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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION THREE

In re M.E., a Person Coming Under the  
Juvenile Court Law.

ALAMEDA COUNTY SOCIAL  
SERVICES AGENCY,

Plaintiff and Respondent,

v.

K.F.,

Defendant and Appellant.

A147560

(Alameda County  
Super. Ct. No. OJ15025985)

K.F. (mother) appeals from a judgment declaring her then 14-year-old daughter a dependent of the court, removing her from mother's custody and placing her in father's custody. Mother contends the evidence was insufficient to support the jurisdictional findings. We shall affirm.

**Factual and Procedural Background**

The minor was brought into protective custody on December 8, 2015, after she reported that she was afraid to go home due to physical and verbal abuse by her mother. On December 10, 2015, the Alameda County Social Services Agency (the agency) filed a petition on behalf of the minor alleging that she came within the provisions of Welfare and Institutions Code section 300, subdivisions (b) and (g).<sup>1</sup>

<sup>1</sup> All statutory references are to the Welfare and Institutions Code. Section 300, subdivision (b)(1) provides in relevant part that a child may be adjudged a dependent of

Under section 300, subdivision (b), the petition alleged: “The minor . . . reports that she is chronically physically and verbally abused by her mother . . . and her maternal grandmother . . . . The minor reports that her mother and grandmother have physically abused her by kicking, punching, and shoving her in addition to calling her vulgar names such as ‘bitch’ and ‘stupid.’ The minor reports she is regularly threatened with physical punishment. Due to these threats, the minor does not wish to return home.” The petition alleged further that mother “does not acknowledge the treatment she is subjecting her daughter to and reports that the minor is ‘out of control.’ ” Mother blames the father for her daughter’s behavior and reports that the minor’s “unruly behavior” is a result of spending time with her father. Mother and father have a history of domestic violence and both parents also reported having obtained restraining orders against the other. Under subdivision (g), the petition alleged that father saw his daughter only intermittently and had not provided any child support.

At the detention hearing on December 11, 2015, the court ordered the minor detained and placed in foster care.

In advance of the jurisdictional hearing, the agency submitted a report recommending that jurisdiction be assumed over the child and that she be placed with her father. The social worker reported that the minor did not want to return to mother’s care and that she hoped to be placed with father. The minor stated that her mother was cruel to her and that she had a positive relationship with her father. The social worker reported that mother and the minor’s two siblings had denied any abuse by mother or by the maternal grandmother. The report also advised the court of a pending custody hearing in family court.

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the court 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.” Under section 300, subdivision (g) a child may be adjudged a dependent of the court if the child “has been left without any provision for support.”

At the contested jurisdictional hearing on February 8, 2016, the minor testified in chambers. She testified that her mother and maternal grandmother had always been “physical” with her but the situation had worsened after she returned from spending the summer with her father. She testified that both her mother and grandmother would hit or grab her “hecka hard” and that her mother would talk “crazy” to her. Her grandmother had choked her and both her mother and her grandmother had punched and pushed her. The minor explained, “She would say like I’m dumb and that that is my fault. Like if something would happen, it would always be my fault. Basically it would be directed to me only, not my brothers and sisters. When something would happen or when she would be mad for no reasons, she will show her anger on me.” When asked how often her mother hit her, the minor answered “Like every other day . . . so I try to stay in my room to stay out of her way so she wouldn’t start yelling at me or hitting me or my grandma wouldn’t start yelling at me or hitting me.” She acknowledged fighting with her mother over a cell phone her father gave her. She denied attacking her mother and testified that instead it was her mother and grandmother who kicked and hit her. The minor testified that on the morning she was placed in foster care, her mother was “cussing” at her on the drive to school. When the minor got out of the car at a bus stop, mom threatened to get out of the car and beat her, then drove away still screaming at her. That afternoon, on the way from school to work, her mother again threatened her, saying “I’m going to beat your ass.”

Mother also testified at the jurisdictional hearing. She denied that she or the grandmother ever hit the minor. They would send the children to their rooms or take items away from them as a means of discipline. She testified that the minor became enraged after she took her cell phone away. When her daughter tried to leave, mother restrained her and called the police; she did not hit her. The child was acting “wild” when the police arrived so they placed her in handcuffs and brought her to the police car. Mother denied yelling at her daughter or calling her names on the morning of her removal. She said the minor awoke that morning in a bad mood and was angry that

afternoon because she wanted to go to a friend's house in Oakland and mother would not let her go.

At the conclusion of the hearing, the juvenile court stated that it found the minor to be "very credible" and mother not to be credible. The juvenile court found the allegations in the petition true and that the child was described by section 300, subdivisions (b) and (g). The court approved placement with father and ordered family maintenance services. Although mother was not entitled to reunification services, the court authorized the agency, in its discretion, to provide informal services to her.

Mother timely filed a notice of appeal.

### **Discussion**

The court found that the minor came within the meaning of section 300, subdivision (b) based on the allegation the minor was being physically and verbally abused by her mother and her maternal grandmother. Mother contends there was insufficient evidence to support the finding that she or the grandmother had physically abused her daughter.

"In considering a claim of insufficient evidence to support a jurisdictional finding, we review the evidence most favorably to the court's order—drawing every reasonable inference and resolving all conflicts in favor of the prevailing party—to determine if it is supported by substantial evidence. [Citation.] If it is, we affirm the order even if other evidence supports a contrary conclusion. [Citation.] [¶] We note that in dependency proceedings, the child welfare agency must prove by a preponderance of the evidence that the child who is the subject of the petition comes under the court's jurisdiction. [Citations.] On appeal, the parent has the burden of showing there is insufficient evidence to support the order." (*In re N.M.* (2011) 197 Cal.App.4th 159, 168.)

On appeal, mother denies her "blameworthiness," characterizes her daughter as "incorrigible" and asserts that family court, rather than dependency court, is the proper venue for resolution of this custody dispute. She relies heavily on her own testimony at the jurisdictional hearing and statements made by the minor's siblings to the social

worker denying any physical abuse and placing responsibility for the situation on their sister's behavior. Mother's argument, however, fails to acknowledge that the trial court expressly found the minor credible and mother not credible. In evaluating the sufficiency of the evidence, we are bound by those credibility determinations. Minor's testimony that she was repeatedly punched, pushed and choked by her mother and grandmother undoubtedly supports jurisdiction. (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 450-451 [evidence from a single witness is sufficient to support the trial court's findings].) Because jurisdiction can be supported on this finding alone, there is no need to discuss the sufficiency of the evidence in support of the court's remaining findings, or to consider Mother's contentions that jurisdiction can be found only if she was blameworthy or that the risk of emotional harm is insufficient to support jurisdiction.

**Disposition**

The jurisdictional and dispositional orders are affirmed.

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Pollak, Acting P.J.

We concur:

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Siggins, J.

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Jenkins, J.