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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(San Joaquin)

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

SAN JOAQUIN HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

JEFFREY J.,

Defendant and Appellant.

C072483

(Super. Ct. No. J05835)

Jeffrey J., father of the four minors, appeals from the juvenile court's judgment of disposition. (Welf. & Inst. Code, §§ 360, 395.)<sup>1</sup> He contends there is insufficient evidence to support jurisdiction over all but the oldest minor. He further contends the

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<sup>1</sup> Undesignated statutory references are to the Welfare and Institutions Code.

juvenile court erred in denying him visitation and reunification services with respect to the three younger minors. We reject father's contentions and affirm the judgment.

#### BACKGROUND

On October 10, 2011, 13-year-old M. disclosed she was being sexually abused by father. The following day, San Joaquin County Human Services Agency (Agency) filed a section 300 petition on behalf of M. and her three younger siblings, R. (female, age 11), E. (male, age 9), and I. (male, age 3). The petition alleged M. fell within the provisions of section 300, subdivisions (b) (failure to protect), (c) (emotional abuse), and (d) (sexual abuse), and R., E., and I., fell within subdivision (j) (abuse of sibling).

The allegations of the petition, found true by the court, were that M. reported her father was molesting her. The molestation began when she was about 11 years old. He would lift up her shirt and bra and touch and squeeze her breasts. He would also come into the bathroom while she was showering and pull the curtain back to look at her, touch her breasts, and try to touch her vagina. He would masturbate while looking at and touching her in the shower. Sometimes, when he would grab her breasts, he would tell her "this ain't nothing yet." Father had also forced her to touch his erect penis, over his underwear, on several occasions. Father told her he was just playing, but she knew what he was doing was wrong. He threatened that if she told anyone, he would "hurt her" and God would "get" her.

Father admitted to watching M. take showers and to touching her breasts. Mother was aware of his behavior but he tried to convince her he was "just playing around." Father then claimed he needed to look at M. naked because he had watched pornography. He also stated M. had a more mature body than most kids her age. M. told mother about father touching her and watching her shower. Mother had witnessed father's behavior while M. was in the shower, but told M. father was "just playing." Mother did not believe any sexual abuse was going on in the house and maintained that father is a "good

man.” M.’s siblings reported they were unaware of any sexual abuse occurring in the home.

At the conclusion of the interviews of the minors, an emergency protective order was entered that required father to move out, stay 100 yards away, and gave mother temporary custody of the minors. Despite being informed of the terms of the order, father arrived at the family home before the interviewing officer had left. Father stated mother had demanded he come home to speak with the officer.

Father was arrested and a criminal stay away order was entered with respect to all four minors. The minors were detained and mother was provided supervised visitation.

Father was released from jail during the pendency of his criminal charges. He was no longer prohibited from seeing mother. After his release, he was seen parked outside the minors’ school. He had been observed dropping off mother for her visitation with the minors. Mother had attempted to see the minors outside of her approved visitation. She had set up meetings at the mall and met them once at the movie theater. She also provided the three older children with a cell phone, which enabled her to have unlimited talk time with them. She was cautioned about the cell phones and other unauthorized contact.

The social worker’s disposition report, filed in January 2012, stated the minors wished to return home to live with mother. Father was not living in the mother’s home at the time. The minors reportedly missed their home and friends. Both M. and her sister, R., had asked when they could go home and “expressed that they will be fine living with just their mother, because ‘our dad was never home anyway.’ ” In fact, M. and R. were reportedly undecided about even visiting father, let alone living with him. Mother was conflicted as to whether she wanted to be with father, because she recognized the minors would not be returned home if he was living with her. Mother appeared to be pressured and highly influenced by father.

The social worker recommended reunification services be provided to both parents. Father had agreed to participate in services, including intensive counseling. In making the recommendation, the social worker reported: “The minors are well bonded to each other and their parents. It is the opinion of the undersigned that to not offer reunification services to this family would have a devastating effect on all the children. It is the expectation of all the family members that the children will eventually be returned to the parents’ care.”

At the following hearing, held January 24, 2012, the juvenile court informed the parties it was considering bypassing father for services. The juvenile court also declined the Agency’s request for a restraining order against father, but reminded him there was a stay away order and he was not to go within 100 yards of, or have contact with, the minors.

On April 2, 2012, the juvenile court heard testimony from the social worker, who continued to recommend reunification services. By this time, father had entered a plea in the criminal proceedings and formal sentencing was scheduled for November 2, 2012.

On May 7, 2012, the juvenile court heard testimony from M.’s therapist. The therapist testified M. had been referred to her for “depressed mood and poor physical boundaries.” M.’s depressed mood was mainly with respect to her placement in a foster home. Although the subject of M.’s sexual abuse had been raised in seven or eight of the sessions, M. just became “quiet” at the broach of the subject. The therapist did not know when M. would be ready to “start addressing” the sexual abuse or possible reunification.

At the conclusion of the May 7, 2012, testimony, the juvenile court determined the therapist’s failure to address the sexual abuse issue after six months of counseling was unhelpful to M. and her family and directed the Agency to provide M. with a more experienced therapist. The hearing was continued to allow for testimony from the new therapist.

The disposition hearing concluded on November 5, 2012. M.'s second therapist testified she was providing "trauma focused" therapy to reduce post-traumatic stress symptoms. They were still in the "narrative phase" which, when complete, would be followed by an assessment and learning of coping skills. She had been working with M. for four and a half months and believed the narrative phase would possibly be complete in a few more months. When the Agency called father to testify, he invoked his Fifth Amendment right against self-incrimination.

At the conclusion of the hearing, the juvenile court declared the minors dependent children of the court and ordered reunification services for mother, but bypassed father pursuant to section 361.5, subdivision (b)(6). The juvenile court refused to modify the previous order denying father visitation and, again, expressly ordered him not to have contact with the minors.<sup>2</sup>

## DISCUSSION

### I

#### *Appellate Briefing*

First, we address several general contentions made by father.

Father devotes a significant portion of his lengthy reply brief to pointing out alleged failures by the Agency to respond to arguments contained in his opening brief. Contrary to father's contention, the Agency's failure to address contentions made in the father's opening brief does not concede those contentions. (*People v. Hill* (1992) 3 Cal.4th 959, 995, fn. 3, overruled on another point in *Price v. Superior Court* (2001) 25 Cal.4th 1046, 1069, fn. 13; *Planning & Conservation League v. Castaic Lake Water*

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<sup>2</sup> Because the parties failed to request its inclusion in the record in this case, on our own motion we incorporate by reference that portion of the clerk's transcript from father's subsequent appeal in case No. C073495 that contains the written findings of the hearing from which father appeals and orders signed by the juvenile court.

Agency (2009) 180 Cal.App.4th 210, 227.) Error is not presumed. The judgment or order of the lower court is presumed correct and it is incumbent on father, as the appellant, to affirmatively establish error. (*Rossiter v. Benoit* (1979) 88 Cal.App.3d 706, 712.)

Father also complains the Agency's brief frequently refers to facts without citing to the record or provides only lengthy string citations to the record at the end of a paragraph that includes a series of factual statements. The point is well taken, at least with respect to several lengthy paragraphs.<sup>3</sup> This practice violates rule 8.204(a)(1)(C) of the California Rules of Court, hinders our review, and risks the possibility the offending portions of the brief will be disregarded. (See *Myers v. Trendwest Resorts, Inc.* (2009) 178 Cal.App.4th 735, 745; *Liberty National Enterprises, L.P. v. Chicago Title Ins. Co.* (2011) 194 Cal.App.4th 839, 846.)

Finally, we reject father's contention the Agency should be estopped from asserting there was no juvenile court error because the position it must take to argue in support of the juvenile court's ruling is contrary to the recommendations and position the Agency asserted in the juvenile court.

It has been held that “ “[a]lthough equitable estoppel may apply to government actions where justice and right so require, ‘estoppel will not be applied against the government if the result would be to nullify a strong rule of policy adopted for the benefit of the public [citations] or to contravene directly any statutory or constitutional limitations. [Citation.]’ [Citations.]” ’ [Citation.] The public policy here is the protection of abused and neglected children (§ 300.2) and the children's need for stability

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<sup>3</sup> For example, the first two paragraphs of respondent's statement of facts spans an entire page and consists of over two dozen sentences. The Agency then provided a single citation to the record directing this court to 35 pages of the clerk's transcript. Such an all inclusive reference to the record is not within the spirit of the rules. (*People v. Dougherty* (1982) 138 Cal.App.3d 278, 281.)

and permanence [citation].” (*In re Joshua G.* (2005) 129 Cal.App.4th 189, 197.) The juvenile court’s order furthers these policies and we see no reason why the policy preventing the application of equitable estoppel to the Agency under such circumstances would not apply equally to judicial estoppel.

Furthermore, setting aside the question of whether the doctrine of judicial estoppel may be applied against the Agency in a dependency hearing, where the focus is on the protection and best interests of the child, one of the requirements for the application of judicial estoppel is clearly not met here. Judicial estoppel applies when “(1) the same party has taken two positions; (2) the positions were taken in judicial or quasi-judicial administrative proceedings; (3) the party was successful in asserting the first position (i.e., the tribunal adopted the position or accepted it as true); (4) the two positions are totally inconsistent; and (5) the first position was not taken as a result of ignorance, fraud, or mistake. [Citations.]” (*Jackson v. County of Los Angeles* (1997) 60 Cal.App.4th 171, 183.) The third judicial estoppel factor of success is not satisfied here, as the juvenile court’s order was contrary to the Agency’s recommendation on the matters of which father argues it should be estopped. (See *Jogani v. Jogani* (2006) 141 Cal.App.4th 158, 170–171 [“[t]he factor of success -- whether the court in the earlier litigation adopted or accepted the prior position as true -- is of particular importance”].) Thus, the Agency is not estopped from asserting on appeal the position that there was no juvenile court error.

## II

### *Jurisdiction*

Section 300, subdivision (b), provides for juvenile court jurisdiction if a child has suffered, or there is a substantial risk the child will suffer, serious physical harm or illness as a result of the parent’s failure to adequately supervise or protect the child. Section 300, subdivision (d), provides for juvenile court jurisdiction when a “child has been sexually abused, or there is a substantial risk that the child will be sexually abused, as

defined in Section 11165.1 of the Penal Code, by his or her parent.” Section 300, subdivision (j), provides a basis for dependency court jurisdiction if “[t]he child’s sibling has been abused or neglected, as defined in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk that the child will be abused or neglected, as defined in those subdivisions.”

Father contends jurisdiction under section 300, subdivision (j), over the two youngest minors, E. and I., was improper because there was insufficient evidence the boys were at risk of sexual abuse as defined in subdivision (d). Father does not challenge the juvenile court’s findings under section 300, subdivisions (b) and (d), that father sexually abused M. and mother did nothing to protect her from such abuse. Father also does not contest the finding R. falls within section 300, subdivision (j), due to the risk *she* would be sexually abused by father as defined in subdivision (d). Father contends, rather, the court’s orders sustaining the allegations under section 300, subdivision (j), and finding jurisdiction over his *sons* are not supported by the evidence. We disagree.

Our review of the sufficiency of the evidence is limited to whether the judgment is supported by substantial evidence. “Issues of fact and credibility are questions for the trial court and not the reviewing court. The power of the appellate court begins and ends with a determination as to whether there is any substantial evidence, contradicted or uncontradicted, which will support the conclusion reached by the trier of fact.”

*(In re Christina T.* (1986) 184 Cal.App.3d 630, 638-639.) Father has the burden of proving the evidence was insufficient to sustain the juvenile court’s findings.

*(In re Geoffrey G.* (1979) 98 Cal.App.3d 412, 420.)

When a juvenile court sustains allegations a parent has sexually abused a minor in the household, it may be reasonable for the juvenile court to conclude all of the minors in the household, regardless of gender, are at risk of abuse or neglect. The California Supreme Court recently addressed the issue of whether a man’s sexual molestation of a

female child may place male children in the home at substantial risk of sexual abuse. (*In re I.J.* (2013) 56 Cal.4th 766.) In *In re I.J.*, *supra*, 56 Cal.4th 766, the court affirmed a finding that a father's sexual abuse of his 14-year-old daughter placed the girl's 3 brothers (12-year-old twins and an 8-year-old) at risk of harm, as defined by section 300, subdivision (j), even though none of the boys had been mistreated, and none of them had been aware of the father's sexual abuse. (*Id.* at p. 771.)

The court stated section 300, subdivision (j), "applies if (1) the child's sibling has been abused or neglected as defined in specified other subdivisions and (2) there is a substantial risk that the child will be abused or neglected as defined in those subdivisions." (*In re I.J.*, *supra*, 56 Cal.4th at p. 774.) Because the "father sexually abused the boys' sister as defined in subdivision (d) . . . the first requirement [was] met." (*Ibid.*) With respect to the second requirement, " 'subdivision (j) was intended to expand the grounds for the exercise of jurisdiction as to children whose sibling has been abused or neglected as defined in section 300, subdivision (a), (b), (d), (e), or (i). Subdivision (j) *does not* state that its application is limited to the risk that the child will be abused or neglected *as defined in the same subdivision* that describes the abuse or neglect of the sibling. Rather, subdivision (j) directs the trial court to consider whether there is a substantial risk that the child will be harmed under subdivision (a), (b), (d), (e) or (i) of section 300, notwithstanding which of those subdivisions describes the child's sibling.' [Citation.]" (*Ibid.*) The " 'broad language of subdivision (j) clearly indicates that the trial court is to consider the totality of the circumstances of the child and his or her sibling in determining whether the child is at substantial risk of harm, within the meaning of any of the subdivisions enumerated in subdivision (j). The provision thus accords the trial court greater latitude to exercise jurisdiction as to a child whose sibling has been found to have been abused than the court would have in the absence of that circumstance.' [Citation.]" (*Ibid.*)

Under section 300, subdivision (j), the court is required to “consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect of the sibling, the mental condition of the parent or guardian, and any other factors the court considers probative in determining whether there is a substantial risk to the child.” (§ 300, subd. (j).) “Also relevant to the totality of the circumstances surrounding the sibling abuse is the violation of trust shown by sexually abusing one child while the other children were living in the same home and could easily have learned of or even interrupted the abuse. ‘[S]exual or other serious physical abuse of a child by an adult constitutes a fundamental betrayal of the appropriate relationship between the generations. . . . When a parent abuses his or her own child, . . . the parent also abandons and contravenes the parental role. Such misparenting is among the specific compelling circumstances which may justify state intervention, including an interruption of parental custody. (See § 300, subs. (d), (e), (j).)’ [Citation.]” (*In re I.J.*, *supra*, 56 Cal.4th at p. 778.)

Here, sufficient evidence supports the jurisdictional findings of the juvenile court that all of the minors, including E. and I., came within section 300, subdivision (j), in that they were at risk of sexual abuse by father, and mother, most likely, would fail to protect them.

Faced with M.’s accusations that father repeatedly lifted her shirt and touched her bare breasts, father claimed he was “just playing.” Faced with M.’s accusations he had made M. touch his erect penis, father again claimed he was “just playing.” Father stated he did not think it was inappropriate for him to look at his 13-year-old daughter and masturbate while she showered and, again, claimed he was “playing.” When M. complained to mother about father touching her breasts, mother told M. father was “just playing.”

It is apparent from these facts father violates normal boundaries in the guise of “play” and both parents believe acceptable family “play” includes the touching of private parts of young minors. Indeed, M. has seen father grab R.’s buttocks during play. There is no reason to believe this type of grooming of the younger siblings will be limited by gender, especially since father claims his unlawful and wholly inappropriate touching is simply “play,” with “no thought process” attached.<sup>4</sup> The evidence supports the juvenile court’s finding all of the minors in father’s home are at substantial risk of being subjected to this inappropriate form of “play.” Thus, there was sufficient evidence of the allegations under section 300, subdivision (j).

We decline father’s invitation to consider the applicability of section 300, subdivision (j), as it relates to the three younger minors’ risk of emotional harm. First, the allegations in the petition do not, as father claims, include an allegation the younger minors fall within section 300, subdivision (j), due to the risk those minors would be emotionally abused as defined by subdivision (c). Furthermore, since we conclude substantial evidence supports the exercise of jurisdiction over the younger minors as set forth herein, consideration of father’s contention is unnecessary. In order to affirm the juvenile court’s exercise of jurisdiction, we need find only one of the grounds for jurisdiction relied on by the juvenile court is supported by substantial evidence. (*In re Jonathan B.* (1992) 5 Cal.App.4th 873, 875.)

### III

#### *Visitation*

Father also contends the juvenile court erred in denying him visitation with respect to the three younger minors. We reject the contention.

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<sup>4</sup> Father’s divergent other “excuse” that watching unspecified pornography made him do these things certainly does not relieve concerns the minor boys may fall victim to his sexual abuse.

Father ignores the fact that, as reported by the social worker in the disposition report, there was a no contact/stay away order from the criminal court in effect with respect to all of the minors.

As a general rule one trial judge cannot reconsider and overrule an order of another trial judge -- a rule that holds true even if the first order is erroneous. “For one superior court judge, no matter how well intended, even if correct as a matter of law, to nullify a duly made, erroneous ruling of another superior court judge places the second judge in the role of a one-judge appellate court. ‘The Superior Court of Los Angeles County, though comprised of a number of judges, is a single court and one member of that court cannot sit in review on the actions of another member of that same court.’ (*People v. Woodard* (1982) 131 Cal.App.3d 107, 111 [second judge had no power to enforce a plea bargain after first judge permitted defendant to withdraw plea].) Stated slightly differently, because a superior court is but one tribunal, an order ‘made in one department during the progress of a cause can neither be ignored nor overlooked in another department. . . .’ (*Ford v. Superior Court* (1986) 188 Cal.App.3d 737, 741 [one judge lacked power to enjoin the enforcement of a judgment rendered by another judge].)” (*In re Alberto* (2002) 102 Cal.App.4th 421, 427-428.)

The record here reflects that the criminal stay away order as to all four minors was in effect at the time of the disposition hearing. There is nothing in the record that the stay away order has an exception for supervised visitation ordered through dependency proceedings. In any event, all visitation for both parents had been suspended by the juvenile court at the August 14, 2012, hearing, at the request of the Agency and minors’ counsel. At this hearing, the social worker told the juvenile court mother had passed a note, partially written by father, to M. at a visit in an attempt to coerce her into withdrawing her allegations. This misbehavior occurred despite earlier warnings and despite the fact visits were supervised. Minors’ counsel was validly concerned the

parents would try to get to M. through her siblings. As the juvenile court expressly found, the parents' continued attempts to manipulate the minors in this regard was detrimental to them. Thus, the juvenile court's denial of visitation was supported by the evidence.<sup>5</sup>

#### IV

#### *Reunification Services*

Finally, father contends the juvenile court erred in denying him reunification services as to the three younger minors. Again, we reject the contention.

Section 361.5, subdivision (b), provides exceptions to the general entitlement to reunification services set forth in section 361.5, subdivision (a). "Reunification services need not be provided to a parent . . . when the court finds, by clear and convincing evidence" an exception set forth in section 361.5, subdivision (b)(6) or (7) applies. (§ 361.5, subd. (b).) In M.'s case, the court applied the exception set forth in section 361.5, subdivision (b)(6). That exception allows the court to deny reunification services when "the child has been adjudicated a dependent . . . as a result of severe sexual abuse [of] the child . . . by a parent . . . , and the court makes a factual finding that it would not benefit the child to pursue reunification services with the offending parent." (§ 361.5, subd. (b)(6).) As to the three younger minors, the juvenile court bypassed father "based on the same findings, the fact they're siblings." Thus, the juvenile court relied on the exception set forth in section 361.5, subdivision (b)(6), that applies when

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<sup>5</sup> We recognize the juvenile court granted mother's request to reinstate some supervised visits at the October 9, 2012, predisposition hearing -- with very stern warnings about the consequences of resuming her misbehavior. This order has no impact on the correctness of the juvenile court's denial of visitation for father. The juvenile court had to consider the minors' express desires to visit mother and the two oldest minors' express desires to reunify with mother. On the other hand, there was no information the minors were seeking visitation and reunification with father and, in fact, the two oldest minors had expressed indecision about even visiting with him.

“the child has been adjudicated a dependent . . . as a result of severe sexual abuse [of] a sibling[] or a half sibling by a parent . . . , and the court makes a factual finding that it would not benefit the child to pursue reunification services with the offending parent.” (§ 361.5, subd. (b)(6).)<sup>6</sup>

The evidence was sufficient for the juvenile court to conclude section 361.5, subdivision (b)(6), applied with respect to the three younger minors based on father’s sexual abuse of M.

Section 361.5, subdivision (b)(6), provides: “A finding of severe sexual abuse, for the purposes of this subdivision, may be based on, *but is not limited to*, sexual intercourse, or stimulation involving genital-genital, oral-genital, anal-genital, or oral-anal contact, whether between the parent or guardian and the child or a sibling or half sibling of the child, or between the child or a sibling or half sibling of the child and another person or animal with the actual or implied consent of the parent or guardian; or the penetration or manipulation of the child’s, sibling’s, or half sibling’s genital organs or rectum by any animate or inanimate object for the sexual gratification of the parent or guardian, or for the sexual gratification of another person with the actual or implied consent of the parent or guardian.” (§ 361.5, subd. (b)(6), italics added.)

Here, while father did not have intercourse or genital-to-genital contact with the minor, he also did not limit his abuse to a single lewd act or slight touching. Father molested M. for a year, repeatedly fondling her breasts, attempting to touch her vagina, and watching her shower while he masturbated in her presence. He made her touch his erect penis on several occasions. And he threatened that what he was doing to her “ain’t

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<sup>6</sup> The exception in section 361.5, subdivision (b)(7), would also apply to the three younger minors, as it allows the court to deny services when “the parent is not receiving reunification services for a sibling or a half sibling of the child pursuant to paragraph . . . (6).” (§ 361.5, subd. (b)(7).)

nothing yet.” The juvenile court could reasonably find such sexual abuse to be severe and that section 361.5, subdivision (b)(6), applied.<sup>7</sup> (*Cheryl P. v. Superior Court* (2006) 139 Cal.App.4th 87, 96.) Thus, the court was required to deny services for father unless he proved reunification would be in the younger minors’ best interests.

“ “[O]nce it is determined one of the situations outlined in [section 361.5, subdivision (b)] applies, the general rule favoring reunification is replaced by a legislative assumption that offering services would be an unwise use of governmental resources. [Citation.]” ’ [Citation.]” (*In re William B.* (2008) 163 Cal.App.4th 1220, 1227.) Thus, “[t]he court shall not order reunification for a parent . . . described in [section 361.5, subdivision (b)(6) or (7),] unless the court finds, by clear and convincing evidence, that reunification is in the best interest of the child.” (§ 361.5, subd. (c).) “The burden is on the parent to . . . show that reunification would serve the best interests of the child.” (*In re William B.*, at p. 1227.) Father failed to meet this burden. Instead, parsing the juvenile court’s oral comments at the hearing, father contends the court improperly focused on M.’s resulting emotional state in the finding of severe abuse and did not consider it as it related to the finding regarding services not being in the minors’ best interests. A litigant who fails to bring alleged deficiencies in a court’s statement of decision to its attention forfeits the right to complain on appeal and permits the appellate court to make implied findings in favor of the judgment. (*In re Marriage of Arceneaux* (1990) 51 Cal.3d 1130, 1132, 1138.) If father believed the juvenile court’s comments

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<sup>7</sup> Father appears to argue section 361.5, subdivision (b)(6), does not apply to his situation because the juvenile court assumed jurisdiction by a preponderance of the evidence rather than by clear and convincing evidence. But section 355, subdivision (a), *requires* application of the preponderance standard to jurisdictional findings. Section 361.5, on the other hand, requires application of the clear and convincing standard to denial of services. The written findings and orders of the juvenile court indicate it made the findings under section 361.5 by clear and convincing evidence, belying father’s contrary contention and corresponding due process claim.

were ambiguous or not sufficiently focused, it was incumbent upon him to request clarification in the juvenile court. We conclude the finding that father failed to meet his burden to show, by clear and convincing evidence, reunification was in the best interests of the three younger minors is supported by the evidence.

“In determining whether reunification services will benefit the child pursuant to [section 361.5, subdivision (b)(6) or (7)], the court shall consider any information it deems relevant, including the following factors: [¶] (1) The specific act or omission comprising the severe sexual abuse . . . inflicted on . . . the child’s sibling or half sibling. [¶] (2) The circumstances under which the abuse or harm was inflicted on . . . the child’s sibling or half sibling. [¶] (3) *The severity of the emotional trauma suffered by the child or the child’s sibling or half sibling.* [¶] (4) Any history of abuse of other children by the offending parent . . . . [¶] (5) The likelihood that the child may be safely returned to the care of the offending parent . . . within 12 months with no continuing supervision. [¶] (6) Whether or not the child desires to be reunified with the offending parent.” (§ 361.5, subd. (i), italics added.)

The juvenile court found M.’s emotional trauma, suffered at the hands of her father, to be quite severe. She had been in a trauma-specific therapy for four and a half months and was still going to need several more months just to be able to write down a narrative of the abuse inflicted upon her. Not only did father sexually abuse her for a year with his touching and masturbating, he mentally abused her, telling her he was intending to do more egregious things to her, telling her God was going to “get” her and he would hurt her if she told anyone, and, with the help of mother, tried to manipulate her to convince her to recant.

These facts support the conclusion the juvenile court did not abuse its discretion in finding reunification would not be in the younger minors’ best interests. (*In re William B.*, *supra*, 163 Cal.App.4th at p. 1229.)

DISPOSITION

The judgment of the juvenile court is affirmed.

HOCH, J.

We concur:

BLEASE, Acting P. J.

DUARTE, J.