conditions, and may assist DCFS in meeting this burden. [Citation.] [But] DCFS must establish a nexus between the parent's past conduct and the current risk of harm." (*J.N.*, *supra*, 62 Cal.App.5th at p. 775.) The juvenile court, however, "need not wait until a child is seriously abused or injured to assume jurisdiction and take steps necessary to protect the child." (*In re Cole L.* (2021) 70 Cal.App.5th 591, 602.)

Relying on *In re Sergio C.* (1999) 70 Cal.App.4th 957 (*Sergio C.*), Father argues his "criminal history alone is not enough to support jurisdiction," and that DCFS failed to meet its burden of demonstrating a nexus between his criminal history and a risk of harm to K.P. *Sergio C.*, however, is distinguishable. In that case, the father had not sustained any criminal convictions and his most recent arrest (for a misdemeanor offense) had occurred two years before the dependency proceedings commenced. (*Sergio C.*, *supra*, 70 Cal.App.4th at p. 960 [reversing jurisdictional findings and drug testing requirements imposed on the father].) DCFS therefore conceded there was "insufficient proof of [the father's] alleged history of prior convictions to support the order sustaining the petition." (*Ibid.*)

Here, in contrast, the record supports that Father has an extensive history of convictions and that his criminal conduct posed a serious risk of harm, particularly given that Father sought physical custody of K.P. Indeed, only two weeks before DCFS initiated the dependency proceedings, authorities discovered Father in possession of a substance resembling methamphetamine in a quantity large enough to suggest Father intended to sell the drug. Authorities also recovered from Father's vehicle a loaded firearm

that Father admitted he knew he "was not supposed to have" as a convicted felon. In light of K.P.'s age and special needs, the presence of illegal drugs and loaded firearms in Father's home or vehicle would pose a serious risk of harm.

Father insists we must reverse the juvenile court's jurisdictional findings because there is no evidence his criminal conduct ever previously exposed K.P. to a risk of harm. Implicit in this contention is the assumption that, if Father secures physical custody of K.P., Father will not engage in risky criminal conduct in the child's presence. But the record here supports the opposite inference: DCFS presented evidence that Father's criminal history spans decades, that he failed ever to complete his sex offender treatment, and that he persisted in criminal conduct immediately before and during the underlying dependency proceedings. It thus appears that Father lacks insight into the risks his conduct poses and therefore is unlikely to modify his behavior without court intervention. (See *In re Esmeralda B.* (1992) 11 Cal.App.4th 1036, 1044 (*Esmeralda B.*) ["denial is a factor often relevant to determining whether persons are likely to modify their behavior in the future without court supervision"].)

Accordingly, we reject Father's challenge to the sufficiency of the evidence supporting the juvenile court's jurisdictional findings.

B. Substantial Evidence Supports the Removal Order

We likewise reject Father's contention that no substantial evidence supports the court's order removing K.P. from his custody.

Section 361, subdivision (d)—which the parties agree is the relevant statute here[8]—permits removal from a parent with whom the child did not reside when the petition was filed only upon a finding by clear and convincing evidence of a current "substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child," were the parent "to live with the child or otherwise exercise the . . . right to physical custody." (§ 361, subd. (d).)

We review a juvenile court's removal order for "substantial evidence from which a reasonable fact finder could have found it highly probable that the [challenged findings were] true," giving deference to the court's evidentiary findings. (*Conservatorship of O.B.* (2020) 9 Cal.5th 989, 1011.)

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[8] We note that, at the October 30, 2024 adjudication hearing, DCFS also argued that placing K.P. with Father would be "detrimental" to K.P. within the meaning of section 361.2.

"There are questions regarding the interplay between [section] 361[, subd.] (d) and [section] 361.2 (placement with noncustodial parent). Under [section] 361[, subd.] (d), the standard for removal is higher—requiring substantial danger and a no reasonable means of protection without a removal finding—as opposed to the [section] 361.2 standard that placement would be detrimental to the child's 'safety, protection, physical or emotional wellbeing.' It may be that [section] 361.2 . . . applies to a noncustodial parent who 'requests custody' when a child is removed from a custodial parent and [section] 361[, subd.] (d) applies when the noncustodial parent does not request custody." (1 Seiser & Kumli, Cal. Juvenile Courts Practice and Procedure (2025) § 2.126.)

In any case, we need not resolve these questions, because we conclude the record contains substantial evidence supporting removal even under the more demanding section 361, subdivision (d) inquiry.

Here, as set forth *ante*, the record supports that Father had an extensive criminal history, persisted in criminal conduct even after DCFS commenced its investigation, and failed to acknowledge the risks to K.P. arising from the conduct. (See *Esmeralda B.*, *supra*, 11 Cal.App.4th at p. 1044.) Further, DCFS presented evidence that Father had visited K.P. only a handful of times during the preceding 18 months and had failed to take any steps to secure appropriate services for K.P., who still was nonverbal and wearing diapers at four years of age. (See *John M.*, *supra*, 212 Cal.App.4th at p. 1127 [removal affirmed where blind and autistic child had history of neglect and parent failed to follow through with necessary services]; see also *In re Briana V.* (2015) 236 Cal.App.4th 297, 311 ["At disposition, the juvenile court is not limited to the content of the sustained petition when it considers what dispositional orders would be in the best interest of the children. [Citations.] Instead, the court may consider the evidence as a whole"].) Substantial evidence thus supports that placing K.P. in Father's physical custody would result in substantial danger to K.P.'s physical and emotional well-being.

Father fails to persuade us otherwise. He urges "[t]here were reasonable means by which [K.P.] could be protected without removing him from [F]ather's care" because "Father had mainly lived with the paternal aunt[, J.K.], and [K.P.] could have been placed with [F]ather on [the] condition that he live with [J.K.]" But Father fails to explain how the presence of J.K. in the home would mitigate the risks associated with Father's continued criminal conduct or aid Father in meeting K.P.'s special needs.

Accordingly, we conclude substantial evidence supports the juvenile court's removal order.

C. The Court Acted Within Its Discretion In Restricting Father to Monitored Visits and Ordering Father To Submit to Six Drug Tests

Finally, we reject Father's contention that the juvenile court abused its discretion by restricting him to monitored visits with K.P. and by ordering Father to submit to six random, on-demand drug tests. (See *In re D.P.* (2020) 44 Cal.App.5th 1058, 1070 [appellate court reviews a juvenile court's visitation order for abuse of discretion]; *Sergio C.*, *supra*, 70 Cal.App.4th at p. 960 [appellate court reviews juvenile court's drug testing order for abuse of discretion].)

As to the visitation order, Father relies exclusively on the same arguments he made concerning the removal order "and just reiterate[s] that there was no evidence of current risk of harm to [K.P.]" We reject Father's challenge to the visitation order for the same reasons we rejected his challenge to the removal order (see *ante*).

As to the drug testing requirement, Father urges the court abused its discretion because the criminal court already had ordered him to attend narcotics anonymous meetings, he represented he had been sober for four years, and he tested negative for all substances on August 21, 2024. He argues the record therefore contains "no evidence of current drug use."

In support of his arguments, Father again urges us to follow *Sergio C.*, in which we reversed a drug testing requirement imposed on one parent where the only evidence of his drug use came from the unsworn allegations of the other parent. (*Sergio C.*, *supra*, 70 Cal.App.4th at p. 959.) Father also relies on *In re Basilio T.* (1992) 4 Cal.App.4th 155, in which the appellate court reversed a dispositional order requiring substance abuse counseling because the only evidence of the parent's substance abuse consisted of "the

social worker's observation that [the parent] behaved somewhat out of the usual and was obsessed with discussing a fortune-making invention." (*Id.* at p. 172, superseded by statute on another point as recognized in *In re Lucero L.* (2000) 22 Cal.4th 1227, 1239–1242.)

But this case is not like *Sergio C.* or *Basilio T.*: Here, DCFS produced an incident report from the Los Angeles County Sheriff's Department supporting that Father possessed a significant quantity of a substance resembling methamphetamine on August 8, 2024—less than two months before the adjudication and disposition hearing. Given this evidence, we cannot conclude the court erred by ordering Father to submit to a discrete number of on-demand drug tests.

Accordingly, we affirm the court's visitation and drug testing orders.

DISPOSITION

The findings and orders Father challenges on appeal are affirmed.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

We concur:

BENDIX, J.

WEINGART, J.