

Filed 12/17/25 In re Audrey R. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

IN RE AUDREY R.,

A Person Coming Under
the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and Respondent,

v.

BRENT R.,

Defendant and Appellant.

B346755

(Los Angeles County
Super. Ct. No.
24CCJP02946A)

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

Dawyn R. Harrison, County Counsel, Kim Nemoy, Assistant County Counsel, and Peter Ferrera, Principal Deputy County Counsel, for Plaintiff and Respondent.

Law Offices of Emery El Habiby and Emery F. El Habiby, under appointment by the Court of Appeal, for Defendant and Appellant.

* * * * *

This is the third appeal by Brent R. (father) in this juvenile dependency case. We have previously rejected father's challenge to the juvenile court's exertion of jurisdiction over his now 17-year-old daughter Audrey R., and its subsequent order limiting his educational and developmental decision-making rights. (See *In re Audrey R.* (Oct. 29, 2025, B342070 c/w B343549 [nonpub. opn.]) (*Audrey I.*) Father now appeals from the juvenile court's order, issued at a contested six-month review hearing, declining to place Audrey in his custody. Because substantial evidence supports the juvenile court's finding that there remained a substantial risk of detriment to Audrey if she were returned to father, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND¹

I. Facts and Prior Proceedings

A. *Family and events leading up to initiation of dependency proceedings*

Audrey R. (born November 2008) is the only child of father and Lynda R. (mother). Father moved out of the family home in November 2020 after his extramarital affair came to light, and mother filed for divorce in June 2021.

Between 2021 and 2024, Audrey became increasingly afflicted with social anxiety, general anxiety, factitious disorder and psychosomatic symptoms like constipation, stomach pain, joint/back pain and spinal pain, and was ultimately treated for obsessive compulsive disorder.

Mother's actions enabled Audrey's deteriorating condition. Specifically, mother socially isolated Audrey by pulling her out of regular school for home school and by then placing her in a hybrid continuation school, often obtained doctors' notes excusing Audrey from attending classes and extracurricular activities; mother acquiesced to Audrey's requests to be evaluated by more than 40 doctors to address Audrey's fears of various physical ailments; mother placed Audrey in therapy with multiple therapists but "sabotag[ed]" that therapy by "enmesh[ing]" herself with Audrey to the point where Audrey parroted the language contained in a barrage of "aggressive and intrusive" emails that mother sent to Audrey's therapists; and mother repeatedly reneged on promises to have Audrey visit father and promised to curtail appointments that interfered with Audrey's school schedule. As a result, Audrey's symptoms worsened and she expressed that she felt "triggered" and anxious around father,

¹ The "Facts and Prior Proceedings" are taken from *Audrey I.*

refused to look at him during video visits, and even threatened to run away if ever placed in his custody.

Father also played a role in Audrey's deteriorating condition by being "aggressive with" Audrey's medical providers and therapists, calling them repeatedly for information, labeling them "grossly incompetent" and even going so far as to sue one of them for poisoning his relationship with Audrey.

In sum, the family's dynamics were "negative, dysfunctional, and destructive."

B. *Jurisdiction and disposition*

The Los Angeles County Department of Children and Family Services (the Department) filed a petition in September 2024 asking the juvenile court to exert dependency jurisdiction over Audrey; the petition alleged that mother created a detrimental situation for Audrey through the parents' ongoing family law conflict, thereby warranting dependency jurisdiction under subdivisions (b) and (c) of the Welfare and Institutions Code section 300.² At the jurisdiction/disposition hearing on November 6, 2024, the juvenile court amended the petition by interlineation to add father as an offending parent and sustained the modified subdivision (b) allegation. The court dismissed the identical allegation under subdivision (c) of section 300 against mother.

The juvenile court then ordered Audrey removed from both parents based upon its finding, by clear and convincing evidence,

² All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

The original petition also alleged under subdivision (b) of section 300 that mother had mental and emotional problems, but the juvenile court ultimately dismissed that allegation.

that placement with either parent would pose a “substantial danger” to Audrey’s “emotional well-being.” The court ordered reunification services and monitored visitation for both parents.

C. *First appeal by father and cross-appeal by the Department*

Father timely appealed the jurisdiction and disposition orders; mother did not appeal.³ We reversed the juvenile court’s jurisdiction finding as to father because the juvenile court had violated father’s due process right to adequate notice when the Department waited until the jurisdiction hearing to seek interlineation of the petition to add father as an offending parent.

But we affirmed the juvenile court’s disposition finding removing Audrey from father because substantial evidence supported the court’s finding, by clear and convincing evidence, that placing Audrey with father would pose a “substantial danger to [her] physical or emotional well-being” and that “no reasonable means” short of removal would avoid that danger. (§ 361, subd. (d).) As we explained, the record contained substantial evidence that Audrey faced substantial danger to her physical or emotional well-being if placed in father’s custody: Audrey repeatedly expressed that father “triggered” her and was a source of the stress, anxiety, and the physical pain associated with those mental conditions; Audrey repeatedly indicated that she would run away if placed with father; and Audrey’s mental health was fragile and she had only begun to make progress in the residential treatment facility, such that returning her to father’s

³ The Department also cross-appealed, seeking to reinstate the allegation against mother under subdivision (c) of section 300. We declined to reach that non-justiciable challenge.

custody was likely to undo that progress and reignite the issues that brought Audrey before the court in the first place.

D. *Audrey's discharge, placement, and father's refusal to consent to treatment*

On December 18, 2024, Audrey was discharged from a residential mental health treatment facility after completing a 90-day program. Her assigned therapist noted that she had made “remarkable progress,” but insisted that it was “crucial” she continue to receive intensive therapeutic services “to mitigate risk of relapse,” beginning with a partial hospitalization program (PHP). Audrey’s care team at the residential treatment facility identified Hillsides Cares (Hillsides) as an appropriate PHP placement for Audrey’s continued care.

Following her discharge, the Department placed Audrey with her maternal grandparents, subject to a set of conditions limiting mother’s interactions with Audrey and requiring that all maternal relatives help ensure the parents complied with their case plans. The maternal grandparents immediately began the process of enrolling Audrey with Hillsides; mother consented to her enrollment, but father did not. Instead, over the next month, father continued to refuse consent and sent five separate emails to the Department accusing it of, among other things, “dishonesty,” “deliberately concea[ling] information,” “bias,” “obstruction,” “negligent placement decisions,” and “deliberate exclusion.”

Audrey received no therapeutic services during this time.

E. *Limitation of father's right to consent to Audrey's treatment at Hillsides*

The juvenile court held a hearing on Audrey’s progress on January 15, 2025. At that hearing, Audrey’s counsel reported

that father was objecting to Audrey completing the intake process at Hillside; counsel asked the court to limit father's educational and developmental decision-making rights so that Audrey could begin the intake process, and the Department joined in that request. The Department also reported that father had been unresponsive and obstructive when it attempted to involve him in its decision making, taking a "my way or the highway" approach.

The juvenile court granted the request to "limit" father's decision-making rights to the extent necessary to "complete the intake" process at Hillside. In explaining its reasoning, the court noted that the Department had attempted on multiple occasions to accommodate his requests, that Hillside had been recommended by the care team at Audrey's residential treatment program (which father had initially selected), that father's objections to the program were seemingly based only on his own opinions rather than any medical advice, and that it was "concerning" that Audrey had "not been in any services since her discharge, which has been several weeks."

F. *Second appeal by father*

Father appealed the limitation of his educational and developmental decision-making rights. We affirmed the juvenile court's order because the court had an ample basis to find that Audrey's treatment at Hillside was in her best interest.

II. Facts and Proceedings Relevant to Current Appeal

A. *Events prior to six-month hearing*

On January 22, 2025, the court entertained a "walk-on" request by Audrey's counsel to clarify the scope of the limitation of father's decision-making rights. Because Hillside would not proceed without both parents' consent, the court ordered that mother "may provide sole consent for mental health treatment"

but that father be kept apprised of Audrey's services and treatment.⁴

By the time Hillsides assessed Audrey, she no longer met the criteria for PHP (because of the gap of time since her release from residential treatment), and mother enrolled her in an alternative education school. At that school, Audrey enjoyed the smaller class size and was receiving A grades. Audrey also had her own online business and expressed an interest in getting a business degree. Audrey no longer showed symptoms or behaviors related to depression, anxiety, or the medical complaints that previously plagued her. She started individual therapy and her psychiatrist lowered the dosage of the medication she was prescribed for major depressive disorder and generalized anxiety disorder.

Audrey remained placed with maternal grandparents; she enjoyed being with them and had affectionate names for them. Audrey had regular visits with mother which included walks in the park, movies together, and celebrating special occasions such as mother's birthday. Audrey also shared fulfilling conversations with her maternal aunt, both in person and over the phone.

However, Audrey did not want to participate in conjoint therapy with father, refused to participate in monitored visits with him, and did not want to speak to him over the phone. She repeatedly stated she was "afraid" of father and had "no desire to talk to him," citing his threats to send her to military school, which "haunt[ed]" her. Audrey told the social worker that she "didn't see much change in her father," had "no trust with what

⁴ On February 20, 2025, the court issued another order which reiterated that father's consent was not required for Audrey's mental health treatment.

he was doing,” and felt “so betrayed” and “so hurt.” When asked about the ongoing trauma, she said “it takes time,” and expressed a desire to focus on herself and her schoolwork.

Father was partially compliant with the court ordered case plan: He completed a 12-hour high conflict co-parenting class as well as a psychological evaluation, but he had yet to complete a psychiatric evaluation. One month prior to the six-month review hearing, father selected a therapist for conjoint therapy between him and Audrey and notified the Department of his selection. He also provided the Department with a list of his needs for the case. He wanted the Department to take “accountability” for its “misconduct”; more specifically, he was concerned about “the suppression of evidence, misrepresentation to the court, and the exclusion of critical providers.” Father also wanted information about Audrey’s “daily schedule,” “[w]hat subjects she [was] studying,” and “[w]hether she [had] formed new peer relationships.” Lastly, father asked what the Department was doing to protect Audrey and questioned whether there had been any progress or change in her behavior as a result of the Department’s approach.

B. May 29, 2025, contested six-month hearing

The juvenile court held a contested six-month review hearing on May 29, 2025. The social worker assigned to Audrey’s case took the stand. The social worker testified about her difficulty communicating with father—he rarely answered the phone and agreed to meet only if the meetings were recorded—and as a result, communication was chiefly by email. She testified that she had not spoken to father about Audrey’s statements expressing fear of father because the social worker herself was “very afraid” of father. She testified that, on the

occasions she tried to communicate with father, he was “abrasive” and his feedback was “very negative.”

The court found that returning Audrey to either parent would create a substantial risk of detriment to her safety and well-being. The court stated that both parents needed to “demonstrate insight” into the underlying issues of the case, and that father was still not accepting responsibility for the “role” he played in Audrey’s condition. The court expressed its hope that the relationship between Audrey and her parents could improve with monitored in-person contact, and conditioned return to parental custody in the future on progress by the parents in their court-ordered services, including the start of conjoint therapy and visitation between Audrey and father.

The court ordered that reunification services continue for father and that he receive monitored visits three times a week, for three hours per visit. The court also ordered that conjoint therapy between father and Audrey was to begin unless Audrey’s therapist specifically objected to it.

C. *Father appeals*

Father filed this timely appeal.

DISCUSSION

Father contends there is insufficient evidence to support the juvenile court’s finding, at the six-month review hearing, that returning Audrey to his care would create a substantial risk of detriment to her well-being.⁵

⁵ Father filed a request for judicial notice along with his reply brief, asking us to take judicial notice of events occurring *after* the six-month hearing. Because it is not pertinent to the validity of the juvenile court’s order under review, we deny the request.

At the six-month review hearing, the juvenile court must return the child to parental custody “unless the court finds, by a preponderance of the evidence, that the return of the child . . . would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child.” (§ 366.21, subd (e)(1).) When making its findings, the juvenile court must “specify the factual basis for its conclusion that the return would be detrimental or would not be detrimental.” (*Id.* at subd. (e)(2).)

Whether placement of a child with their parent would be detrimental looks to the totality of the circumstances. (See *A.H. v. Superior Court* (2010) 182 Cal.App.4th 1050, 1059 [“Detriment can be shown many different ways”].) Relevant circumstances include (1) the relevant parent’s “[c]ompliance with the reunification plan” (*Constance K. v. Superior Court* (1998) 61 Cal.App.4th 689, 705), which encompasses that parent’s “efforts and progress . . . towards remedying the causes requiring out-of-home care as well as their cooperation in availing themselves of the services provided” (*In re Dustin R.* (1997) 54 Cal.App.4th 1131, 1141-1142, italics omitted); and, separate and apart from that compliance, (2) the “effect . . . return [to parental custody] would have on the child” (*In re Joseph B.* (1996) 42 Cal.App.4th 890, 894), which encompasses, as pertinent here, (a) the “failure of [the child] to have lived with the natural parent for long

After this appeal was fully briefed, father filed a motion to augment the record with email correspondence regarding Hillsides’ request to clarify the holder of Audrey’s legal rights. Because the request was untimely, and because the emails are not relevant to our resolution of the issues in this appeal, we deny the motion to augment.

periods of time” (*Constance K.*, at p. 705), (b) the child’s wishes about where to be placed (see *In re Patrick S.* (2013) 218 Cal.App.4th 1254, 1265), and (c) “the manner in which the parent has conducted himself or herself in relation to [the] minor in the past” (*Constance K.*, at p. 705).

We review the juvenile court’s finding of detriment for substantial evidence, asking only whether the finding is supported by evidence that is “reasonable, credible[,] and of solid value” (*In re E.D.* (2013) 217 Cal.App.4th 960, 966.) We construe the record in the light most favorable to the court’s finding and do not consider whether there is evidence from which the court could have drawn a different conclusion. (*In re A.C.* (2020) 54 Cal.App.5th 38, 43; *In re M.R.* (2017) 8 Cal.App.5th 101, 108.)

Here, substantial evidence supports the juvenile court’s finding that returning Audrey to father’s custody would create a substantial risk of detriment to her safety, protection, or well-being. Contrary to father’s claim that he has “completed his case plan as ordered by the court,” father had yet to complete the psychiatric evaluation and had yet to begin—let alone make progress with—the conjoint counseling ordered by the court. Moreover, father’s “efforts and progress . . . towards remedying the [underlying] causes” justifying Audrey’s removal had been poor because father’s statements and actions during the first six months of the reunification period demonstrated that he continued to lack insight and to accept responsibility for his role in Audrey’s condition. Father continued to take an aggressive and conflict-seeking approach towards mother, the Department, and the social worker, and he continued to prioritize his own personal grievances with mother and with the Department over

Audrey's needs, as evidenced by his failure to consent to enroll Audrey at Hillsides. Father cites *Jennifer A. v. Superior Court* (2004) 117 Cal.App.4th 1322 as support for the proposition that father was "not required to demonstrate perfect compliance" with his case plan, but *Jennifer A.* is inapt: There, the justification for removing the children from mother was her conduct in leaving the children unsupervised due to her job, such that subsequent non-compliance with her case plan's drug testing requirements was unrelated to the need for removal (*id.* at pp. 1343-1344); here, by contrast, father's failure to have even begun conjoint counseling with Audrey is directly related to the problem that justified Audrey's removal in the first place and her continued strained relationship with father. For the first time in his reply brief, father argues that his lack of progress in conjoint counseling was due to the Department's failure to provide reasonable services; apart from waiving this argument by waiting until the reply brief to raise it, this argument lacks merit—as the failure to initiate conjoint counseling turned in part on father's lack of readiness.

Substantial evidence also supports the juvenile court's finding that returning Audrey to father's custody would have a detrimental effect on her emotional well-being. Audrey had not lived with father—or even seen him—for over two years by the time of the six-month review hearing and adamantly refused to talk with him over the phone, and she expressed in unequivocal terms her desire not to live with him by previously threatening to run away if she were made to live with father. Most importantly, substantial evidence supports the juvenile court's finding that the manner in which father continued to conduct himself in relation to Audrey would be detrimental. Father and Audrey had a

troubled relationship. Although Audrey no longer required treatment at a residential mental health facility, she still suffered from anxiety and being around father exacerbated this because he made her feel unsafe and afraid, and caused her emotional stress. By contrast, Audrey had enjoyed numerous visits with mother, started therapy, and her grandparents with whom she had a stable relationship reported growth and maturity.

Father resists this conclusion with three arguments.

First, father argues that Audrey's main complaints about him are related to his personality and his parenting style rather than any abuse or neglect he committed.⁶ We reject this argument. Father's limited awareness of Audrey's needs, his failure to accept responsibility for his role as the court observed, and his emotional coercion over Audrey, is a type of abuse and neglect. Father relatedly cites *M.G. v. Superior Court* (2020) 46 Cal.App.5th 646 (*M.G.*) for the proposition that neither Audrey nor the Department articulated specific reasons why or how Audrey would be at risk if placed with him. In *M.G.* the juvenile court's order was vacated because the finding of detriment was based only on "a hunch." (*Id.* at p. 662.) Here, Audrey reported

⁶ For the first time in his reply brief, father also argues that the juvenile court was "biased" against him based on its agreement with counsel's argument that father was "abrasive." Apart from being waived, this argument lacks merit because a court's conclusions based on its observations in the course of a case does not constitute bias. (E.g., *Roitz v. Coldwell Banker Residential Brokerage Co.* (1998) 62 Cal.App.4th 716, 724 ["[E]xpressions of opinion uttered by a judge, in what he conceived to be a discharge of his official duties" are not "evidence of bias or prejudice"].)

at one time that she would “run away” if placed with father, and continued to assert that she was “hurt” and “betrayed” by his actions, that she currently was “afraid” of him, and that his threats “haunted” her.

Second, father asserts that, because Audrey’s condition has improved during the time that she has been physically removed from mother and placed with her grandparents, she should be released to him. To be sure, Audrey has improved since her removal from mother. But father overlooks that Audrey’s improvement occurred while she was removed *from him* as well. And while Audrey’s improved condition has occurred even while she has talked and visited with mother, Audrey still refuses to see or speak to father. Audrey’s improvement in father’s absence is not evidence that placement in his custody would not be detrimental to her.

Third and finally, father proposes that the juvenile court issue an order returning Audrey to his custody but physically place her with the maternal grandparents where she currently resides. We reject this proposal. For starters, father offers no evidence that the maternal grandparents were aware of father’s proposal, let alone that they would agree with it. This proposal effectively asks the court to grant father custody of Audrey while not actually placing her in father’s custody. Not only is this a fiction, it would also fly in the face of the juvenile court’s finding—which we have concluded is supported by substantial evidence—that placing Audrey in father’s custody would be detrimental to her. (Accord, *In re Damonte A.* (1997) 57 Cal.App.4th 894, 899 [disposition order removing minors from parental custody but allowing them to remain with their parent in a temporary placement “lacks a statutory basis . . . [and] is

invalid”]; *Savannah B. v. Superior Court* (2000) 81 Cal.App.4th 158, 161 [the juvenile court’s “finding . . . [that] ‘there is no reasonable means to protect without removal from parent’s or guardian’s physical custody’ . . . is inconsistent with a simultaneous order granting a 60-day visit with the parent”].)

DISPOSITION

The juvenile court’s six-month status review order is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, P. J.
HOFFSTADT

We concur:

_____, J.
MOOR

_____, J.
KIM (D.)