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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

B256424

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. DK04097)

Plaintiff and Respondent,

v.

A.M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Connie R. Quinones, Judge. Affirmed.

Christopher Blake, under appointment by the Court of Appeal, for Appellant.

Richard D. Weiss, Acting County Counsel, Dawyn R. Harrison, Assistant County Counsel, William D. Thetford, Deputy County Counsel, for Respondent.

A.M. (mother) appeals from the juvenile court's order asserting dependency jurisdiction over her 14-year-old daughter, M.C. Mother contends insufficient evidence supported the order and the matter was only appropriate for delinquency proceedings under Welfare and Institutions Code section 601.¹ We affirm the trial court order.

FACTUAL AND PROCEDURAL BACKGROUND

In March 2014, the Los Angeles County Department of Children and Family Services (DCFS) received a referral regarding M.C. M.C. had run away from home around one week earlier. When DCFS was contacted, M.C. had been taken to a police station. Although mother had filed a missing persons report about M.C., she refused to pick M.C. up from the police station to take her home. Mother said she was not able to care for M.C. and could not control her, thus it was dangerous for M.C. to be at home. Mother believed M.C. was using drugs, was sexually active, and was "incorrigible." Mother claimed M.C. did not attend school and stole money. Mother feared that if M.C. returned home she would just leave again. M.C. had run away several times.

M.C. told a DCFS social worker she did not want to return home. She had run away because mother punched her in the back of the head. M.C. said mother was physically and verbally abusive. According to M.C., mother told her she was an accident, and mother's life would be better without her. M.C. said mother hit her with a belt, her hand, and her fist. A bump on M.C.'s head was caused by mother throwing a brush at M.C. M.C. said she had only used marijuana once, seven or eight months earlier, and, although she admitted having a boyfriend, she denied being sexually active.

In interviews for the DCFS jurisdiction and disposition report, some family members and friends told the social worker they did not believe M.C.'s allegations. They had not seen bruises or marks on her. A neighbor said M.C. stole his cell phone and mother had to return it. Reports from M.C.'s school indicated she "acted out," was disrespectful, and had difficulty following class instruction.

¹ All further statutory references are to the Welfare and Institutions Code.

However, a family friend said mother acted in a “bizarre” manner on one occasion when the friend helped mother look for M.C. after she ran away. The friend explained that when mother spoke to the principal of M.C.’s school, “it was all about [mother]. She took out all these pills and everything was negative about [M.C.] . . .” The friend further said the first thing mother wanted to do when she found M.C. was to give her a pregnancy test, which the friend thought did not seem right. M.C.’s father, who was living in Indiana and was on parole after serving 10 years in prison for voluntary manslaughter, said he had been on the phone with M.C. when mother beat her, and mother told him she “whooped [M.C.’s] butt.”² Father claimed mother had a mental illness. M.C. told him mother hit her with a brush. The maternal grandmother told the social worker she did not believe M.C. could stay with mother because M.C. felt mother verbally abused her. The maternal grandmother also knew mother had thrown a brush at M.C. and that mother punished M.C. by making her stand in a corner “for a couple of days.” The grandmother said mother had “a tendency for verbal abuse,” and it was “possible that the physical abuse happened.”

M.C. was placed in a temporary shelter. Staff reported M.C. was disrespectful and misbehaved. There were also reports that M.C. touched other children in the home without their consent, and that she fought with other children.

At the jurisdiction hearing, mother testified she had only hit M.C. with a belt on one occasion, when M.C. was six years old. Mother testified that since then she had only ever spanked M.C. with an open hand, on M.C.’s bottom. Mother denied ever hitting M.C. with a brush or a closed fist. Mother said M.C. had run away at least 15 times. Mother looked for her and asked friends for help in looking for her. When asked on cross-examination if she was prepared to take M.C. back into her home right away, mother answered: “I would be willing to put her in my home if there was something by the judge to make her go to school and come home as she should. . . . I need help

² Father is not a party to this appeal.

I'm asking that if they do put her in my care, that they have her come home when she's supposed to and go to school as she should."

M.C. testified that mother had hit her with her fist, her hand, a brush, a broom, and a lamp, and that mother hit her often. Mother had hit her with a brush the year before, and often hit her with a broom. When mother hit M.C.'s head with the brush, the spot "busted open," and bled. According to M.C., she ran away at the beginning of the year. When she returned mother would not let her in. M.C. did not want to live with mother. She testified mother treated her like she did not want M.C. to be there, and mother had told M.C. her life would be "so much easier" without M.C. M.C. admitted running away from home approximately six times. However, M.C. said that in March, mother "kind of kicked [her] out" and told M.C. she did not want her "anywhere anymore." M.C. said this was after she had spoken to DCFS, and mother said: "Since you tell everybody my business, you can get out of my house and I don't want you here." M.C. testified that in 2012, mother threw a cup of water at her and told her to stay outside.

The juvenile court found true allegations that mother had physically abused M.C. by striking her; mother placed M.C. in a "detrimental and endangering situation" by excluding M.C. from the home; mother was unwilling and unable to provide M.C. with appropriate parental care and supervision and had refused to allow M.C. to return home in March 2014; and mother emotionally abused M.C. by frequently yelling at her, calling her derogatory and demeaning names, speaking to her in an abusive manner, and telling her life would be better without her. The court found M.C. to be a person described by section 300. At a subsequent disposition hearing, the court asserted dependency jurisdiction over M.C. and removed her from mother's custody. M.C. was placed in a group home. The court ordered DCFS to make efforts to find appropriate housing for M.C., and to provide reunification services to mother. Mother's appeal followed.

DISCUSSION

I. Substantial Evidence Supported the Juvenile Court's Jurisdiction Order

“We affirm a juvenile court’s jurisdictional and dispositional findings if they are supported by substantial evidence. [Citation.] ‘In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court’s determinations; and we note that issues of fact and credibility are the province of the trial court.’ [Citation.]” (*In re A.J.* (2011) 197 Cal.App.4th 1095, 1103 (A.J.).)

Under section 300, subdivision (a), the juvenile court may assert dependency jurisdiction over a child if, “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child’s parent or guardian. For the purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child’s siblings, or a combination of these and other actions by the parent or guardian which indicate the child is at risk of serious physical harm. For purposes of this subdivision, ‘serious physical harm’ does not include reasonable and age-appropriate spanking to the buttocks where there is no evidence of serious physical injury.”

There was substantial evidence to support the juvenile court’s findings under section 300, subdivision (a). M.C. testified mother frequently beat her, with her hands and other implements. M.C. repeatedly described the incident in which mother threw a brush at M.C., splitting open a spot on her head which then bled. M.C. also told a social worker that past beatings left marks and bruises. This evidence amply supported a finding of jurisdiction under section 300 subdivision (a). Although mother denied these claims, the juvenile court was entitled to believe M.C. We do not reweigh the evidence and we resolve all conflicts in the evidence in favor of the juvenile court orders. (*In re I.R.* (2014) 226 Cal.App.4th 201, 211.)

Further, there was substantial evidence that mother was unwilling to have M.C. return home in March 2014, and M.C. testified that on other occasions mother either refused to let her stay at home, or mother actually kicked her out of the home. M.C., who was only 14 years old, was forced to find other temporary living arrangements. This was substantial evidence that M.C. was at substantial risk of suffering “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,” which warranted jurisdiction under section 300, subdivision (b)(1).³

On appeal, mother essentially argues the juvenile court’s order was erroneous because it should have believed mother’s testimony over that of M.C., who she claims was incorrigible and out of control. Mother asserts that “in context,” any allegations of physical or verbal abuse can be understood as M.C.’s exaggerations, and merely the “imprudent” actions of a fit parent attempting to handle a disrespectful and uncontrollable child. These arguments fail to acknowledge the role of this court. We do not reweigh the evidence, and we must defer to the juvenile court’s credibility determinations. (*In re E.M.* (2014) 228 Cal.App.4th 828, 851.) While there was evidence that M.C. had behavioral problems at school, repeatedly ran away from home, and had at least one instance of drug use, there was also evidence that mother had subjected her to physical beatings, demeaning comments, and, on several occasions, exclusion from the home. It was up to the juvenile court to determine whether the evidence of M.C.’s behavioral issues rendered her unbelievable at the jurisdiction hearing. The court found M.C. credible. And, “ “[t]he testimony of a single witness is sufficient to uphold a judgment.” ’ [Citation.]” (*In re Lana S.* (2012) 207 Cal.App.4th 94, 104.)

³ We need not, and do not, review every basis for jurisdiction. Only one jurisdictional finding is required for the juvenile court to assert dependency jurisdiction over a child. (See *In re Ashley B.* (2011) 202 Cal.App.4th 968, 979 [“As long as there is one unassailable jurisdictional finding, it is immaterial that another might be inappropriate.”].)

Mother's reliance on *In re Precious D.* (2010) 189 Cal.App.4th 1251 (*Precious D.*), for a contrary result, is misplaced. *Precious D.* concerned a 16 year old who had run away from home repeatedly, missed classes, and was associating with the "wrong crowd." (*Id.* at p. 1254.) Eventually, police picked up the child after she ran away from home. The child alleged her stepfather had physically abused her, but the mother and stepfather denied any abuse. The mother was "willing and able" to protect the child from any abuse and wanted her to return home, but needed help to address the child's mental health needs. The juvenile court sustained a petition finding only that the mother was unable to provide ongoing supervision of the child and her inability to do so placed the child at risk of harm. (*Id.* at pp. 1257-1258.) The Court of Appeal found the evidence was insufficient to support a finding of jurisdiction under section 300, subdivision (b), because there was insufficient evidence of unfitness or neglectful conduct by the mother. (*Id.* at p. 1259.) The court rejected the argument that dependency jurisdiction may be based on a parent's inability to adequately supervise or protect the child even absent parental unfitness or neglectful conduct.

Here, jurisdiction was not based on a finding that M.C. was incorrigible and mother, though otherwise a fit parent, was unable to adequately supervise her. In *Precious D.*, when the child ran away, the mother looked for her and wanted her to return home. In this case, while mother also searched for M.C. when she ran away, there was evidence that mother *refused* to let M.C. return home, and in fact refused to pick her up in March 2014 when police found her. While the juvenile court in *Precious D.* apparently did not credit any allegations of physical abuse, in this case the court found true allegations that mother had physically abused M.C. In this case there were findings of parental unfitness or neglectful conduct that were supported by substantial evidence, thus the reasoning of the court in *Precious D.* does not apply.

Finally, mother contends that delinquency proceedings under section 601 should have been initiated in this case, rather than dependency proceedings. However, the premise underlying mother's argument is that the evidence did not support dependency jurisdiction. We have rejected this argument and conclude substantial evidence

supported the jurisdictional findings, including those of parental unfitness or neglectful conduct. We need not and do not consider whether delinquency proceedings may have been appropriate.

DISPOSITION

The trial court order is affirmed.

BIGELOW, P.J.

We concur:

RUBIN, J.

FLIER, J.