

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B237595

(Los Angeles County
Super. Ct. No. CK68501)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

CHRISTINE J.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County, Marilyn Mordetzky, Juvenile Court Referee. Affirmed.

Gerard McCusker, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, Acting County Counsel, James M. Owens, Assistant County Counsel, and William D. Thetford, Principal Deputy County Counsel, for Plaintiff and Respondent.

Christine J. (Mother) appeals from the juvenile court's jurisdictional and dispositional orders, contending that one of her children is not named in the operative petition and insufficient evidence supports the jurisdictional findings. We affirm the orders.

FACTUAL AND PROCEDURAL BACKGROUND

Mother has four children, J.N.¹ (born Aug. 1995), Amber S. (born July 2000), Ian E., Jr. (born Apr. 2007), and Erin E. (born Apr. 2011). G.N. is J.N.'s father, Robert S. is Amber's father, and Ian E., Sr. is Ian Jr. and Erin's father.

Before the current petition was filed, Mother had four prior child abuse referrals, the first in 2002. The last resulted in a 2007 petition being filed on behalf of J.N., Amber, and Ian, Jr. The petition alleged Mother had placed the children in a detrimental and endangering situation, Mother had generally neglected them, Mother and Ian, Sr. had engaged in domestic violence, and J.N.'s father had failed to provide J.N. with the necessities of life.

The petition was sustained in November 2007. After Mother and Ian, Sr. participated in services mandated by the court, the court terminated jurisdiction in January 2009 and signed orders awarding Mother legal and physical custody of the children.

The following events led to the filing of the petition in the present case. At approximately 3:00 a.m. on March 26, 2011, Los Angeles County Sheriff's deputies responded to a call of possible domestic violence at Mother's apartment. The deputies were advised that an aborted 911 call had been made from that location. The first deputy to arrive saw a male, later identified as Ian, Sr., sitting outside of the apartment. The deputy asked him what had occurred. Ian, Sr. did not answer and walked into the apartment.

¹ Throughout the record, J.N.'s first name is spelled with a "G"; however, when he testified at the jurisdictional hearing, he spelled his name with a "J."

As Deputy Alex Smith and his partner Deputy Ramon Martinez approached the front door of the apartment, they immediately observed that the doorframe was damaged. It appeared that the door had been kicked open. Mother came to the door and Deputy Smith asked if any other adults were in the apartment. Mother said no, claiming the only others inside were her two children. When asked if she was the person who had called 911, Mother said that she was. She stated she did so to get help in getting her “baby’s daddy” (later determined to be Ian, Sr.) out of the apartment. Because Mother’s denial that any other adult was inside was inconsistent with the first deputy’s observation of a male near the apartment and fearing for the safety of the children, the deputies entered the location. They found J.N. inside a bedroom. He appeared to be uninjured. J.N. refused to make any statements with regard to what had taken place inside the apartment prior to the deputies’ arrival.

The deputies approached another bedroom and saw Ian, Jr. lying on the bed. They heard the bathroom door close. Deputy Martinez asked Mother who was in the bathroom and she replied she did not know. Deputy Smith knocked on the door. Ian, Sr. finally answered, but refused to come out when the deputies advised they were conducting a domestic violence investigation. Smith heard the shower being turned on. He again asked Mother who was in the bathroom. She maintained she had no idea.

Following a brief scuffle that included the use of pepper spray, the deputies were able to gain entry into the bathroom. They observed bloody clothing in the bathtub. After getting Ian, Sr. out of the bathtub and placing him onto the floor, the deputies observed what appeared to be a puncture wound to the back of Ian, Sr.’s neck. The deputies found a pair of scissors on a wall adjacent to the bathroom.

Ian, Sr. was asked how he received the injury to his neck. He claimed he was in the parking lot in front of the location when he was approached by an African-American male who stabbed him. He would not provide any further information.

Mother refused to make any statements regarding her 911 call. She said she did not know how Ian, Sr. was injured. She stated that they were together earlier in the

evening and he was not bleeding at that time. She also claimed she did not know how the front door to the apartment was damaged.

The Los Angeles County Department of Children and Family Services (DCFS) was notified that there were two children at the location of the incident.

On March 30, 2011, Children's Social Worker (CSW) Edward Flores spoke to Mother. He explained that he was investigating a referral regarding a possible domestic violence incident that occurred on March 26. Mother said, "[W]e didn't have a domestic violence issue." She stated that she and Ian, Sr. were married, but were separated because "he likes women."

With regard to the events of March 26, Mother said that at around 3:00 or 4:00 a.m., she picked up Ian, Sr. from a friend's house and brought him to the apartment. Because she was nine months pregnant, Ian, Sr. had been staying there. When they arrived at the apartment, Mother changed her mind about having Ian, Sr. at the location because it appeared he had been drinking. She told him to wait outside. When Ian, Sr. insisted on coming into the apartment, Mother tried to call 911 on her cell phone. Ian, Sr. grabbed the phone and the call was disconnected. She went inside the bathroom and did not know where Ian, Sr. went. Later, deputies arrived, came inside the apartment to ensure everything was alright, and discovered Ian, Sr. in the bathroom. The deputies eventually got him out of the bathroom and handcuffed him. Ian, Sr. said he had been stabbed.

Mother denied that an assault had occurred inside the apartment. She told Flores she did not know how the front door was damaged.

Flores discovered another incident involving Ian, Sr. that occurred on August 5, 2010. When Mother was contacted by deputies on that occasion, Ian, Sr. was not at the location. Mother said she locked Ian, Sr. out of the apartment. He kicked the door open and left. Mother refused to answer any other questions because she did not want Ian, Sr. arrested.

On March 31, Flores spoke to J.N. When asked about the incident on March 26, J.N. said he was asleep and "heard nothing." J.N. admitted that Mother and Ian, Sr. had

three arguments in the past, but he claimed they never hit each other. J.N. told Flores that on the morning of the incident, prior to the arrival of the police, Mother woke him up and asked him to tell Ian, Sr. to leave the premises. J.N. said he did so. He recalled hearing Ian, Sr. tell the police that he had been stabbed.

That same day, Flores interviewed Ian, Sr. He stated that he and Mother left a friend's home to go to Mother's apartment. Once at the apartment, Mother changed her mind about allowing him inside. He left the apartment to smoke a cigarette. He went to the parking lot of the complex where he was stabbed by an unknown male. Ian, Sr. said he went back to the apartment and told Mother to get help. He became "delirious" and grabbed the phone from Mother as she tried to call 911. He realized he was bleeding and went to the bathroom to try to remove his shirt with a pair of scissors. The police arrived. They sprayed him with pepper spray and handcuffed him.

On April 6, 2011, DCFS filed a petition on behalf of J.N., Amber, and Ian, Jr. It alleged that the children had suffered serious physical harm, Mother and Ian, Sr. failed to protect the children due to their prior violent altercations, Ian, Sr. had a history of substance and alcohol abuse, and J.N.'s father failed to provide J.N. with the necessities of life. (Welf. & Inst. Code, § 300, subs. (a), (b) & (g).)²

The detention report advised the court that J.N. and Ian, Jr. were placed in foster care. Amber's whereabouts were unknown. Mother told Flores that Amber was on her way to San Francisco with her father. J.N.'s father's whereabouts also were unknown. The report noted that J.N. refused to go to a foster home, saying "I will not go to a foster home, I will kill myself." After speaking to a supervising CSW, J.N. calmed down. He claimed that he made the threatening statement because he had been in a foster home before and "it was like a prison."

On April 7, 2011, J.N. and Ian, Jr. were released to Mother. Amber's whereabouts were still unknown. Ian, Sr. was ordered not to reside in Mother's home. His monitored

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

visits were not to be conducted in the home and Mother was barred from serving as monitor.

On May 16, 2011, DCFS filed a petition on behalf of “Baby Girl [J.],” the child eventually named Erin E. It included the section 300, subdivisions (a) and (b) allegations that were in the original petition and added a subdivision (j) charge stating that the baby girl’s siblings were subjects of abuse. The CSW wrote in the detention report that as of May 11, 2011, “Mother has not complied with any programs, services or court orders. . . . Mother has been resistant and secretive with CSW. Mother has not obtained a restraining order at this time and [Ian, Sr.’s] whereabouts [is] unknown which poses a threat to Baby Girl [J].” In addition, the CSW suspected that Ian, Sr. was at Mother’s home in violation of the court order. While conducting an unannounced home visit, she noticed an African-American male on the porch with Mother. As the CSW approached, the male went inside. Mother said the CSW did not see a male on the porch and denied that Ian, Sr. resided at the home. Later, Mother claimed the CSW had seen J.N. The CSW was certain J.N. was not the male she had seen on the porch.

At the detention hearing, Erin E. was released to Mother. The same custody and visitation orders issued by the court with respect to J.N. and Ian, Jr. were applied to Erin E.

On August 10, 2011, DCFS filed an amended petition and dismissed the May 16 petition brought on behalf of Baby Girl J. At the top of each of the pages pertinent to the section 300, subdivisions (a) and (b) allegations, the names of the four children were listed. Once again, Erin E. was referred to as Baby Girl J. However, Baby Girl J. was not named in the body of the petition. The amended petition also did not include the section 300, subdivision (j) allegation as to Baby Girl J.

The August 10, 2011 jurisdiction/disposition report set forth the members of the family and listed the children: J.N., Amber, Ian, Jr., and “a newborn, Erin [E].” The report noted that Mother and Ian, Sr. have “an unresolved history of verbal and physical disputes.” Neither was cooperating with DCFS social workers. DCFS concluded the

children faced the potential for future harm due to Mother's and Ian, Sr.'s domestic violence issues.

On October 28, 2011, the court held a contested jurisdictional hearing. Deputy Alex Smith testified that he responded to Mother's apartment on March 26, 2011, after receiving an emergency call of possible domestic violence at the location. Upon arriving at the apartment, Smith noticed that the door was slightly ajar and the doorframe "was damaged as if it had been kicked in." He knocked on the door and Mother answered. Smith asked her why she had called the police. She stated she wanted to get her baby's daddy to leave. Smith asked whether anyone else was in the apartment and Mother replied just her two children. Smith did not believe Mother because a deputy who had arrived at the apartment earlier said he saw a male go inside.

Deputy Smith entered the apartment and saw J.N. in a bedroom. Smith asked J.N. who else was in the apartment, but the boy did not answer. Smith went into another bedroom and saw the door to the adjacent bathroom close. He asked Mother who was in the bathroom and she said she did not know. Smith stood by the bathroom door, announced that deputies were present, and told the occupant, whom Smith identified as Ian, Sr., to open the door. Ian, Sr. responded that he was naked and on the toilet. Again, Smith asked Mother who was in the bathroom. Her response was the same—she did not know. Smith tried to open the door; however, Ian, Sr. resisted by pushing back. Smith was able to get the door ajar and observed bloody clothing inside the tub. Another deputy was able to squirt a chemical similar to pepper spray inside the bathroom and close the door. Ian, Sr. surrendered. Deputy Smith removed Ian, Sr. from the bathroom and placed him face down on the floor. As Smith was handcuffing Ian, Sr., he noticed that Ian, Sr. had a puncture wound on the back of his neck. Ian, Sr. claimed he had been jumped by an unknown male and stabbed. Smith's partner went into the bathroom and recovered a pair of scissors that appeared to have fresh blood on them.

Deputy Smith was asked on cross-examination if he had an opinion as to how Ian, Sr. sustained the wound to his neck. Smith said he believed that Ian, Sr. kicked in the door, struggled with Mother who was making a 911 call, and Mother grabbed the scissors

and stabbed him. Smith had listened to a tape of the aborted 911 call. He heard a woman's voice, sounds that suggested a struggle was taking place and the call being disconnected.

J.N. testified he was home when the deputies arrived at the apartment. He denied hearing Ian, Sr. and Mother engage in a fight. He did not hear a "door being broken" or a struggle over a telephone. J.N. said Ian, Sr. was nice to Mother and said they never fought. J.N. asserted that he had not seen Ian, Sr. at the apartment "in a while." J.N. acknowledged that he told the social worker he did not want to say anything because the last time he spoke with DCFS he was taken from the family home. J.N. said he felt safe at home and in Ian, Sr.'s presence.

Yolanda Woodson-Glenn, the dependency investigator, told the court that DCFS had concerns because Mother and Ian, Sr. refused to be interviewed and they had ongoing domestic disputes. Woodson-Glenn did not believe Mother had addressed the domestic violence problem and recommended that she complete a program or counseling specifically addressing that issue. This unresolved problem placed the children at risk of future harm.

Mother described the events that led to Ian, Sr.'s arrest on March 26. At approximately 3:00 a.m., she picked up Ian, Sr. at his friend's house and brought him to the apartment in order to have sexual intercourse; however, when they got to the front door of the apartment she changed her mind and told him she wanted him to leave. She left him sitting in a chair outside of the apartment and went to change her clothes. Mother planned to drive Ian, Sr. back to the friend's house. When she came back into the living room, Ian, Sr. was inside "actin' weird . . . like [he was] in shock or something." Mother said she did not notice that he was injured, and once again asked him to leave. When he did not do so, she called the police, believing that he would leave the apartment if the police asked him. Mother denied that Ian, Sr. refused to leave, claiming only that "he had stepped past the threshold once [she] had already told him not to come past the threshold; so in [her] opinion that constituted [*sic*] [her] to call the police." Mother said she did not feel physically threatened.

Mother was asked what occurred when she called 911. She said Ian, Sr. did not take the phone from her. He was reaching for the phone and saying he wanted to talk to the police. Mother said she lost contact with the operator because the cell phone service provider dropped the call. She stated she did not hang up.

She admitted that she told police she did not know who was in the bathroom.³ She thought only she and the two children were in the apartment. Mother noted that it would have been possible for Ian, Sr. to go into the bathroom without her knowledge. She guessed he probably did so when she was in one of the other bathrooms. Mother said the police informed her that Ian, Sr. had been injured. She did not know he had been stabbed. When she continued to tell police she did not know how Ian, Sr. was injured, they handcuffed her, said she was going to jail, and threatened to take the children away. Mother acknowledged that the scissors the police recovered belonged to her. They were normally kept in the kitchen.

Mother was asked about an incident in August 2010. She said she called the police on that occasion because Ian, Sr. had broken down the door by accident. She stated she contacted the police in order to file a police report. Ian, Sr. was refusing to pay to have the door fixed and she believed that if she received a police report she would be able to sue him. Eventually, she and Ian, Sr. fixed the door. Mother asserted that any damage the police observed to the door in March 2011 was the result of the August incident because the door was “actually still damaged because it was just kind of jimmy [*sic*] rigged.”

Mother said she had participated in domestic violence counseling and believed it had helped her. She now understood that there was no excuse for domestic violence. When asked if she learned how to avoid such incidents, she replied, “I don’t really remember learning that.”

³ During cross-examination, Mother said that after hearing the conversation at the bathroom door she realized that Ian, Sr. was in the bathroom. She claimed she informed the police of that fact.

Ian, Sr. testified that on March 26, Mother picked him up at a friend's house. When they got to the front door of the apartment, Mother said she changed her mind and asked him to wait. He sat in a chair for a few minutes. He poked his head into the apartment to ascertain where Mother was, but he did not see her. He sat back down in the chair. After a minute or so, Ian, Sr. heard a man in the parking lot asking him to come down. He did not know the man. Nonetheless he decided to go to the lot because he was smoking a cigarette, thought the man had a question, and "didn't have anything else better to do." After arriving at the lot, the man asked him if he had a cigarette. The man said something like, "What's up?" and threw a punch at him. The men fought. As they exchanged blows, Ian, Sr. realized that he was bleeding. He ran upstairs.

Ian, Sr. went into the apartment saying he had been stabbed. He saw Mother in the kitchen. He was trying to tell her to call the police because he had been stabbed and Mother said she would. Ian, Sr. asked her to let him speak to the officers, but she refused. He noticed the front door was not closed, so he looked outside to see if the man who had stabbed him was coming toward the apartment. When Ian, Sr. turned around, he did not see Mother. He surmised that she went to the bathroom. He closed the door and went into the kitchen. At that point, he tried to take his shirt off. He grabbed a pair of scissors and went into one of the other bathrooms.

Once inside the bathroom, Ian, Sr. thought he might have to cut his shirt in order to remove it. He started to use the scissors, but decided to rip the shirt off with his hands. He got undressed and examined his body to assess his injuries. Ian, Sr. heard a knock on the door and a person saying they were deputies. He opened the door slightly to tell the deputies he was not fully clothed and was pepper sprayed. He got into the shower to wash away the spray. The deputies came in and dragged him out of the shower by his hair. Ian, Sr. assumed the deputies were there because of Mother's phone call and told them he had been stabbed. He was taken into custody.

Ian, Sr. denied that he and Mother had a physical altercation on the morning of March 26. He did not grab the phone to prevent her from calling the police. At no time did Mother become angry. He did not get aggressive with her.

The trial court found that Mother's and Ian, Sr.'s testimony was not believable. The court noted their past domestic violence issues and concluded the two latest events demonstrated that Mother and Ian, Sr. had not resolved the problem. This failure placed the children at substantial risk of future harm. It sustained the b-1 count of the amended petition that alleged two instances of domestic violence (Aug. 5, 2010 & Mar. 26, 2011) and the g-1 count that alleged J.N.'s father failed to provide J.N. with the necessities of life.⁴ The court removed the children from Ian, Sr.'s custody, placed them with Mother, and ordered DCFS to provide Mother with family maintenance services, including domestic violence group counseling.

Mother's timely appeal followed.

DISCUSSION

I. The Sufficiency of the Amended Petition

Mother contends there is no effective petition as to Erin E. because the child was not named in the amended petition. Although DCFS filed a separate petition on behalf of Erin E., it dismissed that petition when it filed the operative amended petition. DCFS argues Mother forfeited the contention by failing to assert it below. We agree.

Mother does not address her failure to object. By failing to challenge the facial sufficiency of the amended petition, Mother forfeited the contention on appeal. (*In re Christopher C.* (2010) 182 Cal.App.4th 73, 83.) In any event, Mother cannot establish that she was prejudiced by the alleged error. The petition filed on Erin E.'s behalf clearly put Mother on notice that DCFS was seeking to have the child declared a dependent of the court, and she was detained as a result. Notwithstanding the failure to include Erin E.'s name in the body of the amended petition, it was evident during the contested hearing that she was a subject of the proceeding. Indeed, she had an attorney representing her interests throughout. At no time did Mother claim surprise when the

⁴ The petition was dismissed with respect to Amber.

court's jurisdictional order included the infant child. At this juncture, the alleged deficiency in the petition does not warrant reversal. (*Ibid.*)

Alternatively, Mother suggests, without citation to authority, that Erin E. is not a proper subject of the section 300, subdivision (b) allegation in the amended petition because she was not born at the time the events purportedly occurred. She is incorrect. "The three elements for a section 300, subdivision (b) finding are: '(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.' [Citation.] The third element, however, effectively requires a showing that *at the time of the jurisdictional hearing* the child is at substantial risk of serious physical harm in the future (e.g., evidence showing a substantial risk that past physical harm will reoccur)." (*In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1395-1396, italics added.) As long as a child is at risk of future harm, he or she is the proper subject of a petition even though the events that led to DCFS's intervention occurred prior to the child's birth. (See *In re Stephen W.* (1990) 221 Cal.App.3d 629, 639-640 [mother's drug use prior to child's birth constituted conduct sufficient to establish jurisdiction]; *In re Troy D.* (1989) 215 Cal.App.3d 889, 897-900 [same].)

II. The Sufficiency of the Evidence to Sustain the Section 300, Subdivision (b) Finding

Mother argues the jurisdictional finding under section 300, subdivision (b) is not supported by substantial evidence. She asserts that "[d]omestic violence is *not* parents arguing without evidence of threats of violence." Further, she urges, "damaging inanimate *things*, such as a doorframe, is not all equivalent to hurting a person." Her argument suggests that what occurred on the dates in question was nothing more than a verbal disagreement that resulted in a broken doorframe. She is mistaken.

"[A] finding that the minor is a person described in section 300 must be supported by a preponderance of the evidence." (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193.) "On appeal from an order making jurisdictional findings, we must uphold the court's

findings unless, after reviewing the entire record and resolving all conflicts in favor of the respondent and drawing all reasonable inferences in support of the judgment, we determine there is no substantial evidence to support the findings. [Citation.] Substantial evidence is evidence that is reasonable, credible, and of solid value. [Citation.]” (*In re Veronica G.* (2007) 157 Cal.App.4th 179, 185.)

The evidence presented at the jurisdictional hearing supported the conclusion that on March 26, Mother and Ian, Sr. had a dispute, Ian, Sr. kicked in the door and broke the frame, Mother made an aborted 911 call for help, Mother stabbed Ian, Sr. with a pair of scissors during a struggle, and they attempted to mislead the police who responded.⁵ Although Mother and Ian, Sr. testified that they had not engaged in a physical altercation and Ian, Sr. claimed he was stabbed by a man while in the parking lot, the trial court explicitly stated it did not believe the couple. From the August 2010 incident through the jurisdictional hearing, Mother consistently minimized the seriousness of the episodes with Ian, Sr. Her failure to acknowledge the violence and refusal to take steps to prevent its reoccurrence place the children at the requisite risk of future harm. Mother’s only response is there is no evidence that the children were present during the alleged altercations. Her claim is belied by the record.

It is undisputed that J.N. and Ian, Jr. were in the apartment during the March 26 incident. Mother suggests that in order to be at risk of harm the children must be in the same room where the act of domestic violence takes place. Not so. When acts of violence occur where children are elsewhere in the home, the children are “put in a position of physical danger from this violence, since, for example, they could wander into the room where it was occurring and be accidentally hit by a thrown object, by a fist, arm, foot or leg, or by [one of the participants] falling against them.” (*In re Heather A., supra*, 52 Cal.App.4th at p. 194.)

Mother’s reliance on *In re Daisy H.* (2011) 192 Cal.App.4th 713 is misplaced. There, the court found the evidence insufficient to sustain a finding that the alleged

⁵ Deputy Smith’s opinion that this is what occurred was received without objection.

domestic violence placed the children at risk of suffering physical harm. Contrary to Mother's contention, the court did not reach this conclusion simply because the children were not present in the room during the alleged incidents. Instead, it pointed out that the physical violence "happened at least two, and probably seven, years before the DCFS filed the petition. There was no evidence that any of the children were physically exposed to the past violence between their parents and no evidence of any ongoing violence between the parents who are now separated." (*Id.* at p. 717.) Here, the latest incident of domestic violence occurred less than two weeks before the petition was filed and Mother and Ian, Sr. refused to address their violent behavior. In addition, there was evidence Mother had violated the court order by allowing Ian, Sr. to visit her apartment, increasing the risk of future altercations.

Substantial evidence supports the court's finding that the incidents of domestic violence between Mother and Ian, Sr. placed the children at substantial risk of future harm.

III. The Section 300, Subdivision (g) Finding

Mother urges there is insufficient evidence to sustain the court's finding that J.N.'s father's failure to provide support endangered the child's physical health, safety, and well being. DCFS argues we need not decide the issue because Mother is not aggrieved by the finding and thus has no standing to bring the appeal. We conclude it is unnecessary to address Mother's contention in light of the trial court's findings pertaining to her.

Resolving the issue concerning the section 300, subdivision (g) finding will not have an effect on the court's exercise of jurisdiction. Minors are properly deemed dependents of the juvenile court if the actions of either parent bring them within one of the statutory definitions. (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.) Having concluded that Mother's conduct supports the trial court's jurisdictional finding, we cannot grant effective relief by dismissing the section 300, subdivision (g) count as to J.N.'s father. Thus, we need not consider the matter further. (See *In re I.A.* (2011) 201

Cal.App.4th 1484, 1492-1494 [court did not consider father's challenge to findings based on his conduct where jurisdiction warranted due to mother's conduct].)

We acknowledge that in *In re Anthony G.* (2011) 194 Cal.App.4th 1060, our colleagues in Division One addressed the father's contention that the trial court's finding under section 300, subdivision (g) was not supported by the evidence even though other jurisdictional findings were not challenged. However, we do not feel compelled to follow their lead. First, the court gave no reasons for finding it necessary to address an issue that would have no effect on the jurisdiction of the dependency court, stating only that it was "not persuaded that we should refrain from addressing the merits of E.U.'s appeal." (*Id.* at p. 1065.) Second, in that case, the father was challenging a finding that was based on his conduct. Here, Mother is challenging a finding based on the actions of J.N.'s father.

Mother asserts that by resolving this issue, we would give the trial courts valuable guidance by clarifying the parameters of section 300, subdivision (g). Her claim is speculative at best. As Mother "has not suggested a single specific legal or practical consequence from [the court's] finding, either within or outside the dependency proceedings" (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1493), we decline to accept her invitation to review the matter.

Mother's argument that *In re Janet T.* (2001) 93 Cal.App.4th 377 mandates an examination of the section 300, subdivision (g) finding is unavailing. There, the trial court sustained section 300, subdivision (b) allegations based on the mother's conduct. The appellate court concluded the findings were not supported by substantial evidence. (*Id.* at pp. 389-391.) Noting that the trial court's finding under section 300, subdivision (g) as to the father was supported by the evidence, the panel nonetheless concluded "[i]t would be anomalous to permit the fact of an absent father to be the sole justification to assert jurisdiction in this case and to detain the children from their custodial parent." (*Id.* at p. 392.) The court reversed the jurisdictional order. Here, the evidence is sufficient to sustain the jurisdictional findings against Mother. *In re Janet T.* is simply inapplicable.

DISPOSITION

The juvenile court orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

SUZUKAWA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.