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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re D.S., a Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and Respondent,

v.

Z.A.,

Defendant and
Appellant.

B345472

(Los Angeles County
Super. Ct. No. 25CCJP00067A)

APPEAL from order of the Superior Court of the County of
Los Angeles, Tara Newman, Judge. Affirmed.

Donna B. Kaiser, under appointment by the Court of
Appeal, for Defendant and Appellant.

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

Appellant Z.A. (father), the alleged father of D.S. (born 2008), appeals from the juvenile court’s jurisdictional findings pursuant to Welfare and Institutions Code section 300.¹ We affirm.

FACTUAL AND PROCEDURAL BACKGROUND²

A. Referral, Detention, and Initial and Amended Dependency Petitions

D.S. first came to the attention of the Los Angeles County Department of Children and Family Services (DCFS) in 2019. In the years to follow, DCFS received referrals describing physical and emotional abuse and general neglect by D.S.’s mother, Danielle S. (mother), and sexual exploitation of the child by third parties. In March 2024, DCFS received a referral alleging that father pushed D.S. against a wall and choked her.

In January 2025, DCFS was notified that mother had abandoned D.S., then 16 years old. DCFS filed an initial petition

¹ Undesignated statutory references in the opinion are to the Welfare and Institutions Code.

² We do not recite the entire factual and procedural background, as the parties are familiar with the facts of the case and its procedural history. (*People v. Garcia* (2002) 97 Cal.App.4th 847, 851 [unpublished opinion merely reviewing correctness of trial court’s decision “does not merit extensive factual or legal statement”].)

asserting counts under section 300, subdivisions (b)(1) and (g), alleging that D.S. was at substantial risk of physical harm due to mother's unwillingness to provide supervision, care, and basic necessities. D.S. was taken into protective custody and subsequently ordered detained.

D.S. described to a social worker altercations during which mother struck her. Mother reported that D.S. had behavioral issues that were "too much" for her to handle and contributed to their inability to secure stable housing.

According to mother, a DNA test completed shortly after D.S.'s birth confirmed father was the child's biological father. Mother also reported that father held himself out as a parent and received D.S. into his home, including a two-week stay in 2023 while mother was hospitalized and another stay in February 2024.

Father acknowledged he had sexual relations with mother, but he denied an earlier DNA test established paternity. DCFS recommended he take a paternity test, but father did not agree to one. Father indicated he did not wish to participate in the proceedings or have any relationship with D.S. or mother.

In February 2025, DCFS filed an amended petition that asserted new counts against mother, alleging mother's mental health problems, alcohol abuse, and physical and emotional abuse of D.S. A count under section 300, subdivision (b)(1), alleged that mother struck D.S., yelled at her using demeaning language, and prevented D.S. from returning to her care after they argued. New counts against father alleged that he placed D.S. at serious risk of physical harm (§ 300, subds. (a), (b)) in February 2024 by pushing and choking her and by striking her with a belt and a charging cable on earlier occasions. DCFS also

alleged that father left D.S. without providing for her (§ 300, subd. (g)). More specifically, he failed to provide ongoing parental care, supervision, and basic necessities, and stated his unwillingness to care for her.

At a hearing in March 2025, the juvenile court appointed counsel for father and found him to be an alleged father.

B. Jurisdiction and Disposition Hearing

At the combined jurisdiction and disposition hearing in April 2025, mother pleaded no contest to a single count in the amended petition, as modified by interlineation, pursuant to a settlement agreement. This count alleged that mother placed D.S. at risk of physical and emotional harm or damage pursuant to section 300, subdivision (b)(1). The other counts against her were stricken.

Father was present at the hearing through his attorney's speakerphone but did not testify. His counsel requested that father be stricken from the petition as a nonparty. The juvenile court denied this request and stated its prior order that father was an alleged father would remain in place.

After admitting DCFS's reports into evidence and hearing argument, the juvenile court sustained the counts under section 300, subdivisions (a), (b), and (g), against father. The court found DCFS demonstrated that father pushed and choked D.S. but did not prove that father struck D.S. with objects. D.S. was declared a dependent of the court and placed in mother's home. Father appealed from the jurisdictional findings.³

³ Father's notice of appeal identifies "[s]ection 388" findings made on April 1, 2025, as the order from which he appealed. The same

DISCUSSION

On appeal, father argues the physical abuse finding was not supported by substantial evidence. He also argues that his status as an alleged father precluded a finding that he left D.S. without providing support. He asks for the juvenile court's findings against him to be stricken.⁴

A. DCFS's Request for Judicial Notice and Mootness

With its brief, DCFS filed a request for judicial notice of minute orders dated September 30 and October 3, 2025, in which the juvenile court terminated its jurisdiction and awarded mother sole physical and legal custody of D.S. We granted the unopposed request by separate order. (Evid. Code, § 452, subd. (d); *In re M.F.* (2022) 74 Cal.App.5th 86, 110 [orders entered after the ruling challenged on appeal are admissible to allow a reviewing court to determine whether appeal is moot].)

Though DCFS does not address the significance of these orders, “[a]n order terminating juvenile court jurisdiction generally renders an appeal from an earlier order moot.” (*In re Rashad D.* (2021) 63 Cal.App.5th 156, 163.) Nevertheless, “a

notice attaches a handwritten note stating father's desire to “appeal the ruling made on 4/1/25” that he physically abused D.S. DCFS does not object to construing father's appeal to be taken from the April 1, 2025, jurisdictional findings, which were made under section 300, and we construe it as such. (See *In re Joshua S.* (2007) 41 Cal.4th 261, 272.)

⁴ Father does not contest the exercise of jurisdiction over D.S., which was based in part on mother's no contest plea to the section 300, subdivision (b) count. (See *In re Troy Z.* (1992) 3 Cal.4th 1170, 1181 [no contest plea “admits all matters essential to the court's jurisdiction over the minor”]; *In re B.H.* (2024) 103 Cal.App.5th 469, 480 [jurisdiction may exist based on one parent's conduct].)

parent’s appeal from a juvenile court’s jurisdictional finding survives a mootness challenge where the parent shows that an agency must report the allegation underlying the court’s finding for inclusion” in the Child Abuse Central Index (CACI) (Pen. Code, § 11170). (*In re S.R.* (2025) 18 Cal.5th 1042, 1048; see *In re D.P.* (2023) 14 Cal.5th 266, 279 (*D.P.*) [describing consequences to parents who are included in the CACI].) Father, in his reply brief, contends the finding of “serious physical child abuse” is prejudicial because he will be included on the CACI.

The juvenile court’s termination of its jurisdiction renders this appeal moot. Nevertheless, we exercise our discretion to consider father’s challenges to the jurisdictional findings against him.

B. Finding of Physical Abuse

We review challenges to the sufficiency of the evidence underlying jurisdictional findings for substantial evidence. (*In re Miguel J.* (2025) 114 Cal.App.5th 635, 645.) ““In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court’s determinations; and we note that issues of fact and credibility are the province of the trial court.”” (*In re I.J.* (2013) 56 Cal.4th 766, 773.) The appellant bears the burden of demonstrating that there is no evidence of a sufficiently substantial nature to support the jurisdictional findings. (*In re Travis C.* (2017) 13 Cal.App.5th 1219, 1225.)

Undisputed evidence established that an altercation occurred between father and D.S. in his home in February 2024.

However, father and D.S. provided DCFS with very different accounts of what transpired during the conflict.

Father denied using any physical force. He told a DCFS investigator that he asked D.S. to stop making noise at 2:00 a.m. and go to sleep. D.S. pulled out a knife and warned him to not ““get close.””

D.S. acknowledged that she had been playing her phone loudly and father demanded that she stop. However, she said, father “start[ed] cussing [her] out” and called her “dumb.” (Boldface omitted.) Then, father “used his hands to push her against the wall,” “used one hand to apply pressure to her neck,” and choked her for “approximately 30 seconds.” (Boldface omitted.) D.S. stated that she “got him off [] and ran and tried to get a knife” (boldface omitted) but was unable to find one. Asked by an investigator why she wanted a knife, D.S. answered, “Because I was scared . . . He’s hit me before.” (Ellipses in original, boldface omitted.)

Mother reported that she was awakened by screaming. D.S., she said, accused father of choking her, while father stated he had only “shoved” D.S.

The juvenile court sustained the allegations that father forcefully pushed D.S. against a wall and used one hand to apply pressure to her neck. It credited D.S.’s description of the incident and mother’s acknowledgment that a confrontation occurred. We defer to these credibility assessments. (See *In re Joseph B.* (1996) 42 Cal.App.4th 890, 901 [“We will not disturb the juvenile court’s assessment of [the child’s] attitude and credibility”].) Substantial evidence supports the finding that D.S. suffered serious physical harm inflicted nonaccidentally by father. (§ 300, subd. (a).)

Father contends that DCFS needed to prove that D.S. suffered “serious physical harm” and failed to do so given the absence of evidence of bruising, marks, or medical treatment. We disagree. A “child need not have been actually harmed in order for the court to assume jurisdiction” under subdivision (a) of section 300. (*In re Giovanni F.* (2010) 184 Cal.App.4th 594, 598.)

The case that father cites for the proposition that serious physical harm must be shown, *In re Isabella F.* (2014) 226 Cal.App.4th 128, is distinguishable. The alleged abuse in *Isabella F.* was a single incident in which a mother attempted to spank a nine-year-old child, resulting in the child’s receiving a mark and small cut on her face that were consistent with fingernail scratches. (*Id.* at pp. 132, 134–135.) The altercation in this case, in contrast, involved extended choking that ended only when the minor broke free.

Father also argues that the choking incident was insufficient to establish a substantial risk of physical harm because there was no reason to believe that similar acts would occur in the future. We disagree.

The record contains evidence supporting a risk of future harm. “[A] court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child . . . or a combination of these and other actions by the parent” (§ 300, subd. (a).) Here, the juvenile court reasonably could find that choking a teenaged girl was so dangerous and disproportionate a response to her playing a phone too loudly that the risk of recurrence was too great. Moreover, father’s continuing to choke D.S. until she “got him off . . . and ran” (boldface omitted) permitted the court to infer

his intent to continue to choke her had she not escaped. D.S. also explained that father “hit me before,” (boldface omitted) indicating a history of repeated inflictions of injuries. This evidence was sufficient to support a finding that D.S. was at risk of serious future injury from father. (§ 300, subd. (a).)

We are unpersuaded by father’s argument that the risk of future harm was eliminated because he and D.S. had not been in contact for more than a year and he intended to have no further contact with her. The juvenile court was not required to accept father’s representations, where evidence indicated that father repeatedly acted as a parent to D.S. He provided some material support to her, and he visited D.S., “pop[ping] in” for one to two days at a time. In an earlier child welfare case in Missouri, D.S. was released to father’s care while mother was hospitalized. In 2024, father again permitted D.S. to live with him. Father’s past performance of parental activities permitted the court to infer his future involvement in D.S.’s life and a consequent risk of future harm.⁵

C. Finding of Failure to Provide Support

Father also challenges the jurisdictional finding under section 300, subdivision (g), which, as relevant here, provides for jurisdiction where “[t]he child has been left without any provision for support” Father argues that only biological and

⁵ Father also challenges the juvenile court’s finding on a failure to protect D.S. from serious physical harm (§ 300, subd. (b)(1)) that was predicated on the choking incident and father’s physical abuse of D.S. His argument is the same that he offered with respect to the subdivision (a) finding: there was no evidence of past serious physical harm or a future risk. As we have explained, substantial evidence supports both past serious physical harm and a risk of future harm.

presumed fathers are subject to subdivision (g), and he was merely an alleged father.⁶

As a preliminary matter, we note that father raises this argument for the first time on appeal. At the jurisdiction hearing, he focused exclusively on the counts based on physical abuse. (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 222 [forfeiture “applies in juvenile dependency litigation and is intended to prevent a party from standing by silently until the conclusion of the proceedings”].) The argument is forfeited.

Father’s argument is unpersuasive, in any event. An alleged father may be held responsible for having left his child “without any provision for support” under section 300, subdivision (g). (*H.R., supra*, at p. 1286.) Father concedes he is an alleged father, and he does not contend the juvenile court erred in denying his request for a non-parentage finding. Thus, father has not demonstrated that the juvenile court erred in sustaining the allegation that he failed to provide for D.S.’s support.

Father primarily contends, relying on dicta in *H.R.*, that an alleged father can avoid responsibility under subdivision (g) of section 300 simply by representing on a statement of parentage (Judicial Council form JV-505) that he is not a parent and does not wish to participate in the proceedings, as he did in this case. The juvenile court was not, however, required to accept father’s denial of parentage as conclusive proof he was not D.S.’s

⁶ Dependency proceedings recognize different categories of fathers. “A man who *may* be the father of a child but has not established his biological paternity, or achieved presumed father status, is an alleged father.” (*In re H.R.* (2016) 245 Cal.App.4th 1277, 1283 (*H.R.*))

biological or presumed father, particularly when other evidence indicated a likelihood of paternity. This evidence included mother's report of paternity established by a pre-petition DNA test and evidence that D.S. was released to the care of father and paternal grandmother in earlier dependency proceedings. Father avoided genetic testing when offered, and no testing had been ordered as of the jurisdiction hearing. Because there remained a possibility that his status could change to biological father, the juvenile court did not err in sustaining allegations under subdivision (g) of section 300. (See *H.R.*, *supra*, at p. 1286.)⁷

DISPOSITION

The juvenile court's jurisdictional findings are affirmed.

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MORI, J.

We concur:

ZUKIN, P. J.

TAMZARIAN, J.

⁷ Father's other arguments, based upon readily distinguishable cases, are likewise unpersuasive.