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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION TWO

In re S. L., et al., Persons Coming Under  
the Juvenile Court Law.

B239452

(Los Angeles County  
Super. Ct. No. CK89447)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent.

v.

MELISSA S.,

Defendant and Appellant,

S. L., et al.,

Appellants.

APPEAL from a judgment of the Superior Court of Los Angeles County. Robert L. Stevenson, Juvenile Court Referee. Affirmed.

Judy Weissberg-Ortiz, under appointment by the Court of Appeal, for Defendant and Appellant.

Nicole Williams, under appointment by the Court of Appeal, for Appellants.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, and Sarah Vesecky, Deputy County Counsel for Plaintiff and Respondent.

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Melissa S. (mother), S. and Dorothy (collectively “minors”), appeal from a judgment declaring S. (born in May 2006) and Dorothy (born in January 2011) dependents of the juvenile court pursuant to Welfare & Institutions Code section 360, subdivision (d).<sup>1</sup> Specifically, mother and minors argue that substantial evidence did not support the juvenile court’s finding that the minors were persons described by section 300, subdivision (b). We affirm.

## **COMBINED STATEMENT OF THE CASE AND FACTS**

### **1. Initial referral and interviews**

On August 18, 2011, the family came to the attention of the Los Angeles Department of Children and Family Services (DCFS) after seven-month-old Dorothy was admitted to the Children’s Hospital of Los Angeles (the hospital) with a fracture of the left humerus. According to the referral, mother’s story about how the break occurred was inconsistent with the injury. It appeared that the injury was the result of physical abuse.

Mother told medical personnel that she watched Dorothy as she was lying on her stomach, and that when Dorothy tried to turn over on her back, she was unable to do so because her arm was stuck under her. According to mother, Dorothy cried and was unable to wiggle her arm. Mother suspected Dorothy’s arm was broken. The reporting party said that mother’s story was inconsistent with Dorothy’s injury because the type of break she suffered would have required force.

An emergency social worker visited the family home. Mother, Jose L. (father),<sup>2</sup> the minors, maternal grandmother (grandmother), and Stacy, the minors’ three-year-old

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<sup>1</sup> All further statutory references are to the Welfare & Institutions Code.

<sup>2</sup> Father is not a party to this appeal.

cousin, resided in the home.<sup>3</sup> Mother took care of the children full time and did not work outside the home. Mother reported to the social worker that on the day of the referral, mother put both of the girls to sleep and took a shower. When she finished her shower, she heard Dorothy crying and ran out to her. According to mother, Dorothy slept on a toddler bed with railings, while S. slept on a mattress on the floor next to Dorothy. Mother said she found Dorothy lying face up, crying loudly, and with her left hand behind her back. Mother noticed that when she moved Dorothy's arm, she would cry in pain. Mother also said Dorothy's arm looked loose and appeared to be hanging without strength. Mother said that grandmother then came to the bedroom, asked her what happened, and called father, who immediately came home and transported the family to the hospital.

Mother denied harming Dorothy or having broken her arm. Mother reported that Dorothy had recently started rolling over from her stomach to her back, and mother had previously observed Dorothy's arm get stuck behind her back. Mother denied hitting her children as a form of punishment. Mother also denied having a criminal history, any mental health or substance abuse issues.

Father was cooperative and respectful. Father was at work when mother found Dorothy crying. Father stated that grandmother called him and told him that Dorothy cried when her arm was touched and it appeared she did not have strength in the arm. Father said he immediately came home and took the child to the hospital. Father did not believe that mother would physically harm the children.

Grandmother was also cooperative and respectful. She reported that she and Stacy were asleep in the living room when Dorothy began to cry. When grandmother arrived in the bedroom, mother was holding Dorothy. Mother told grandmother that Dorothy cried in pain when she touched her arm. Grandmother said mother had told her that she found Dorothy face up with her arm behind her back. Grandmother further reported that she

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<sup>3</sup> Grandmother was caring for Stacy because her parents were incarcerated.

had observed Dorothy having difficulty turning over when placed on her stomach and that her arm would become stuck behind her.

Grandmother stated that mother and father had a good relationship and denied any domestic violence. Grandmother stated that mother had received special education services as a child due to a speech delay and learning disabilities, but denied mother had been diagnosed with mental retardation. Grandmother asked the social worker not to disclose mother's disability to father because mother did not want him to know.

Five-year-old S. was cooperative and talkative. She spoke in English and Spanish, in two- to five-word sentences, but did not speak clearly, and there were times when the social worker could not understand her. When the social worker asked S. what happened to Dorothy, she responded in Spanish, "she turns," while also placing one arm behind her. S. denied that mother had hit Dorothy or that any of the adults in the home ever hit the children. S. said she was not afraid of her parents or grandmother, and appeared happy and comfortable in their presence. The social worker did not observe any marks or bruises on S. or Stacy.

## **2. Section 300 petition and detention**

On August 19, 2011, DCFS detained the children from the parents' care. Officer Kwon of the Los Angeles Police Department (LAPD) had consulted with Officer Ramirez of the LAPD Child Abuse Unit, who informed him that Dorothy's doctor stated the child's injury was not consistent with the parents' statements and that the child's injury was nonaccidental. S. and Dorothy were detained and placed in a foster home.<sup>4</sup>

On August 24, 2011, DCFS filed a section 300 petition alleging that the children were at risk in their parents' care due to Dorothy sustaining a mid-shaft fracture on her left humerus and mother's explanation being inconsistent with the injury.

The detention hearing was held on August 24, 2011. Mother, father, and grandmother were present. Mother's parenting instructor and regional center coordinator

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<sup>4</sup> DCFS initially did not detain Stacy from grandmother, however the child was removed from grandmother's care on August 24, 2011, because grandmother was home when the incident occurred. DCFS placed Stacy, Dorothy, and S. in a single foster home.

were also present. The juvenile court found that a prima facie case for detaining the minors had been established. The minors were ordered detained in shelter care. DCFS was ordered to provide the parents with family reunification services, including monitored visitation.

### **3. Jurisdiction/disposition report**

DCFS filed a jurisdiction/disposition report on September 19, 2011. S., Dorothy, and Stacy remained in foster care.

The dependency investigator had interviewed a paternal uncle, who opined that father was a good and attentive father. He highly doubted that Dorothy was injured on purpose. A paternal aunt, Maria G., stated that she visited the children twice per week and never saw that the children had any injuries or were mistreated in any way. However, she informed the dependency investigator that the parents had not been able to provide her with a clear explanation of Dorothy's injury. Maria G. described S. as a very active child, but stated that the parents were very patient with her. Another paternal aunt stated that neither parent was capable of purposely injuring Dorothy.

Mother's regional center service coordinator, Maria C., stated that mother became an adult client of the center in 2001, when mother was diagnosed with mild mental retardation. The coordinator had worked with mother for the past five or six years and never had any concerns about her. Maria C. knew grandmother very well and that she was supportive of the family and assisted mother with the upbringing of S. and Dorothy. Through the years, Maria C. witnessed mother grow and mature into a good parent. Mother received parenting training with both children. Mother was able to adequately care for S., who was hyperactive. Mother's parenting skills were never of concern. Maria C. said she had referred mother to attend regular parenting classes.

The dependency investigator also spoke with Officer Olmedo of the LAPD Child Abuse Unit. He was still in the process of investigating the case. Officer Olmedo provided the dependency investigator with the same version of the events that the parents had provided. He stated that both parents described S. as very protective, and that when Dorothy cried, S. found a way to soothe her. Father told Officer Olmedo that the parents

found it odd that when mother discovered Dorothy's injury, S. continued to watch television although Dorothy was crying loudly. Officer Olmedo had not yet completed his investigation. He needed to interview S. and grandmother, and was awaiting medical records.

The dependency investigator also met with S. S. again stated that Dorothy "turned around," and indicated that there was no one present when this occurred. S. stated that when the injury occurred, she was in her bed watching cartoons, Dorothy was in her bed, mother was in the bathroom, and father was working. S. denied that anyone hurt Dorothy and stated that she was busy watching cartoons when the injury occurred. S. denied that Dorothy had been hit or that anyone had hit her.

Mother was also interviewed. She told the dependency investigator that S. was a very active child and stated without prompting, "I think [S.] may have hurt her." In contrast to her earlier statements, mother now stated that when she left the room to go shower, Dorothy was asleep but S. was awake and watching television. Mother said that when she finished showering, she heard Dorothy scream loudly then continue to cry. When she asked S. what happened, S. made gestures with her arm as if her arm had been twisted, but refused to reply. Mother stated that she had a strong feeling S. hurt Dorothy. Mother explained that she was surprised that S. was not concerned about Dorothy, because she tended to be parentified and act motherly towards Dorothy.

Mother disclosed that she was enrolled in special education courses as a child due to a learning disability. Mother said she met father in 2005 and that he was a great partner and a wonderful father.

Father was also interviewed. He reported that he was not home when the injury was discovered. Father said that when he asked S. what had happened to Dorothy, she just said, "she hurt her arm." Father did not believe that mother or grandmother had intentionally hurt Dorothy. He did not want to state that S. had caused Dorothy's injury, but he described S. as an extremely active child who would grab and hover over Dorothy. Father said S. continuously jumped from Dorothy's bed to their bed.

Grandmother also speculated that S. may have hurt Dorothy. On the day of the injury, grandmother asked S. what had happened and she put her arm behind her back and stated in Spanish “like that grandma.” Grandmother was surprised that S. did not do anything to help Dorothy because S. typically became concerned when Dorothy cried and would ask for help. The fact that S. did not do this on this occasion led grandmother to think that S. may have accidentally hurt the child. Grandmother reported that mother did not physically discipline the children and denied that mother had harmed Dorothy.

The children’s foster mother reported that the parents were appropriate during their visits and telephonic contact with the children. Foster mother noted that mother sometimes needed prompting from father and grandmother as to how to interact with the children.

DCFS concluded that although Dorothy sustained her injury while in the sole care of mother, it was not yet possible to determine who had inflicted the injury. DCFS requested that the court continue the matter in order for DCFS to obtain the final LAPD investigation report and a clinical team medical report.

#### **4. October 18, 2011 last minute information for the court**

DCFS provided the juvenile court with a last minute information for the court dated October 18, 2011. Officer Olmedo informed DCFS that he had completed his investigation. He stated that he had interviewed S., mother, father, and grandmother. He did not believe there was any foul play by any family member. He also stated that he did not believe that the family would have purposely hurt the child. He did not believe that the children were at risk if returned to their family members. A medical report was still incomplete, as the children were to be seen again on October 17, 2011.

On October 18, 2011, the matter was continued to November 1, 2011.

#### **5. November 1, 2011 last minute information for the court**

DCFS provided a last minute information for the court on November 1, 2011. The medical report that DCFS had anticipated was not yet complete. However, DCFS was informed by a member of the medical team that there was a possibility that S. had harmed Dorothy, it was also possible that she had not. DCFS was informed that the final report

would not clearly indicate if the injury was accidental or nonaccidental, as it really wasn't known.

DCFS also provided the court with a follow-up investigation done by Officer Olmedo. The story that mother told Officer Olmedo was consistent with the story she told the dependency investigator. Mother also told Officer Olmedo that S. had a tendency to be rough with Dorothy, and she suspected S. might have caused Dorothy's injury.

#### **6. November 1, 2011 prerelease investigation hearing**

On November 1, 2011, the juvenile court indicated that it had held an off-the-record chambers conference, and that the court did not believe that father presented a risk to the children. The court's tentative decision was to release the children to father on the condition that he live with paternal grandmother and that mother temporarily move out of the home. After DCFS objected to the court's tentative, the court stated:

“I will note, also, for this case I have read and considered the final police investigation, also, where they have ruled out the paternal grandmother as a criminal suspect. And I wanted that -- another report regarding that, which I received today. And, also, there is some talk about possibly S., who is five, who was present at the time, as [county counsel] said. She is an active young child, rambunctious around the baby. I am not sure that alone, her personality and what she does, is enough to put on notice any of the care providers, including the grandmother and the mother, that they should not have left the child S. to be unsupervised.”

The juvenile court ordered the children released to father on the condition that S. not be left alone with Dorothy.

## **7. December 29, 2011 last minute information for the court**

On December 29, 2011, DCFS provided the court with last minute information. DCFS reported that mother had moved out of the family home and remained in her own apartment. Mother had been participating in monitored visits on a daily basis and there were no concerns. Mother had completed a parenting program through Pico Union Family Preservation Program and had recently begun a one-on-one parenting program sponsored by the regional center.

DCFS also attached a medical report completed by the CARES clinic at the hospital. The report highlighted the inconsistencies in mother's story. Mother first reported that after putting Dorothy to bed, she stood there and watched as the infant attempted to roll over on her back but could not, because her arm kept getting stuck underneath her. Mother stated that Dorothy began to cry and wiggled her arm funny, so mother knew the child had broken her arm. Mother also stated that Dorothy's five-year-old sister was in the room asleep in bed at the time of the incident but did not wake up.

Mother also had a hard time describing Dorothy's bed. When first asked if it was a crib she said no, that it was a toddler bed with a railing. However, father stated that it was a four-by-three-foot crib with a bumper inside.

Later, via telephone, mother stated that while Dorothy slept in a toddler bed, mother went to take a shower. Upon finishing the shower, mother heard Dorothy scream and found Dorothy in her toddler bed with her arm underneath her, crying. Dorothy's five-year-old sister was in the room with Dorothy watching television.

After referencing the CARES report and noting the inconsistencies in mother's statements, DCFS wrote:

“Due to the mother's inconsistent story, [DCFS] recommends that the children, Dorothy and S. remain as placed with father in the paternal grandmother's home and that he receive Family Maintenance Services. It does not appear that the mother maliciously injured the child, Dorothy, however, because there was no eye witness as to the child's injury [DCFS] recommends that the mother receive Family Reunification Services. [DCFS] anticipates that the mother will continue her active participation in

her parenting program and in her visits therefore should reunify at the next status review hearing.”

## **8. Jurisdictional/dispositional proceedings**

The juvenile court conducted the combined jurisdictional and dispositional hearing on January 5, 2012. At the hearing, DCFS asked the court to sustain the petition, arguing that the facts clearly fell within section 300, subdivision (b). Minors’ counsel, mother’s counsel, and father’s counsel asked the juvenile court to dismiss the petition in its entirety.

The juvenile court dismissed the allegations in the petition pled pursuant to section 300, subdivisions (a) and (e). With respect to the allegation pled pursuant to section 300, subdivision (b), the court sustained the petition. The court stated:

“When you review the evidence here, I think this is a situation where [the] child receives a fracture to the humerus. The child is five months old. Very difficult to fracture a five-month-old child’s humerus. As the doctor indicates . . . this is not the type of fracture that you would normally see to be self inflicted by the child. Mother’s explanation was that the child’s arm was behind her back. The child rolled over on her arm. I think that explanation was given to the doctors and I believe both doctors indicated that probably [was] not a very likely scenario based upon the age of the child and the flexibility of the child’s bones at that age. I think that [subdivision] b is something that the court is going to sustain as amended. I think that there was, at least, I believe negligence in this case with respect to the mother. I don’t know who committed this incident, and I don’t really have to know exactly who did. All I know is the child sustained a fracture to the humerus.”

After the court made its jurisdictional findings, it proceeded to disposition. The juvenile court declared the children dependents of the court, ordered the children placed in the home of both parents, and ordered DCFS to make unannounced visits to the family’s home and provide the parents with family maintenance services.

Mother and the minors appealed.

## DISCUSSION

Under section 300, subdivision (b), a juvenile court may adjudge a child to be a dependent child of the court if the child fits the following description:

“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.” (§ 300, subd. (b).)

The juvenile court found the minors to be dependents of the court under section 300, subdivision (b). The court sustained count b-1, as amended, which read:

“On 8/17/2011, seven month old [Dorothy] was medically examined, hospitalized and diagnosed with a detrimental and endangering condition consisting of a midshaft fracture of the child’s left humerus. The child’s mother[’s] explanation of the manner in which the child sustained the injury is inconsistent with the child’s injury. The child’s injury is consistent with non-accidental trauma and accidental trauma. Such injury would not ordinarily occur except as [a result] of neglectful acts on the part of the mother who had the care, custody and control of the child. Such neglectful acts on the part of the mother endangers the child’s physical health, safety and well-being, create a detrimental home environment and place the child and the child’s sibling [Dorothy] at risk of physical harm, damage and danger.”

Mother and the minors argue that substantial evidence did not support the juvenile court’s jurisdictional finding that S. and Dorothy were persons described in section 300, subdivision (b).<sup>5</sup>

### I. Standard of review

We review the jurisdictional findings of the juvenile court for substantial evidence. (*In re James R.* (2009) 176 Cal.App.4th 129, 134-135.) We do not reweigh the evidence or substitute our judgment for that of the lower court. (*In re Stephanie M.* (1994) 7

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<sup>5</sup> Mother and the minors join in each other’s briefs, therefore their arguments will be addressed simultaneously. In addressing these arguments, we refer to mother and the minors collectively as “appellants.”

Cal.4th 295, 318-319.) We must review the evidence in the light most favorable to the respondent and make all legitimate inferences in favor of upholding the juvenile court's judgment. (*In re Ronell A.* (1996) 44 Cal.App.4th 1352, 1361-1362.)

However, substantial evidence does not mean any evidence. There must be reasonable and credible evidence of solid value to support the findings. (*In re Matthew S.* (1996) 41 Cal.App.4th 1311, 1319.) “The ultimate test is whether it is reasonable for a trier of fact to make the ruling in question in light of the whole record.’ [Citation.]” (*In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1394 (*Savannah M.*).

## **II. Substantial evidence supported the juvenile court's findings**

Dorothy sustained a fracture of her left humerus. Mother initially reported that she had observed the infant inflict this injury on herself, while attempting to roll over. However, even mother's own expert stated that it was “highly unlikely if not impossible for a child to inflict this upon themselves.” Instead, this injury had to be the result of “an inappropriately applied force,” whether or not such force was intentional or accidental.

Mother later changed her story, indicating that she was in the shower when the injury occurred, and did not observe the incident. First, she claimed that both of her daughters were sleeping when she entered the shower. Several weeks later, mother changed her story again. She then stated that when she left the girls' bedroom to take her shower, Dorothy was asleep but S. was awake watching television. Ultimately, mother and the other family members suggested that S. may have injured Dorothy while mother was out of the room.<sup>6</sup>

Mother never explained the inconsistencies in her stories. The juvenile court could have reasonably doubted mother's truthfulness. Ultimately, the juvenile court was

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<sup>6</sup> Appellants suggest, for the first time on appeal, that mother's inconsistencies may have been due to language barriers or translation issues. Mother never raised this theory below or attempted to clarify any such misunderstanding. This theory is not properly before us because it was not presented to the juvenile court. (*In re M.S.* (2009) 174 Cal.App.4th 1241, 1251, fn. 4.) Without any evidence to support any language barrier or translation problem below, we reject this theory as pure speculation. (See *In re A.S.* (2011) 202 Cal.App.4th 237, 245.)

faced with the reality that a seven-month-old infant was severely injured at the home -- likely as a result of inappropriate force -- while in mother's care. Whether the injury was inflicted accidentally or nonaccidentally, it constituted "serious physical harm." And given mother's failure to adequately explain the injury, the juvenile court reasonably concluded that this serious physical harm was inflicted due to the "failure or inability of his or her parent or guardian to adequately supervise or protect the child." (§ 300, subd. (b).)<sup>7</sup>

Appellants cite *In re Rocco M.* (1991) 1 Cal.App.4th 814 (*Rocco M.*) for the proposition that section 300, subdivision (b) requires that the court find three elements: "(1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) 'serious physical harm or illness' to the minor, or a 'substantial risk' of such harm or illness." (*Id.* at p. 820.) Appellants point out that the third element 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. (*Id.* at p. 824.) Appellants argue that substantial evidence does not support a section 300, subdivision (b) finding in a case such as this where there is a one-time occurrence of serious physical harm to a child, but no evidence that the infliction of harm is repetitive or will likely reoccur. (*Savannah M., supra*, 131 Cal.App.4th at p. 1398.)

In *Rocco M.*, the court was discussing a mother's failure to supervise Rocco; one instance of physical abuse by a caretaker, and mother's failure to supervise Rocco in infancy. (*Rocco, M., supra*, 1 Cal.App.4th at p. 824.) The court seriously questioned whether the dependency order was adequately supported by these allegations, because Rocco was old enough to take care of himself and there was no evidence that he would

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<sup>7</sup> Appellants argue that there was no evidence that mother could have reasonably foreseen that S. would cause serious physical harm to Dorothy. However, as stated above, the juvenile court was not required to accept this theory as to how Dorothy's injury occurred; in light of mother's conflicting stories, the juvenile court could reasonably have rejected the possibility that S. caused the injury.

ever be placed with the abusive caregiver again.<sup>8</sup> The court ultimately affirmed the jurisdictional order because Rocco's mother created the danger that he would ingest hazardous drugs. (*Id.* at p. 825.)

The matter before us is different. We have no clear story of how the severe injury occurred. Unlike Rocco, Dorothy is an infant, unable to protect herself. And the injury occurred in the presence of mother, who was the child's primary caregiver. Under the circumstances, the juvenile court made a reasonable inference that, without supervision and family maintenance services, a similar injury was likely to occur again.

Appellants cite *In re J.N.* (2010) 181 Cal.App.4th 1010, 1014-1016 for similar reasons. Father was involved in an automobile accident with his three children in the car while he was driving under the influence of alcohol. One of the children was not securely fastened in her car seat, and two of the children required medical attention after the accident. The court found that, despite the profound seriousness of the parents' endangering conduct on the one occasion in this case, there was no evidence from which to infer a substantial risk that such behavior would recur. "Significantly, both parents were remorseful, loving, and indicated that they were willing to learn from their mistakes." (*Id.* at p. 1026.) Here, again, the juvenile court was left with no knowledge of how Dorothy's arm was broken, and no acceptance of responsibility by anyone. Given mother's inconsistent stories, the juvenile court could reasonably infer that mother was lying to cover up what really happened. This is not the sort of remorse that was apparent in *In re J.N.*

Appellants also cite *In re David M.* (2005) 134 Cal.App.4th 822 (*David M.*), in which the juvenile court took jurisdiction of two minors due to their mother's mental and substance abuse problems and father's mental problems. The court found two problems with the case: first, that evidence of mother's and father's problems was never tied to

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<sup>8</sup> Similarly, in *Savannah M.*, the one-time occurrence of sexual abuse by a caretaker was considered insufficient to justify the exercise of jurisdiction where the parents had stated that they would never allow that person to care for their children again. (*Savannah M.*, *supra*, 131 Cal.App.4th at pp. 1397-1398.)

any actual harm to the children; and second, that the social services agency failed to investigate or report on a current basis. The agency relied on an investigation it had performed some years earlier. This record of past neglect was not sufficient to declare a child a dependent of the court without something more current. (*Id.* at pp. 830-831.)

Neither of the problems present in *David M.* present a problem with the juvenile court's jurisdictional finding here. Mother's failure to protect Dorothy from harm led to a severe injury. The injury was recent, and the investigation was prompt. Under these circumstances, jurisdiction under section 300, subdivision (b) was appropriate.

We find that the case before us is similar to *In re A.S.*, *supra*, 202 Cal.App.4th 237 (A.S.). In *A.S.*, the parents left eight-month-old A.S. alone with grandfather. He later took her to the hospital because she was limp, pale, and nonresponsive. Testing showed that she had a right subdural hematoma. According to grandfather, he had walked away from the child when she was lying down drinking a bottle. He heard her choke and returned to her, finding her limp. The San Diego County Health and Human Services Department took the child into protective custody. A.S.'s doctor opined that her injury "was not sustained by falling and is consistent with being shaken or a slam to a soft surface." (*Id.* at p. 241.) The injury was considered nonaccidental because none of A.S.'s caretakers had any explanation for it. The doctor opined that the injury could have just occurred, but could have been as old as one week. (*Ibid.*) The juvenile court sustained the petition, finding that "it is appropriate to remove the child from the home at this point because of the lack of an explanation as to how this happened." (*Id.* at p. 242.) On appeal, the jurisdictional finding was affirmed. (*Id.* at p. 246.)

Appellants attempt to distinguish *A.S.* because in this case, there is a possibility that Dorothy's injury was caused accidentally. We reject this distinction. The medical professionals who evaluated the case all agreed that Dorothy's injury had to be the result of inappropriate force. Whether such force was intentional or accidental, Dorothy still fits within the description of a dependent child found in section 300, subdivision (b).

**DISPOSITION**

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

\_\_\_\_\_, J.  
CHAVEZ

We concur:

\_\_\_\_\_, P. J.  
BOREN

\_\_\_\_\_, J.  
ASHMANN-GERST