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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re A. S.-G., a Person Coming Under the
Juvenile Court Law.

A.S.,

Petitioner,

v.

THE SUPERIOR COURT OF SAN
FRANCISCO COUNTY,

Respondent;

HUMAN SERVICES AGENCY OF SAN
FRANCISCO, FAMILY AND
CHILDREN’S SERVICES DIVISION,

Real Party in Interest.

A142878

(San Francisco City & County
Super. Ct. No. JD143151)

I.

INTRODUCTION

A.S. (Father) has attempted to appeal from jurisdiction and disposition findings made in conjunction with an order setting a Welfare and Institutions Code section 366.26 hearing to select a permanent plan for his 12-year-old daughter A. S.-G. (A.)¹ Father contends there is insufficient evidence to support some of the juvenile court’s jurisdictional findings and that the court erred by denying him visitation. We will

¹ Unless otherwise stated, statutory references are to the Welfare and Institutions Code.

construe Father's notice of appeal as a petition for extraordinary writ. We reject all of Father's contentions and deny the petition on the merits.

II.

STATEMENT OF FACTS

A. A.'s Detention and Dependency Petition

In April 2014, the San Francisco Human Services Agency (the Agency) received two referrals from A.'s school, one reporting general neglect by A.'s paternal aunt, V. B.-P. (Aunt), and the other reporting neglect and physical and emotional abuse by Father. Both referrals pertained to events which unfolded between April 10 and April 14.

On Friday, April 11, A. told a school official about trouble she was having while living in Aunt's home. The previous day, she had an argument with Aunt and ran away to a cousin's house. After she returned, Father called and threatened to punch her if she ran away again. A. told the school official that Aunt hit her, describing a recent incident when Aunt used a belt which left welts on her arms. A. also reported that Aunt was always fighting with her husband who is "crazy," smokes and takes pills, and "is just not right." Finally, A. told the official that Father had touched her inappropriately but that only the family knew.

After she talked to the school official, A. called Father to tell him why she did not want to stay with Aunt anymore. Father responded by laughing and cursing at her. Later that day, he signed A. out of her after-school program. In the school stairwell, he grabbed her, pulled her by the collar, and slapped her face, hitting her twice in the mouth. He called A. a "little bitch," and a "piece of shit," and said that he wished her mother had flushed her down the toilet. A. told Father she was afraid of him and he said "good." Father then took A. to his house where she spent the weekend. When A. reported this incident to her school the following Monday, she said that Father would find her and hurt her if he ever found out she told anybody what he did.

While investigating the referrals, the Agency social worker spoke to a school social worker who reported that the school had conducted a suicide assessment of A. the previous December, but she did not "meet the criteria" for a "[section] 5150 [hold]" at

that time. Recently, A. had complained to the school social worker that “she can’t take it anymore.” However, Father had denied the school’s request to authorize counseling for A..

According to the detention report, the Agency had received multiple prior referrals about the family. In 2004, A. was removed from the custody of her mother J.G. (Mother) and placed with Father. In 2012, the Agency “substantiated ” a referral by Aunt that Father sexually abused A.. However, the Agency did not open a case at that time because Father was incarcerated and Aunt, who was very protective of A., indicated that she would seek a guardianship and would not allow Father to have any contact with the child. However, Aunt did not follow through with that plan and subsequently permitted Father to have unmonitored contact with A..

The Agency social worker spoke with A., who confirmed that Father sexually abused her in March 2012, but said that he had not done anything sexual to her since then. A. also confirmed the recent incidents reported by her school and said that she did not feel safe with Father because he hit her and called her names. Nor was she comfortable with Aunt who yelled at her and hit her.

In an April 16, 2014 petition, the Agency alleged that A. came within the juvenile court’s dependency jurisdiction under section 300, subdivision (b) [failure to protect from serious physical harm or illness], subdivision (d) [sexual abuse], and subdivision (j) [abuse of sibling].

The section 300, subdivision (b) allegation was directed at both parents. Three factual circumstances pertained to Father. First, on April 11, 2014, Father grabbed A., slapped her in the mouth, called her “a little bitch,” and a “piece of shit,” and told her she should have been flushed down the toilet. Second, A. had been living with Aunt since 2012 when the Agency substantiated an allegation that Father sexually abused A., but she no longer felt safe in that home because Aunt hit her and because of the abusive relationship between Aunt and her husband. Third, Father’s child welfare history included three prior referrals for emotional abuse of A., one “substantiated” referral of

sexual abuse of A., and a previous case in which an older child was removed and placed in long term foster care for several years before he was returned to Father's care.

The section 300, subdivision (b) allegation against Mother, as set forth in an amendment to the petition, pertained to her mental health and substance abuse issues and history of domestic violence relationships. As a consequence of these problems, the Agency had originally removed A. from Mother in 2003, and placed her with Father in 2004. Mother's issues also allegedly resulted in the termination of her parental rights over two of A.'s half siblings. The loss of custody of A.'s half siblings also supported the petition allegation that the juvenile court had jurisdiction under section 300, subdivision (j).

The section 300, subdivision (d) jurisdictional allegation was directed against Father. According to the petition, "on or about 05/21/2012 the Agency substantiated allegations of sexual abuse of A. by . . . Father. The referral was closed as the child was residing with her paternal aunt . . . who was in the process of becoming the child's probate legal guardian."

On April 17, 2014, A. was formally detained and Father was denied visitation.

B. Jurisdiction and Disposition Reports

According to a May 2014 "Jurisdiction/Disposition" report, A. was refusing to return to the home of Aunt or Father. During this reporting period, A. was hospitalized after threatening to hurt herself and her foster mother, but both expressed a desire to maintain the current placement and the Agency concurred.

Father, who obtained sole legal and physical custody of A. in February 2004, refused to provide relevant information about himself and his daughter, and also refused to sign his case plan. Department of Justice records showed that Father had a 1992 conviction for voluntary manslaughter and assault with a deadly weapon. He also had a 1991 arrest for murder, burglary, and firearm possession which did not result in a conviction, several arrests for possession and sale of controlled substances, and a January 2014 arrest for making threats.

The Agency recommended a bypass of services to Mother based on her failure to reunify with A.'s half siblings. (§ 361.5, subds. (b)(10), (b)(11).) The Agency also believed it would be unsafe for A. to have contact with Father, but it initially assumed that it was legally obligated to provide him with services. However, in a June 2014 addendum report, the Agency recommended that the juvenile court deny reunification services to Father pursuant to section 361.5, subdivision (b)(12), which authorizes a bypass of services to a parent who has a conviction for a violent felony. This bypass recommendation was not based solely on the fact that Father had a manslaughter conviction, but also on the Agency's determination that returning A. to Father's care would be detrimental to her well-being. In its addendum, the Agency reported that A. had been hospitalized two additional times because of mental health crises. According to the report, A. "has suffered a significant amount of trauma including abandonment by her mother, physical and sexual abuse by her father and witnessing violence between adults in her life. The minor's exposure to trauma has been untreated all these years and it finally seemed to have boiled over and manifested in the form of her recent hospitalization."

C. The Contested Hearing

A contested jurisdiction/disposition hearing was held on August 15, 2014. The juvenile court took judicial notice of official records concerning Father's criminal history and the termination of Mother's parental rights over A.'s half sibling, and admitted the Agency reports into evidence. The court also heard testimony from two Agency social workers and from Father who opposed the bypass recommendation and sought the opportunity to reunify with A..

Social worker Randy Tili testified that he investigated the April 2014 referrals from A.'s school and prepared the detention report. A. told Tili about the incident when Father slapped her, cursed at her and frightened her in a school stairwell. Tili believed A.'s report was credible and testified that Father refused to discuss the incident with him. Tili also testified that Aunt had violated an agreement she made with the Agency to keep Father away from A.. Before A. was detained, she had been going back and forth

between Aunt's home and Father's home and, after the April 11 incident, she was forced to spend the entire weekend with Father. A. told Tili that she did not want to live with Aunt or Father.

Agency worker Chris Chan testified that he prepared the jurisdiction/disposition reports. A. told Chan that Father sexually abused her multiple times prior to the May 2012 referral. Chan also reviewed a video of a 2012 forensic interview in which A. described what Father had done to her. Chan believed that A. was credible. Chan testified that the Agency social worker who interviewed A. in 2012 also believed she was credible. The Agency did not file a dependency petition at that time because it believed Father was incarcerated and Aunt had made assurances that she would seek a guardianship and that she would not allow Father to have any contact with A.. Chan testified that Father refused to discuss the sexual abuse issue with him even when an attorney was present.

Chan also testified that the Agency recently had to change A.'s foster care placement to a therapeutic group home after she suffered another hospitalization for attempting to harm herself. The Agency concluded that reunification with Father was contrary to A.'s best interests because of the danger of sexual abuse, A.'s current emotional problems, and A.'s clearly expressed desire to avoid all contact with Father.

Father testified that he did not slap his daughter or call her names on April 11, 2014. He stated that there was an incident in the school hallway because A. was having behavior problems and he was just trying to "calm her down." He opined that those problems were related to A.'s estrangement from Mother. On cross-examination, Agency counsel asked whether the school principal who reported that Father beat A. was lying. Father responded "[m]aybe."

Father denied that he sexually abused A., but when Agency counsel asked whether A. had lied, Father's response was "[m]aybe." Later in his testimony, Father testified that he had seen the video of A.'s 2012 forensic interview during which A. reported that the sexual abuse had been going on since she was five years old. Father testified that everything in the video was a lie. He also claimed that he did not even know there had

been a sexual abuse allegation against him in 2012; he testified that he agreed to let A. live with Aunt because she was having “girl issues.”

Father testified that he felt like a part of him was missing without his daughter and that he was willing to participate in services in order to reunify with her. Indeed, he opined that “part of the problem” was that keeping A. away from him was detrimental to her well-being. Father testified that he was already attending parenting class and a fatherhood group, and that he was also attending anger management, although he did not have an anger management problem. Father testified that he would do “[a]lmost” anything the Agency asked, including participating in a sex offense program, but that he did not know that service had been offered to him.

After Father completed his testimony, Chris Chan retook the stand and testified that Father refused to talk to him or to sign paperwork authorizing Chan to discuss his case with service providers. Therefore, the Agency had no information that Father was engaged in any services.

D. The August 15, 2014 Order

At the conclusion of the contested hearing, the juvenile court found that the petition allegations pertaining to Father and the amended allegations pertaining to Mother were true, and declared A. a dependent child under section 300, subdivisions (b), (d) and (j). The court also adopted the Agency recommendations to bypass services to both parents, granted a request by Mother for continued telephone contact with A., and denied visitation with Father based on a finding “that any visits with Father will be detrimental.” A hearing was set for December 10, 2014, to select and implement a permanent plan for A. pursuant to section 366.26.

After completing its findings, the court stated that Mother, who was not present at the hearing, would be mailed notice of her appellate rights “and Father has been given notice of his appellate rights today in person.” The court continued, “What’s important, as you all know . . . is that there’s some very strict timelines. You must be addressed. [*Sic.*] The first one is in the first seven days after the Court’s decision.” The judge then

stated that he knew Father’s attorney would review the timelines with his client and he urged Father to speak with counsel to decide how he wanted to “proceed from here.”

E. The Notice of Appeal

On August 25, 2014, Father filed a notice of appeal that was completed in handwriting and signed by him. Father attempted to appeal from findings and orders that the juvenile court made on August 15, including the order removing A. from Father’s care, the order declaring A. a dependent, the jurisdictional findings, the order setting the section 366.26 hearing, and “[o]ther appealable orders.”

With the assistance of appointed appellate counsel, Father made three arguments in his appellate briefs: (1) he was denied proper notice of his right to file a writ petition; (2) there is insufficient evidence to support jurisdictional findings under section 300, subdivisions (b) and (d) that implicate his conduct; and (3) he should have been granted visitation.²

III.

DISCUSSION

A. We Construe the Notice of Appeal as a Writ Petition

“When at the disposition hearing the juvenile court denies family reunification services and sets a section 366.26 hearing, ‘the traditional rule favoring the appealability of dispositional orders yields to the statutory mandate for expedited review.’” [Citations.] ‘An order setting a section 366.26 hearing “is not appealable; direct appellate consideration of the propriety of the setting order may be had only by petition for extraordinary writ review of the order. (§ 366.26, subd. (l); [citations].)’”

² This case was fully briefed on December 1, 2014, but without disposition on December 10 when the section 366.26 hearing occurred. This court obtained a copy of the minute order from the December 10 hearing, and we now take judicial notice of that order which reflects that the juvenile court did not terminate parental rights, but selected a permanent plan of an “Approved Planned Permanent Living Arrangement” after finding that A. was not a proper subject for adoption and legal guardianship was not an option. The juvenile court also took judicial notice of all other findings, orders and reports in this case and continued the matter for a six-month review.

[Citation.] When the juvenile court orders a hearing under section 366.26, the court must orally advise all parties present that if the party wishes to preserve any right to review on appeal of the order setting the hearing under section 366.26, the party is required to seek an extraordinary writ. [Citations.]’ [Citation.] This rule applies to all orders . . . made contemporaneously with the setting of the hearing. [Citations.]” (*Maggie S. v. Superior Court* (2013) 220 Cal.App.4th 662, 671 [*Maggie S.*]; see also Cal. Rules of Court, rule 8.450; *In re Anthony B.* (1999) 72 Cal.App.4th 1017, 1023.)

Father concedes that the proper procedure for obtaining review of the August 15, 2014 order was to file a petition for extraordinary writ rather than an appeal. However, he asks this court to overlook his procedural error because he was not properly advised of his right to file a writ petition. The Agency, on the other hand, urges us to dismiss the appeal.

In *Maggie S.*, *supra*, the juvenile court exercised jurisdiction over Mother’s child, denied Mother services and set a section 366.26 hearing in the case, but it “failed to orally advise Mother of the writ requirement.” (220 Cal.App.4th at p. 671.) The record showed that Mother had been mailed a copy of the form notice of intent to file a writ petition and an advisement of her rights. However, the juvenile court did not comply with the requirement that the “ ‘court must give an oral advisement to parties present at the time the order is made.’ ” (*Ibid.*, quoting *In re A.H.* (2013) 218 Cal.App.4th 337, 347.) Therefore, the *Maggie S.* court “excuse[d] Mother’s lack of compliance with the writ requirement, and construe[d] her purported appeal as a petition for extraordinary writ.” (*Ibid.*)

In this case, the Agency contends that *Maggie S.* is inapposite because the juvenile court made an adequate oral advisement by telling Father to act within seven days in order to preserve his appellate rights and providing him a copy of the Judicial Council Form JV-820, which contains a written advisement of the writ requirement and the pertinent deadlines. We disagree with this argument for several reasons. First, providing a written advisement does not satisfy the rule that the court must provide an *oral advisement* to all parties present in the courtroom when the order is made. (*Maggie S.*,

supra, 220 Cal.App.4th at p. 671.) Second, the court’s oral advisements about the need to preserve “appellate rights,” comply with a seven-day timeline, and consult with counsel may have been useful, but none of these remarks can be reasonably construed as an oral advisement that Father was required to seek an extraordinary writ in order to preserve any right to appellate review of the orders made at the August 15 hearing. Indeed, to a party without legal training, the court’s reference to “appellate rights” rather than the right to file a writ petition may have been affirmatively misleading. Thus, we will follow *Maggie S.* and construe Father’s purported appeal as a petition for an extraordinary writ. (*Ibid.*)

B. The Jurisdictional Findings

Father contends the jurisdictional findings pertaining to him must be reversed because they are not supported by the evidence.

Preliminarily, we question whether Father’s jurisdictional challenge is justiciable, a fundamental requirement of appellate review. (See *In re I.A.* (2011) 201 Cal.App.4th 1484, 1489.) Reversing the challenged findings will not deprive the juvenile court of jurisdiction over A. because of the unchallenged jurisdictional findings pertaining to Mother. “Because the juvenile court assumes jurisdiction of the child, not the parents, jurisdiction may exist based on the conduct of one parent only. As a result, we need not consider jurisdictional findings based on the other parent’s conduct. [Citation.]” (*In re A.R.* (2014) 228 Cal.App.4th 1146, 1150; see also *In re I.A.*, *supra*, 201 Cal.App.4th at pp. 1489-1491.)

Acknowledging that the unchallenged jurisdictional findings pertaining to Mother’s conduct establish jurisdiction over A., Father asks this court to exercise its discretion to address his claims. “[W]e may exercise our discretion to reach the merits of the other parent’s jurisdictional challenge in three situations: (1) the jurisdictional finding serves as the basis for dispositional orders that are also challenged on appeal; (2) the findings could be prejudicial to the appellant or could impact the current or any future dependency proceedings; and (3) the finding could have consequences for the appellant

beyond jurisdiction. [Citation.]” (*In re A.R.*, *supra*, 228 Cal.App.4th at p. 1150; see also *In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763.)

Father argues that all three situations described above apply here because the challenged findings (1) serve as the basis of the disposition order denying him visitation, (2) could prejudicially impact future dependency proceedings, and (3) have consequences beyond this case because they will result in a report of his name to the Child Abuse Central Index (CACI). These arguments are unsound. First, the order denying appellant visitation was based on an independent finding of detriment to the child. Second, nothing in this record suggests that the findings will impact another proceeding. Finally, once the Agency substantiated the sexual abuse referral, it was required to report the matter to the CACI, whether or not the jurisdictional allegation pertaining to that incident was confirmed by the juvenile court. (Pen. Code, § 11169, subd. (a).)

Alternatively, if Father’s sufficiency of the evidence arguments are justiciable, they fail on the merits. “ ‘At the jurisdictional hearing, the dependency court’s finding that a child is a person described in section 300 must be supported by a preponderance of the evidence. (§ 355, subd. (a); [citation].) We review the dependency court’s jurisdictional findings for substantial evidence, and review the evidence in the light most favorable to the dependency court’s findings and draw all reasonable inferences in support of those findings.’ [Citation.]” (*In re Christopher M.* (2014) 228 Cal.App.4th 1310, 1318.) Here, the record contains substantial evidence supporting the jurisdictional findings against Father under section 300, subdivisions (b) and (d).

Section 300, subdivision (b) jurisdiction is established when “(1) [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 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” Thus, causation is an essential element for jurisdiction under section 300, subdivision (b); a specified form of parental conduct must

have caused serious physical harm or a substantial risk of such harm. (*In re John M.* (2012) 212 Cal.App.4th 1117, 1124.)

Father contends that the Agency failed to adequately allege—let alone prove—that his conduct caused A. serious physical harm or created a substantial risk she would suffer such harm. According to Father, even if the allegations that he called A. names and made derogatory remarks are true, these actions do not constitute serious harm. Furthermore, there is no evidence that the alleged slaps to A.’s face or mouth left marks or bruises. And, Father contends, the allegations regarding conduct by Aunt may be true but are irrelevant to prove misconduct by Father. Finally, Father argues that his history with the Agency has no relevance to the issues in this 2014 dependency proceeding.

First, to the extent Father is attempting to challenge the facial sufficiency of the petition allegations, he forfeited that claim by failing to raise it below. (*In re David H.* (2008) 165 Cal.App.4th 1626, 1637.) Second, Father’s piecemeal critique of the evidence does not diminish the cumulative weight of that evidence supporting the section 300, subdivision (b) finding. If the physical and emotional abuse Father inflicted in April 2014 did not constitute serious physical harm, it was evidence that A. faced a substantial risk of such harm. Evidence that Aunt abused A. is also relevant because other evidence shows that Father is responsible for the custody arrangement which exposed A. to abuse by Aunt, and that Father was aware of that abuse but refused to protect his daughter from it. Finally, Father’s prior history of referrals to the Agency is evidence of Father’s pattern of negligent, if not willful failure to protect his children from harm.

Section 300, subdivision (d) applies in cases where “[t]he child has been sexually abused, or there is a substantial risk that the child will be sexually abused . . . by his or her parent or guardian or a member of his or her household” Substantial evidence supporting the section 300, subdivision (d) finding in this case includes the 2012 referral by A.’s family which reported details about the abuse including that then-nine-year-old A. engaged in sexualized behavior which was videotaped on her cell phone, and that A. admitted to family members that Father made her watch pornography with him while he

molested her. A. also described the disturbing details of her father's sexual abuse in a 2012 forensic interview, and she confirmed that same prior abuse to the social workers in this case. Furthermore, although Father testified that everything in the videotaped interview was a lie, he contradicted himself by acknowledging that A. "[m]aybe" told the truth.

Changing course, Father argues that the section 300, subdivision (d) finding must be reversed because the petition alleged only that the Agency substantiated a sexual abuse referral, not that Father actually sexually abused A.. Father's theory is that by sustaining the jurisdictional allegation, the court found that the Agency made a finding of sexual abuse, but the court itself did not make its own finding that Father sexually abused A.. Contending that an Agency finding is "neither equivalent to nor a substitute for a judicial determination," Father posits that the juvenile court failed to make any finding to justify exercising jurisdiction under section 300, subdivision (d).

Father's argument misses the mark. The issue before us is not whether factual allegations in the petition adequately allege jurisdiction under section 300, subdivision (d), but whether substantial evidence supports the juvenile court's express finding that A. is a child described in section 300, subdivision (d).

In re Jessica C. (2001) 93 Cal.App.4th 1027, illustrates our point. In that case, father appealed an order exercising jurisdiction over his children pursuant to section 300, subdivision (d). Father argued that the actual allegations in the petition could not support a finding under section 300, subdivision (d) because the Agency alleged that his eldest daughter reported that he did certain things, but it did not allege that "anything actually happened." (*Id.* at p. 1034.) Rejecting this argument, the *Jessica C.* court corrected father's misconceptions about the nature of pleadings in a dependency case.

As the *Jessica C.* court explained, dependency petitions are drafted by laypersons often under exigent circumstances. (93 Cal.App.4th at p. 1035.) At the pleading stage, the purpose of the petition is "to provide 'meaningful notice' that must 'adequately communicate' social worker concerns to the parent. [Citation.]" (*Id.* at p. 1037.) If the parent believes the allegations are inadequate to support the jurisdictional finding, he may

bring a “motion ‘akin to a demurrer.’ [Citation.]” (*Ibid.*) However, once the juvenile court has conducted a hearing on the merits of the petition, “the focus must necessarily be on the substance of the allegations found true by the juvenile court, not idiosyncratic particulars of the social worker’s precise language. Anything less would allow parents to hold linguistic deficiencies in the petition as a kind of trump card by which they could attack a finding that a child fell within one of the descriptions of section 300, even though that finding was supported by substantial, indeed overwhelming evidence.” (*Id.* at pp. 1037-1038.)

The *Jessica C.* court affirmed the section 300, subdivision (d) finding in that case because the substance of the petition allegations was that there was actual child abuse not just that father’s daughter believed she had been abused, and there was substantial evidence of that actual abuse. (93 Cal.App.4th at p. 1038.) The same reasoning applies here. The substance of the section 300, subdivision (d) petition allegations was that Father sexually abused A. in 2012 and there is substantial evidence supporting that conclusion.

Furthermore, appellant overlooks that section 300, subdivision (d) applies in cases where there is a “substantial risk that the child will be sexually abused” by her parent. Thus, contrary to appellant’s assumption, the juvenile court was not required to make an independent finding that Father sexually abused A.. Rather, under the circumstances of this case, the court could properly have exercised section 300, subdivision (d) jurisdiction because the Agency established that there was a substantial risk that Antwan would sexually abuse his daughter if the court did not exercise jurisdiction over A..

C. Denial of Visitation

Finally, Father contends that the order denying him visitation with A. must be reversed because it is not supported by any evidence.

Father forfeited this claim by failing to object in the lower court. (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 221-222.) Without analysis, Father posits that the waiver doctrine should not automatically apply. Father was denied visits when A. was first detained in April 2014. He did not object at the time or subsequently file a petition for a

modification of that order. Then, when the court denied visitation at the contested hearing based on a finding of detriment to the child, Father again stood mute notwithstanding that Mother sought to maintain some contact with A. and her request was granted. Now Father pursues an untimely challenge to the order denying him visitation without providing any explanation for failing to raise the issue below.

Even if this claim was not forfeited, it fails on the merits. The juvenile court may deny a parent visitation based on a finding of detriment to the child. (*In re D.B.* (2013) 217 Cal.App.4th 1080, 1089-1091.) “Detriment includes harm to the child’s emotional well-being. [Citation.]” (*In re Brittany C.* (2011) 191 Cal.App.4th 1343, 1357.) A juvenile court’s detriment finding is subject to review for substantial evidence. (*In re Mark L.* (2001) 94 Cal.App.4th 573, 580.) The record before us contains substantial evidence that ordering visitation for Father would be detrimental to A. because Father has physically, sexually and emotionally abused A. and she is terrified of him.

IV.

DISPOSITION

The petition for extraordinary writ is denied on the merits. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 8.490(b)(2)(A).)

RUVOLO, P. J.

We concur:

REARDON, J.

RIVERA, J.