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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re N.F. et al, Persons Coming Under the  
Juvenile Court Law.

MENDOCINO HEALTH AND HUMAN  
SERVICES AGENCY,

Plaintiff and Respondent,

v.

H.C.,

Defendant and Appellant.

A137018

(Mendocino County  
Super. Ct. Nos.  
SCUKJVSQ1216593, and  
SCUKJVSQ12-16592)

This is an appeal from jurisdictional and disposition orders that have resulted in two minors, N.F. and D.F., being declared dependents of the juvenile court and removed from the physical custody of their mother, appellant H.C. (hereinafter, mother). Mother contends the juvenile court’s assertion of jurisdiction over minors is based upon allegations that are facially inadequate and not supported by substantial evidence. We affirm.

**FACTUAL AND PROCEDURAL BACKGROUND**

Appellant is mother to N.F., born in May 2000, and D.F., born in September 2007 (collectively, minors). R.F., who appears to have left the country and is not party to this dependency action, is minors’ father.

On August 29, 2012, respondent Mendocino Health and Human Services Agency (department) filed a petition pursuant to Welfare and Institutions Code section 300,

subdivision (b), alleging that minors had suffered or were at substantial risk of suffering serious physical harm or illness due to mother's mental illness (§ 300, subd. (b-1)), and that mother was unable to provide them with adequate care, food, clothing or shelter (*id.*, subd. (b-2)) (hereinafter, petition).<sup>1</sup> More specifically, the petition alleged mother was exhibiting "active psychosis including delusions, seriously disorganized thinking and paranoia." In addition, the petition alleged mother and minors were living in a pick-up truck with no food, no heat source, no running water and no toilet facilities; that N.F. had been enrolled in school 180 days, yet attended only 63 days, during which days he was arriving very hungry, not showered and wearing dirty clothes; and that N.F. was failing almost every subject in school.

The petition followed a report dated August 28, 2012, that the family had been living in the back of a pick-up truck for about two months, that minors appeared sick and absent from school, and that their well-being could be at risk due to the impending cooler weather. Social workers subsequently visited the family and confirmed this information. Social workers could see no food or water in the truck besides a half-eaten cinnamon roll. Mother informed social workers that the family had been eating wherever they could and using a park bathroom, and that N.F. had been ill for about two-months, requiring a hospital visit the previous night. When asked how the family members spend their time, mother stated they walk around town most of the day because the truck gets too hot.

The next day, one of the social workers contacted officials at N.F.'s school, and was told he was present yet that he appeared to be starving and unbathed. An eligibility worker thereafter told the social worker that mother had used all her food stamps and cash aid for the month and would not receive new aid until the first of September, which was four days away.

This was not mother's first involvement with the department. As recently as December 1, 2011 mother was referred to the department for neglect based on allegations

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<sup>1</sup> Unless otherwise stated, all citations herein are to the Welfare and Institutions Code.

that she was depressed and having other mental health issues, that she was not maintaining a clean home or sending minors to school, and that she lacked money to pay for their basic needs, including food. N.F. stated in a subsequent interview that he had missed 54 of 76 school days due to illness, that minors' father had left three years ago, and that his mother had been depressed and non-communicative, regularly getting upset and locking herself in the bathroom. This referral was substantiated for neglect, however, no court case was filed.

All told, since 2010, this family had been the subject of 11 referrals alleging general neglect or physical or emotional abuse, at least two of which were substantiated. In addition to the aforementioned December 2011 referral substantiated for neglect, an August 14, 2009 referral against mother and father with regard to minors' older sister was substantiated for emotional abuse, but deemed inconclusive for physical abuse as to mother (due primarily to father's recent deportation for domestic violence). There was also a referral dated October 26, 2010, alleging neglect and emotional abuse of the children due to mother's alleged mental health issues, depression and irrationality. This referral was closed as inconclusive because the family could not be located. Similarly, a referral against mother involving the older sister and alleging general neglect and physical abuse was closed as inconclusive despite the older sister's verification of the allegations because mother was evasive and refused to be interviewed. The remaining referrals were closed as unsubstantiated or "evaluated out," due in part, again, to mother's evasiveness and unwillingness to cooperate.

On August 30, 2012, the juvenile court detained minors after finding that there was a substantial risk of danger to their physical or emotional health or safety, and that no reasonable means were available to protect them without removing them from mother's physical custody. The juvenile court set a jurisdiction hearing for September 25, 2012 and, in the meantime, offered mother visitation and referrals for reunification services.

In anticipation of this hearing, which was ultimately held on October 2, 2012, the department filed a jurisdictional report that included the following new information. On September 5, 2012, mother had run into D.F. at the grocery store with her foster mother.

After the minor approached her, mother attempted to leave the store with minor, even running into the store bathroom with her when the foster mother attempted to block their exit. After the police were called, a male friend of mother's convinced her to release minor to her foster mother. Police later found no crime was committed, in part based on foster mother's statement that she believed mother had no intent to kidnap minor, but simply became emotional during their chance encounter.

The jurisdictional report also included new information from N.F.'s school. Specifically, school staff members had made several phone calls to the department to report that mother was calling daily asking to speak to her son. Mother denied this, and insisted instead that the school was calling her. Mother also had an incident with a social worker who was attempting to explain to her what she needed to do to have the children returned. Mother responded that she would speak with the Mexican Consulate because the social worker was not helping her and then ran out of the room. Mother had also been uncooperative with the department's referral to mental health services.

Finally, the report included information regarding an interview that N.F. had with the department. N.F. insisted everything was fine, and claimed not to understand why he was removed. He further stated that, although the family had been living in the truck for about two months, they washed and ate daily at mother's boyfriend's house. When asked whether he would like to discuss their removal, N.F. declined, stating it would make him worry and give him headaches.

On October 1, 2012, the department filed an amended petition with one modification. Specifically, the department modified the section 300, subdivision (b-1) allegation, that minors had suffered or were at substantial risk of suffering serious physical harm or illness due to mother's mental illness, to state: "[M]other exhibits seriously disorganized thinking and appears to be out of touch with reality."

On the same day, the department filed an addendum to the jurisdictional report providing more information regarding mother's mental health. Specifically, social workers had obtained information during interviews by Social Worker Bernal with staff members from N.F.'s school, including teacher Andrea Werra, school dean Hurtado, and

staff members Yvonne Avila and Celia Miller. Avila reported that mother called daily requesting to speak with N.F., despite being told repeatedly that her request could not be granted. Mother then repeated the “same story” to Avila – to wit, her son’s absences were not unexplained; they were due to his illness, which could be proven by a doctor’s note (which she never provided). Avila believed mother’s mental health had gotten “progressively worse” since the previous year, and was concerned that, while mother insisted she had no money, food or home for minors, she failed to make use of the referrals the school gave her for food, homelessness assistance, and other things. Avila also described N.F. as appearing malnourished and unwashed, and voiced concern for minors’ well-being if returned to mother’s care.

Hurtado, the school dean, likewise reported that mother called repeatedly with the same story. Generally, mother would tell Hurtado she was not a bad person and insist the department was conspiring against her and telling N.F. bad things about her. Sometimes, in the middle of these conversations, mother would start talking about sandwiches. Hurtado believed mother had mental health problems, a belief shared by staff member Miller, who had many similar conversations with mother. Miller added that she would be concerned for N.F.’s safety if he were returned to mother’s care.

Finally, N.F.’s teacher, Andrea Werra, stated she, too, was very concerned for minors’ safety because she believed mother had mental health problems. Werra had tried repeatedly to help the family and to find out why N.F. was absent. Once, she confronted the family after seeing them on a city street during school hours to ask why N.F. was not in school. According to Werra, mother replied “it’s just me,” and that she needed N.F.’s help during the day. Werra also reported that N.F. once went to another teacher’s home to beg for money.

At the continued jurisdiction hearing on October 2, 2012, mother’s counsel verbally requested that the court dismiss the allegations in the amended section 300 petition on the ground that they were legally and factually inadequate given the absence of any allegation of harm suffered by minors. Minors’ counsel, in turn, expressed concern about several things, including the fact that N.F. had stated that he did not want

to visit or live with mother. Ultimately, the juvenile court found jurisdiction over minors based upon a preponderance of the evidence supporting both the section 300, subdivision (b-1) allegation and the subdivision (b-2) allegation. In so finding, the court noted in particular the evidence that N.F. had missed a significant number of school days and, when in attendance, appeared malnourished, unbathed and wearing dirty clothes. In addition, the court noted there was evidence mother had been mentally unwell since at least December 2011, when N.F. told the department she was sad and depressed and would not speak to him.

The juvenile court thereafter set a disposition hearing for October 17, 2012. The disposition report filed in anticipation of this hearing noted that mother had evaded an interview with the department and was not involved in case plan development despite referrals to mental health and parenting services. The social worker recommended limiting mother's educational rights with respect to minors, who had entered kindergarten (D.F.) and seventh grade (N.F.). The report noted otherwise that minors were doing well in their foster homes, were generally developing appropriately mentally and physically for their ages, and had no behavioral or emotional symptoms of concern. Minors had not been visiting mother due to her lack of cooperation with the department. Nonetheless, the department continued to recommend supervised visitation and reunification services to assist mother with mental health, parenting, and housing.

Following the disposition hearing, the juvenile court, among other things, adopted the findings proposed by the department, declared minors to be dependents of the court, and found by clear and convincing evidence that there was a substantial danger to the physical health, safety, protection or emotional well-being of minors, or that there would be such danger if minors were returned home, and that no reasonable alternatives to removal were available to protect them. The court also adopted a modified version of the department's case plan requiring mother to, among other things, undergo psychological evaluation and receive counseling. Finally, the court limited mother's educational rights with respect to minors. This appeal followed.

## DISCUSSION

Mother raises two contentions on appeal. First, mother contends reversal is required because the allegations in the section 300 petition, as amended, do not state a legal basis for juvenile court jurisdiction. Second, she contends as an alternative ground for reversal that the evidence of alleged harm or risk of harm to minors within the meaning of section 300, subdivision (b) is insufficient to support jurisdiction. We address each contention in turn.

### A. Facial Challenge to the Section 300 Petition.

We first consider mother's facial challenge to the allegations in the amended section 300 petition relied upon by the juvenile court to support jurisdiction. In reviewing such a challenge, "we apply the rules akin to a demurrer. We construe the well-pleaded facts in favor of the petition in order to determine whether the [department] pleaded facts to establish mother failed to supervise or protect the children within the meaning of section 300, subdivision (b)." (*In re Janet T.* (2001) 93 Cal.App.4th 377, 386 (*Janet T.*) (fn. omitted).)

Here, the juvenile court relied upon two primary allegations – to wit, those set forth in the petition as the section 300, subdivision (b-1) allegation and the subdivision (b-2) allegation.<sup>2</sup> The subdivision (b-1) allegation provided that "[t]he children have suffered, or there is a substantial risk that the children will suffer, serious physical harm

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<sup>2</sup> Section 300, subdivision (b) provides that a child is subject to juvenile court jurisdiction if the "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 the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, 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. No child shall be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family. . . . The child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness."

or illness due to the mother's mental illness. [¶] The mother exhibits seriously disorganized thinking and appears to be out of touch with reality." The subdivision (b-2) allegation, in turn, provided that mother "is unable to provide the children with adequate care, food clothing or shelter. [¶] The mother and children live in a pick-up truck with no food, no heat source, no running water and no toilet facilities. [¶] [N.F.] has been enrolled in school 180 days and had only been present 63 days and he is failing almost every subject. [¶] When the child, [N.F.], goes to school he is very hungry, un-showered and wearing dirty clothes."

In addressing the facial adequacy of these allegations, we note at the outset our agreement with mother that failure to ensure a child's school attendance, without more, is an insufficient basis for the court's exercise of jurisdiction. (*Janet T., supra*, 93 Cal.App.4th at pp. 388-389 ["lack of education may well cause psychic or emotional or financial or social harm. But there are no facts alleged or suggested by the supporting documentary evidence to indicate mother's failure to ensure the children's regular school attendance subjected the children to physical injury or illness, serious or otherwise".]) However, in this case, lack of regular school attendance was not the only allegation relied upon by the juvenile court to support jurisdiction. For example, the petition also alleges minors were sleeping in a pick-up truck without adequate food or water, and without a heat source, even though winter was fast approaching. In addition, the petition alleged that N.F., when he went to school, appeared starving and malnourished and unclean. A hungry child living in a vehicle without heat is, undoubtedly, a child at substantial risk of suffering, serious physical harm or illness within the meaning of section 300, subdivision (b). Indeed, the statutory provision says so on its face. (§ 300, subd. (b) [authorizing jurisdiction upon a finding that "[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 *negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter*".]) Accordingly, we reject mother's facial challenge to the court's jurisdictional finding with respect to the section 300, subdivision (b-2) allegation.

Turning to the section 300, subdivision (b-1) allegation, mother argues that the charge regarding her mental health – to wit, that she “exhibits seriously disorganized thinking and appears to be out of touch with reality” – fails to support jurisdiction because the petition sets forth no facts demonstrating how her alleged mental health issues, which have not been confirmed by a medical professional, endanger minors’ health or safety. In doing so, mother directs us again to *Janet T.* We, however, find significant differences between the allegations and evidence in this case and in the *Janet T.* case. There, the reviewing court concluded the mental health allegation was facially inadequate where the petition merely stated that the mother had demonstrated “numerous mental and emotional problems,” but did not identify what those problems were. In addition, in *Janet T.*, it was undisputed that the mother was aware of having a history of mental health problems and was taking medicinal herbs that had effectively reduced her symptoms. (*Janet T.*, *supra*, 93 Cal.App.4th at pp. 382-383.) Here, mother has yet to acknowledge, much less to address, her mental health symptoms. In any event, as we will explain in detail below, even accepting that the mental health allegation in this case is somewhat sparse, we need not ultimately decide whether it is facially flawed given that the allegations in this case, when considered in the proper context, are supported by substantial evidence. (*In re N.M.* (2011) 197 Cal.App.4th 159, 166 [“ ‘[i]f the jurisdictional findings are supported by substantial evidence, the adequacy of the petition is irrelevant’ ”]; *In re John M.* (2012) 212 Cal.App.4th 1117, 1124 [where substantial evidence supports the juvenile court’s assertion of jurisdiction, “we need not consider mother’s argument that the petition was facially insufficient].)<sup>3</sup> As such, it is to this dispositive evidentiary issue that we now turn.

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<sup>3</sup> There is one exception to this rule, not applicable to our case, which “occurs when a parent claims a petition fails to provide actual notice of the factual allegations. Unless the alleged factual deficiencies result in a miscarriage of justice, the reversal of a jurisdictional order supported by substantial evidence is unwarranted.” (*In re Javier G.* (2006) 137 Cal.App.4th 453, 458-459.)

**B. Evidentiary Challenge to the Juvenile Court’s Jurisdictional Findings.**

Where, as here, a juvenile court’s jurisdictional findings are subject to an evidentiary challenge, we apply the substantial evidence rule. “In juvenile cases, as in other areas of the law, the power of an appellate court asked to assess the sufficiency of the evidence begins and ends with a determination as to whether or not there is any substantial evidence, whether or not contradicted, which will support the conclusion of the trier of fact. All conflicts must be resolved in favor of the respondent and all legitimate inferences indulged in to uphold the verdict, if possible. Where there is more than one inference which can reasonably be deduced from the facts, the appellate court is without power to substitute its deductions for those of the trier of fact . . . .” (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1214, quoting *In re Katrina C.* (1988) 201 Cal.App.3d 540, 547.)

Moreover, as a general rule, in dependency proceedings, we do not disturb a juvenile court’s order unless it exceeds the bounds of reason. (*In re Ricardo L.* (2003) 109 Cal.App.4th 552, 564.) We also keep in mind that the “paramount purpose” of dependency proceedings is to protect the child. (*In re Jason L., supra*, 222 Cal.App.3d at p. 1214.)

Relevant to this particular challenge, a jurisdictional finding under section 300, subdivision (b) requires each of the following: “(1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) ‘serious physical harm or illness’ to the child, or a ‘substantial risk’ of such harm or illness.” (*In re James R.* (2009) 176 Cal.App.4th 129, 135; see also *In re Janet T., supra*, 93 Cal.App.4th at p. 388 [“before courts may exercise jurisdiction under section 300, subdivision (b) there must be evidence ‘indicating the child is exposed to a substantial risk of serious physical harm or illness’ ”].) In meeting this standard, “previous acts of neglect, standing alone, do not establish a substantial risk of harm.” Rather, such previous acts by a parent become probative of risk of harm to the child only when considered in conjunction with the more recent alleged acts. (*In re Ricardo L., supra*, 109 Cal.App.4th at p. 565; see also *In re Angelia P.* (1981) 28 Cal.3d 908, 925.) In other words, “Past conduct is relevant on the

issue of future fitness, although it is of course not controlling.” (*In re Angelia P.*, *supra*, 28 Cal.3d at p. 925.)

Here, there is evidence in the record of each of the required elements — to wit, neglectful conduct by mother, causation, and exposure to, or substantial risk of, serious physical harm or illness to minors. Specifically, at the time of the jurisdictional hearing, there was evidence from mother herself that N.F., living in a truck without ready access to food, water or heat, had been sick for several weeks. According to mother, N.F.’s illness was the reason he had missed so much school (although she was unable to produce medical documentation). And, when N.F. was at school, he appeared to school staff “unbathed” and “starving” or “malnourished.” Consistent with the staff members’ observations, a department investigation on August 28, 2012, revealed mother had used all of her food stamps and cash aid for the month of August, with four days remaining in the month, and would not receive more assistance until September 1.<sup>4</sup> Further, when the department asked N.F. to discuss the family’s situation, he declined, stating that “he did not want to think about it because it would make him worry and give him headaches.” This record belies mother’s claim that there is no evidence in the record that minors had suffered or were at substantial risk of suffering serious physical harm or illness due to her failure to provide for their most basic human needs. (*In re James R.*, *supra*, 176 Cal.App.4th at p. 135.)

Moreover, with respect to the issue of mother’s mental health, there was also evidence that N.F. reported to the department on December 1, 2011, that she was “regularly sad and depressed, will not talk to him, and gets upset and locks herself in [the] bathroom.” This report, made less than one year before these proceedings were initiated, is not so remote in time to have lost relevance.<sup>5</sup> (See *In re Ricardo L.*, *supra*, 109 Cal.App.4th at p. 565.) This is particularly true in light of the many recent reports in

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<sup>4</sup> When the investigating social worker attempted to contact mother on her cell phone to discuss this situation, the person who answered immediately hung up.

<sup>5</sup> As mentioned above, this December 2011 referral was closed without opening a case despite being substantiated for neglect.

the record regarding mother's apparent lack of mental wellbeing. For example, several reports of mother behaving irrationally were made by persons who, through their professional role at N.F.'s school, were in almost daily contact with her. Both the school dean and N.F.'s teacher agreed mother appeared to have mental health problems, and his teacher believed returning minors to her care would put them at risk. Yet despite these reports, there is no evidence to suggest mother has taken any steps on her own to acknowledge, much less to address, concerns regarding her mental health, which is another significant factor leading to minors' removal. In fact, rather than striving to demonstrate mental fitness, mother instead has consistently refused to cooperate with the department or to follow through on its referrals to services.

Finally, we cannot ignore evidence regarding the incident of September 5, 2012, when mother attempted to leave a local store with D.F. despite the minor's foster mother's attempts to block their exit. While the police subsequently declined to press charges, mother's alarming behavior is nonetheless probative of her mental and parental fitness. This is particularly true given the observations made by the social worker who interviewed mother regarding this incident shortly after it occurred. According to this social worker, mother "appeared puzzled and confused when I told her she was not going to be getting her children back at that time," and then ran out of the room when "I explained that I was there to help her understand what she needed to do to get her children back." This interaction prompted the social worker to conclude, like the staff members from N.F.'s school, that mother appears to have "mental health issues she needs to address right away."

This above-described evidence, we conclude, supports the juvenile court's jurisdictional findings. Moreover, in so concluding, we reject mother's argument that the lack of confirmation by a medical professional that she suffers a specific psychological illness undermines the juvenile court's mental health finding. California law is clear that expert evidence of "mental illness" is not required to meet section 300's preponderance-

of-the evidence standard.<sup>6</sup> (*In re Khalid H.* (1992) 6 Cal.App.4th 733, 735-736; *Laurie S. v. Superior Court* (1994) 26 Cal.App.4th 195, 202 [“Because the matter to be determined at the jurisdictional hearing is whether a child is at substantial risk of harm at the hands of a parent, due to parental acts or inaction, if that assessment can be made within ordinary experience, no expert is necessary”]. Compare § 361.5, subd. (c) [juvenile court cannot deny reunification services unless a “mental health professional[ ]” provides “competent evidence” that a parent’s mental disability precludes his or her participation in a reunification plan].) And while we agree with the general propositions that “ “[h]arm to a child cannot be presumed from the mere fact the parent has a mental illness,” ” and that the relevant question “ ‘is whether the parent’s mental illness and resulting behavior adversely affect the child or jeopardize the child’s safety’ ” (*In re H.E.* (2008) 169

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<sup>6</sup> Mother further argues that, “even if the court could legitimately rely on the hearsay statement of the school officials, which [mother] disputes, that evidence was wholly insufficient to show that the children were subjected to a substantial risk of harm or illness. Contrary to the court’s indication, there was no ‘other corroboration’ [within the meaning of section 355] that mother had mental health issues, with the exception of the social worker who, like the school staff, was not qualified to render such an opinion.” The corroborating evidence set forth above – including N.F.’s statement in December 2011 that mother was sad and depressed and mother’s irrational attempt at the grocery store to take D.F. from the minor’s foster mother – belies her argument. (§ 355, subd. (c)(1) [“[i]f any party to the jurisdictional hearing raises a timely objection to the admission of specific hearsay evidence contained in a social study, the specific hearsay evidence shall not be sufficient by itself to support a jurisdictional finding or any ultimate fact upon which a jurisdictional finding is based, unless the petitioner establishes one or more of the following exceptions: [¶] . . . [¶] (c) the hearsay declarant is . . . a social worker licensed pursuant to Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code, or a teacher who holds a credential pursuant to Chapter 2 (commencing with Section 44200) of Part 25 of Division 3 of Title 2 of the Education Code”]; see also *In re Christian P.* (2012) 208 Cal.App.4th 437, 449 [“Although the statements included in DCFS’s report are hearsay, these statements, together with other evidence in the record, provide sufficient corroboration amounting to substantial evidence of mother’s [misconduct]” for purposes of a § 300 jurisdictional finding]; *In re B.D.* (2007) 156 Cal.App.4th 975, 984 [the corroboration requirement of § 355, subd. (c)(1), like the analogous rule in criminal proceeding, requires only that the corroborative evidence “tends to connect [the parent] with the [alleged conduct] even though it is slight and entitled, when standing by itself, to but little consideration”].)

Cal.App.4th 710, 723), in this case, there is in fact evidence linking mother's mental health to minors' risk of substantial harm. For example, as already discussed at length above, there is evidence that, during the same period of time mother was seen acting irrationally and neglectfully, N.F. had been sick for several weeks, had appeared at school starving and malnourished, declined discussing his family's situation because it would give him headaches, and declined to visit or return home to mother.

Given this record, we stand by our conclusion that the evidence suffices in this case to support the juvenile court's assertion of jurisdiction. Simply put, for over a year now, minors have faced a substantial risk of physical injury or illness due to mother's failure or inability to provide adequate care, and yet mother has done nothing to demonstrate her willingness or capacity to address her shortcomings, despite the repeated efforts by others to help. As such, we are left with no assurance whatsoever that mother's lack of parental fitness will soon abate. (*In re Kristin H.* (1996) 46 Cal.App.4th 1635, 1657-1658 [child-endangering behavior likely to reoccur where "mother is in denial about her substance abuse" and "refuses to cooperate with professionals"].) Accordingly, there is no basis at this time for reversing the juvenile court's jurisdictional or disposition orders.<sup>7</sup>

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<sup>7</sup> Because we affirm the juvenile court orders on the merits, we need not delve into the issue of whether mother forfeited her right to assert a facial challenge to the section 300 petition by raising the issue in court without filing a noticed motion. (Compare *Janet T.*, *supra*, 93 Cal.App.4th at p. 386, fn. 4. [no forfeiture where mother's counsel objected in court to the sufficiency of the factual allegations in the petition]; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 328 ["failure to demur to defective pleadings waives the defect"].)

**DISPOSITION**

The juvenile court's jurisdictional and disposition orders are affirmed.

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Jenkins, J.

We concur:

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Pollak, Acting P. J.

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Siggins, J.