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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

SAN BERNARDINO COUNTY
CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

D.H.,

Defendant and Appellant.

E053874

(Super.Ct.Nos. J238627 & J238628)

OPINION

APPEAL from the Superior Court of San Bernardino County. Wilfred J.
Schneider, Jr., Judge. Affirmed.

Shobita Misra, under appointment by the Court of Appeal, for Defendant and
Appellant.

Jean-Rene Basle, County Counsel, and Jeffrey L. Bryson, Deputy County
Counsel, for Plaintiff and Respondent.

Defendant and appellant D.H. (Mother) appeals from the juvenile court's jurisdictional findings as to her daughters C.B and J.C. On appeal, Mother contends there was insufficient evidence to support the allegations that J.C. was described under Welfare and Institutions Code¹ section 300, subdivisions (b) and (j), and that C.B. was described under section 300, subdivisions (b) and (g). We reject these contentions and affirm the judgment.

I

FACTUAL AND PROCEDURAL BACKGROUND

The family came to the attention of the San Bernardino County Children and Family Services (CFS) when referrals of general neglect and physical abuse were made to a child abuse hotline in regard to the children in March and April 2011.

On March 10, 2011, the reporting party stated that C.B. had written on a piece of paper that she hated her life and "going through all this stress" with her mother and grades. C.B. had also stated that Mother placed her boyfriend ahead of her children; that the boyfriend sold marijuana; that she and her mother constantly argued; and that she desired to live with her grandmother.

The reporting party reported that after C.B. came home from school on April 22, 2011, Mother had thrown hot water on C.B.'s head, grabbed her by the hair, and "socked" her six times on her hip. Mother was angry at C.B. after receiving a telephone call that same day from C.B.'s physical education (P.E.) teacher regarding C.B.'s lack of

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

participation in class and bad grades. Mother had also slammed the front door against C.B.'s arm on April 24, 2011. C.B. had written a letter to the reporting party stating that she would run away if she had to go home.

The social worker interviewed C.B. at her school. C.B. reported that Mother constantly yelled at her and hit her, and that she and Mother did not get along. She further stated that Mother's boyfriend S.W., who lived in the family home, was arrested on March 31, 2011, following a search of the home "for having 3 bricks of weed, a lot of cocaine and a black gun."² Mother thereafter went to her boyfriend's mother's home to remove all of the drugs from that home before the police searched it. C.B. further reported that Mother smoked marijuana on a daily basis, and that Mother was being stalked and attacked by S.W.'s former girlfriends.

C.B. also confirmed that Mother had thrown hot water on her and that Mother had hit her six times in the same spot on her hip because she got in trouble at school. C.B. further disclosed that Mother had hit her on the side of the neck and that Mother had pushed the front door against her arm. The social worker observed "a bruise and peeling skin that measured 1 inch in size (linear mark)" on C.B.'s left arm. The social worker

² An incident report of S.W.'s arrest from the Rialto Police Department's Gangs and Narcotics Unit noted that a large "brick" of compressed marijuana, scale and marijuana, and \$200 in cash were located on top of the master bedroom dresser. The police also found a loaded semiautomatic handgun, which was covered with a piece of paper, on top of the master bedroom headboard, and a knife. Fourteen rounds were found in the magazine of the gun, which was unregistered. Police also discovered methamphetamine in the home, a large scale, and \$1,432 in cash. The total amount of marijuana found in the home was 10 pounds. Police also found numerous indicia that S.W. resided in Mother's home. Another male, who was also arrested, was also found in the home.

noted that C.B. appeared afraid, was crying and trembling, and was fearful to return home. C.B. did not want to live with Mother, and pleaded with the social worker to not send her home. C.B. was thereafter detained.

The social worker also interviewed C.B.'s younger sister J.C. J.C. also confirmed that Mother had thrown hot water at C.B. She also stated that Mother had made C.B. walk on the treadmill for her behavior at school. J.C. was also aware of Mother's boyfriend's recent arrest and going to jail for having a knife and "a lot of stuff cuz it was a drug deal." J.C. further stated that Mother and S.W. usually go into the garage to smoke and that Mother "always 'looks happy after that.'" She also disclosed that she saw Mother smoke "one today" and a bag containing brown leaves in the kitchen. J.C. was detained that same day and placed in the same foster home as her sister.

The social worker also interviewed Mother. Mother denied the allegations made to the child abuse hotline. She explained that she had thrown "warm water" at C.B. and not hot water because she was upset at C.B. for getting into trouble at school and wanted to ruin C.B.'s hairstyle. Mother also stated that she made C.B. wear unflattering clothes to school as a form of discipline; and that she made C.B. walk on the treadmill for one hour on April 22 and 23 as part of her discipline for not participating in her P.E. class. She further stated that she had "popped" C.B. on the buttocks with her open palm. Mother denied knowing her boyfriend was selling drugs or that there were drugs in the home. She claimed that she worked nine hours a day, and that she did not know what was occurring in her home when she was not present. She also denied smoking marijuana.

On April 27, 2011, petitions pursuant to section 300, subdivisions (b) (failure to protect), (g) (no provision for support), and (j) (abuse of sibling), were filed on behalf of the children. In regard to C.B., the allegations specifically stated: “On or about April 21, 2011, and on numerous prior occasions, while in the care and custody of the mother, [D.H.], the child, [C.B.], was physically abused by the mother, [D.H.] The said abuse consisted of but is not limited to hitting, punching, pushing a door, throwing hot water and pulling the child’s hair” (b-1); “[t]he mother, [D.H.], has a history of substance abuse, which impairs and/or limits her ability to provide adequate care and supervision for the child, [C.B.], thereby placing the child at risk of injury and/or abuse” (b-2); and “[t]he mother, [D.H.], placed the child, [C.B.] at serious physical harm when the mother, allowed her live-in boyfriend, [S.W.], to possess a gun, sell marijuana and cocaine from the family residence as evidenced when the mother’s live-in boyfriend, [S.W.], was arrested at the residence on March 31, 2011 during a drug raid” (b-3).

In regard to J.C., the allegations specifically stated: “The mother, [D.H.], has a history of substance abuse, which impairs and/or limits her ability to provide adequate care and supervision for the child, [J.C.], thereby placing the child at risk of injury and/or abuse” (b-1); “[t]he mother, [D.H.], placed the child, [J.C.] at serious physical harm when the mother, allowed her live-in boyfriend, [S.W.], to possess a gun, sell marijuana and cocaine from the family residence as evidenced when the mother’s live-in boyfriend, [S.W.], was arrested at the residence on March 31, 2011 during a drug raid” (b-2); and “[t]he child’s sibling, [C.B.], sustained bruising and skin peeling while in the care and

custody of the child's mother, [D.H.] Therefore, the child, [J.C.], is at risk of suffering serious physical harm while in the care and custody of her mother, [D.H.]" (j-4).

The children were formally detained at the April 28, 2011 detention hearing and placed in a foster home.

On May 4, 2011, Mother began attending a cooperative parenting course with Catholic Charities Counseling Programs.

On May 9, 2011, Mother acknowledged that she used marijuana, but claimed to have a medical marijuana card. She also stated that for about the past two years she and C.B. had been having problems, due to C.B. becoming more concerned about her appearance and her behavior at school. C.B. had been having problems getting along with other students at school, and has had numerous discipline incident reports for verbal and physical altercations, bullying, disruption, and defiance. Due to her behavior, C.B. had been suspended from school for five days.

C.B.'s behavioral problems continued after she was placed in foster care. The foster mother reported that C.B. had gotten into a fight with a neighborhood girl and at school. The foster mother further stated that the girls were "sneaking phone calls to their mother." C.B. was also making self-harming comments, resulting in a children's crisis response team to be called out to the foster home. The girls were moved to another foster home on May 2, 2011. On May 14, 2011, the girls reported that they were happy and comfortable in this home. The social worker reported that the girls were doing well in the home, and the social worker planned to refer both girls to counseling.

During a family visit, C.B. tearfully disclosed to her mother that a “deceased juvenile paternal uncle” had molested her several times when she was younger. Mother was very appropriate in her reactions and attempted to comfort C.B. She also recognized how those experiences may have contributed to C.B.’s behaviors.

On May 14, 2011, the social worker received information that Mother was pressuring C.B. to change her story regarding the instant matter. The social worker believed that Mother had minimized her marijuana use, and had yet to accept the risk factors to her girls by allowing S.W. to live with them and bring his drug lifestyle into the home. On the other hand, the social worker noted that Mother “appeared to have a great love and dedication to her children” and was willing to do whatever CFS required her to do.

The petitions were amended on May 18, 2011, to add allegations relating to the children’s respective alleged fathers and change “cocaine” to “methamphetamine.”³

The contested jurisdictional/dispositional hearing was held on June 17, 2011. Both children were present, and C.B. testified in chambers. Mother, the maternal uncle, S.W.’s mother, and the social worker also testified.

In pertinent part, Mother testified that she used marijuana “a few times a week” in the garage for stress and anxiety; that she had a medical card to use it; and that she purchased “just enough for the day” at a dispensary in Rialto. She was a full-time store manager for several McDonalds, working nine to 10 hours a day, five days a week. She

³ The alleged fathers are not parties to this appeal. The alleged fathers both had extensive criminal histories.

was unaware of any of the items found by the police in her home, and had not realized that S.W. was selling drugs out of her home. She had never seen S.W. using drugs or under the influence, but agreed that she knew S.W. was on parole for marijuana charges. She also claimed that neither child had seen S.W. with drugs or a gun; and that she did not plan on continuing a relationship with S.W. upon his release from jail. Mother further stated that the water she had thrown at C.B. was warm, not hot. She acknowledged hitting C.B. on the buttocks with an open hand four or five times but not hard enough to leave marks. She denied pushing a door into C.B., and she claimed that she had never seen marks on C.B.'s arm. She also denied speaking to C.B. about the case or telling C.B. what to say. She also denied going to S.W.'s mother's home to remove drugs. Recently, Mother vacated the home and had moved into a one-bedroom apartment.

The maternal uncle testified that he witnessed the water/spanking incident and characterized as not "bad or physical of any sort where I would be concerned for the child." The uncle also stated that he did not observe any bruising on C.B. or any drugs, guns, or ammunition in the home.

S.W.'s mother testified that Mother had been to her home several times, but denied that Mother had come to her house on the day S.W. was arrested for the purpose of removing drugs from her home. She denied having any illegal drugs in her house.

The social worker testified that Mother was cooperative with CFS, but that she had failed to take responsibility for the removal of the children. In addition, C.B., who used to speak with the social worker and had consistently made the same allegations, had now

refused to speak with the social worker. The social worker believed that C.B. was being truthful when she made the allegations. The social worker also noted that Mother had drug tested once, within the past two weeks, and the test was negative.

Following an in chambers meeting with C.B. and the attorneys, the juvenile court accepted the parties' stipulation that C.B. would testify that "she wants to come home." The court expressed concern about C.B.'s "drama" in the courtroom, and informed her: "And unless you work at taking control of those [issues] now [C.B.], [i]t's only going to get worse. They won't get better. Life isn't drama. You may see it on TV, but life isn't drama. Life is trying to speak one at a time and resolve issues."

The juvenile court found the failure to protect (§ 300, subd. (b)) and abuse of sibling (§ 300, subd. (j)) allegations true with regard to Mother. The court explained: "Mom, this case is not about [C.B.] This case is about you. This case is about you who have testified here that [you] didn't even realize that this boyfriend was a drug dealer until there was a drug raid going on at the house. Believe me when I say law enforcement doesn't roam around and then just pick a house. . . . There was drug dealing going on out of that house. There was criminal activity going on out of that house that resulted in a drug raid. [¶] But you have testified here today you knew nothing at all about that. That shows a monumental lack of protective parenting skills on your part. And to sum it up, as what has been reported by the social worker, well, 'I guess I fell in love with the wrong man.' I hope that that is not the end of your reflective thoughts on this whole proceeding. It is the Court's hope that you'll let everyone try to help you here."

The children were declared dependents of the court and placed in their maternal great-aunt's home. Mother was provided with reunification services and ordered to participate.⁴ This appeal followed.

II

DISCUSSION

Mother argues there was insufficient evidence to support the juvenile court's jurisdictional findings that C.B. was described under section 300, subdivisions (b) and (g), and that J.C. was described under section 300, subdivisions (b) and (j). We disagree.

Section 300 authorizes the juvenile court to adjudge a child a dependent child of the court under certain specified circumstances. In reviewing the juvenile court's jurisdictional findings, we apply the substantial evidence standard. (*In re E.H.* (2003) 108 Cal.App.4th 659, 669.) We consider the record as a whole, resolving all conflicts in favor of upholding the ruling and determine whether it contains substantial evidence, i.e., evidence that is reasonable, credible, and of solid value to support the court's findings. (*Ibid.*) Conflicts in the evidence are resolved in favor of the prevailing party. (*In re Ricardo L.* (2003) 109 Cal.App.4th 552, 564.) Just one incident and one witness's testimony can support jurisdiction under section 300. (*In re Sheila B.* (1993) 19 Cal.App.4th 187, 200.)

⁴ We note the minute order incorrectly states that both family reunification services and family maintenance services were ordered. However, it is clear from the court's oral pronouncement that only family reunification services were ordered.

A. *Failure to Protect*

The primary purpose of dependency proceedings is the protection of the child. (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1214; §§ 300, subd. (b), 300.2.) Because section 300, subdivision (b), provides that “[t]he child shall continue to be a dependent child pursuant to this subdivision only so long as is necessary to protect the child from risk of suffering serious physical harm or illness,” there must be evidence that circumstances existing at the time of the hearing make it likely that the child will suffer some type of serious physical harm or illness in the future. (See also *In re Rocco M.* (1991) 1 Cal.App.4th 814, 824 (*Rocco M.*); *In re Janet T.* (2001) 93 Cal.App.4th 377, 388.) Evidence of past problems may be relevant to current circumstances and, thus, may be considered. (*In re Michael S.* (1981) 127 Cal.App.3d 348, 358.)

In order to find jurisdiction under subdivision (b) of section 300, there must be evidence showing “(1) neglectful conduct by the parent in one of the specified forms [set out in section 300, subdivision (b)]; (2) causation; and (3) ‘serious physical harm or illness’ to the minor, or a ‘substantial risk’ of such harm or illness.” (*Rocco M., supra*, 1 Cal.App.4th at p. 820; see also *In re David M.* (2005) 134 Cal.App.4th 822, 829.) The third element requires a showing that at the time of the jurisdictional hearing, the child is at substantial risk of serious physical harm in the future (i.e., evidence showing a substantial risk that past physical harm will reoccur). (*In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1395-1396 (*Savannah M.*)) CFS has the burden of proving an identified, specific hazard in the child’s environment, which has resulted in concrete

serious physical harm to the child or poses a substantial risk of such harm. (*Rocco M.*, at p. 824.)

Under the applicable standard of review, there was sufficient evidence here to support the juvenile court's conclusion that C.B. and J.C. faced a substantial risk of serious physical harm as a result of Mother's failure to protect the children. The failure to protect allegations of the amended petitions allege that on April 21, 2011, and on numerous prior occasions, Mother physically abused C.B. by "hitting, punching, pushing a door, throwing hot water and pulling the child's hair"; that Mother had a history of substance abuse, which limits her ability to provide adequate care and supervision for the children; and that Mother placed the children at serious physical harm when she allowed her live-in boyfriend to possess a gun, and sell marijuana and methamphetamine from the family residence as evidenced by S.W.'s arrest at the residence on March 31, 2011, during a drug raid.

1. Physical abuse allegation

Substantial evidence shows that Mother engaged in physical abuse. C.B. consistently informed the social worker and the reporting party that Mother had thrown hot water on her head, grabbed her by the hair, and hit her six times on her hip. C.B.'s younger sister J.C. confirmed the hot water allegations; and Mother acknowledged that she had "'popped'" C.B. on the buttocks five or six times with her open palm. C.B. further reported that Mother had hit her on the side of the neck and slammed the front door against her arm. In fact, the social worker personally observed "a bruise and peeling skin that measured 1 inch in size (linear mark) on [C.B.]'s left arm." The social worker

also observed C.B.'s conduct at the time of the interview, which showed that C.B. was genuinely fearful to return home. C.B. was crying and trembling, and pleading with the social worker to not send her home. C.B. also informed the reporting party that she hated her life; that she desired to live with her grandmother; and that she would run away from home.

Mother argues that another social worker testified at the jurisdictional/dispositional hearing that she did not observe any marks on C.B. However, it is reasonable to infer that the marks had healed by the time the other social worker met C.B. Indeed, the testifying social worker stated that she believed C.B.'s report of the arm injury was truthful, and, "[b]y the time I met [C.B.], it was gone"

Mother also attempts to minimize the physical abuse allegations by citing to her testimony that she rarely physically disciplined C.B., despite her defiant behavior at school, and that the methods she used to discipline C.B. did not rise to the level of physical abuse. Mother also focuses on C.B.'s disruptive behavior at school and questions C.B.'s credibility. It is undisputed that C.B. and Mother had recent ongoing conflict, and that C.B. was clearly acting out. However, substantial evidence shows that Mother had physically abused C.B. as a form of discipline, albeit not a form of severe physical abuse as described under section 300, subdivision (a), to the point that C.B. did not want to return home. C.B. never recanted the statements she made to the reporting party and the social worker. Viewing the evidence as a whole, the juvenile court could reasonably infer that Mother had physically abused C.B. as alleged in the amended petition, and that C.B. was in genuine fear of physical abuse from Mother.

We note that a jurisdictional finding under section 300, subdivision (b), does not require evidence of prior physical violence, but only a factual basis for finding that there is a serious risk of physical injury to the children. (See *In re Basilio T.* (1992) 4 Cal.App.4th 155, 168-169, superseded by statute on another ground as stated in *In re Lucero L.* (2000) 22 Cal.4th 1227, 1239-1240 [upholding jurisdiction under § 300, subd. (b), where there was no evidence that the minors had suffered physical harm].) The court reasonably found that Mother's form of discipline and ongoing conflict with C.B. posed a serious risk of future physical injury to the child at the time of the jurisdictional hearing. (See *In re Basilio T.*, at p. 169 ["Given the nature of the home environment, it was reasonable to infer the children were at substantial risk of serious physical harm to support the trial court's order that [the children] be declared dependent children of the court".])

2. Substance abuse allegation

Substantial evidence also demonstrates that Mother had a history of substance abuse, which limited her ability to provide adequate care and supervision for her children. C.B. and J.C. both confirmed that Mother smoked marijuana on a daily basis. J.C. stated that Mother and S.W. usually go into the garage to smoke and that Mother "always 'looks happy after that.'" Mother also acknowledged that she had used marijuana on a daily basis. Mother stated that she first began using marijuana "almost two years" ago, around 2009, long before she obtained a medical marijuana certificate.

Additionally, Mother had allowed her drug dealer boyfriend S.W. to reside in her home. She had also allowed criminal activity to occur from her home. Finally, as

reported by C.B., Mother had placed her boyfriend S.W. ahead of her children. From Mother's incredible testimony at the jurisdictional hearing and the evidence found in the social worker's reports, the court could reasonably conclude that marijuana did not just "relax" Mother, but that it impaired her perception, judgment, and ability to care for the children.

Relying on *In re B.T.* (2011) 193 Cal.App.4th 685 (*B.T.*) and *In re James R.* (2009) 176 Cal.App.4th 129 (*James R.*), Mother argues that there is no evidence to show her marijuana use impaired her ability to care for the children. She also asserts that there was no risk of future harm to the children, since she quit using marijuana a month before the jurisdictional hearing.

The Court of Appeal in *B.T.*, *supra*, 193 Cal.App.4th 685, reversed a finding that the mother's beer consumption placed the infant child at risk of serious physical harm. The evidence showed that the mother had tested clean 13 times three months before the trial, and family members stated that the mother's beer use had no effect on her behavior. (*Id.* at pp. 690, 694.) There was also no evidence that the mother's level of intoxication was habitual. (*Id.* at p. 694, fn. 8.)

Similarly, in *James R.*, *supra*, 176 Cal.App.4th 129, there was evidence that the mother had been drinking a beer when the social worker visited the home, and was hospitalized "after she consumed alcohol and took prescription ibuprofen" while caring for her three children. (*Id.* at pp. 131-132.) At the contested jurisdiction hearing, a psychological evaluator testified that although the mother had attention deficit disorder, she was not suicidal and "did not pose a risk to her children and she was not a danger to

herself or others.” (*Id.* at p. 133.) In addition, a social worker testified that because the father “monitored the minors’ welfare” and had “support from extended family,” she was “not concerned about the minors’ safety.” (*Ibid.*) A second social worker noted that the mother “had been consistently participating in therapy and substance abuse treatment for three months” and believed that “the minors were safe with [the father], who ensured their needs were met” and “would intervene to protect [them].” (*Id.* at pp. 133-134.) Despite this evidence, the agency argued that, without court intervention, the children were at risk, and the juvenile court declared the children dependents of the court. (*Id.* at p. 134.)

The appellate court reversed, ruling that the record contained “no evidence of actual harm to the minors from the conduct of either parent and no showing the parents’ conduct created a substantial risk of serious harm to the minors.” (*James R.*, *supra*, 176 Cal.App.4th at p. 136.) The court explained that there was no evidence suggesting that the mother was actually suicidal or regularly abused drugs or alcohol in the presence of her children. As a result, the agency’s speculations about what might occur if the mother began to engage in such conduct were merely “[p]erceptions of risk, rather than actual evidence of risk.” (*Id.* at p. 137.)

The facts of this case are distinguishable from *B.T.* and *James R.* The future risk of substantial harm to C.B. and J.C. was not based on speculation about what might occur if Mother continued to engage in drug use. Rather, it was based on the evidence that Mother regularly smoked marijuana, which both girls knew about, and Mother had only been clean for one month, with one clean test, prior to the jurisdictional hearing. The

evidence also shows that Mother had allowed her boyfriend to reside in her home, knowing he had a criminal record, and to store large amounts of drugs and a firearm in her home. Moreover, unlike *B.T.* and *James R.*, there was no evidence from family members or an expert stating Mother's marijuana use had no effect on her behavior. Although, as Mother claims, there was no evidence to show that Mother had ever been charged for driving under the influence of marijuana or that she was unable to maintain her job, there is substantial evidence to show that Mother's habitual use of marijuana caused the children, especially C.B., to suffer undue stress and emotional harm.

Mother also argues that the "marijuana only relaxed her," that she did not store the marijuana at home, and that neither child complained of neglect or mistreatment. The record belies these contentions. Moreover, Mother's arguments to the contrary are credibility issues to be resolved by the trier of fact. (*In re Shelley J.* (1998) 68 Cal.App.4th 322, 329 ["Issues of fact and credibility are matters for the trial court alone"].) We conclude that substantial evidence supported the substance abuse allegation.

3. Allowing dangerous activities in the home

Substantial evidence also supports the allegation that Mother placed the children at serious physical harm when she allowed her live-in boyfriend to possess a gun and sell marijuana and methamphetamine from the family residence. It is undisputed that Mother's boyfriend, S.W., was arrested on March 31, 2011, following a drug raid, and that the children knew S.W. was arrested for having drugs and a firearm in the home. It is also undisputed that during the drug raid, 10 pounds of marijuana was found in

Mother's home, as well as a large amount of cash, a scale, a loaded semiautomatic handgun, which was easily accessible to the children, and methamphetamine. Clearly, these activities placed the children at serious physical harm.

Relying on *Savannah M.*, *supra*, 131 Cal.App.4th 1387, Mother argues that she “could not reasonably foresee that [S.W.] sold drugs from her home, or that he smoked marijuana or kept a gun at her house.” That reliance, however, is misplaced, as the facts in *Savannah M.* are quite different than those in the instant case.

In *Savannah M.*, *supra*, 131 Cal.App.4th 1387, the parents caught a family friend in the act of sexually molesting one of their 19-month-old twin daughters. (*Id.* at p. 1391.) A dependency petition was filed on the basis that the parents had shown poor judgment in leaving the children in the care of the perpetrator, and the juvenile court found the allegation true. (*Id.* at pp. 1391-1392.) The mother appealed from the jurisdiction and disposition orders, and the appellate court reversed. (*Id.* at p. 1400.) The court explained that a previous single act of neglect was an insufficient basis for finding a substantial risk of harm, and there had to be ““some reason beyond mere speculation”” to believe the harm would reoccur. (*Id.* at p. 1394, italics omitted.) The court observed that the parents could not have reasonably foreseen that a family friend, who had seven of his own children, would molest another child left in his care. Moreover, the parents had reported the incident to the police, and the mother had stated she would not leave her children in anyone else's care. The court found insufficient evidence of a risk of future serious physical harm and reversed the juvenile court order. (*Id.* at p. 1395.)

Here, unlike in *Savannah M.*, Mother had reason to be aware of S.W.’s illegal activities. Mother knew S.W. had a criminal record, and that he had been convicted and incarcerated for selling marijuana. Indeed, she had confirmed S.W.’s criminal record by looking it “up on the computer.” She also knew that S.W. was on parole for “[m]arijuana charges.” In addition, large amounts of marijuana were found in the home, as well as other indicia of drug sales activity. Moreover, C.B. knew about S.W.’s selling marijuana from the home. And, because Mother herself daily smoked marijuana, she knew the appearance and smell of marijuana. Despite all this evidence, Mother testified at the jurisdictional hearing that she was unaware that S.W. was selling marijuana from her home. However, the juvenile court found Mother’s testimony to be incredible, and we must defer to the juvenile court’s findings on issues of credibility. (*Savannah M.*, *supra*, 131 Cal.App.4th at p. 1393.) The juvenile court noted, “law enforcement doesn’t roam around and then just pick a house. . . . There was drug dealing going on out of that house.” There was substantial evidence here from which Mother could have reasonably foreseen S.W. sold drugs from her home, that he smoked marijuana, and that he kept a gun at her house.

In her reply brief, Mother argues that the court “apparently misconstrued the evidence and misapplied the law in sustaining allegations regarding [S.W.]’s activities” when it concluded Mother lacked “protective parenting skills.” We disagree with Mother’s interpretation of the record. The court was merely pointing out that it found Mother’s testimony that she “knew nothing” about S.W.’s activities incredible; and that

she still had not acknowledged the risk factors for her children by allowing S.W. to bring his drug-dealing lifestyle into her home.

Mother also argues that there was no evidence of causation between S.W.'s activities and harm to the children. She further asserts that there was no evidence of substantial risk of future serious physical harm because by the time of the jurisdictional hearing, she had moved out of the home and into a one-bedroom apartment. We reject these contentions.

Mother overlooks how S.W.'s presence in the home impacted C.B.'s behavior. C.B. disclosed that Mother was placing her boyfriend ahead of her children. This was presumably a contributing factor causing C.B. to suffer from undue stress and emotional harm.

As previously noted, a finding of a substantial risk requires a showing that, at the time of the jurisdiction hearing, the child is at risk of future harm. (*Savannah M.*, *supra*, 131 Cal.App.4th at p. 1396.) We agree that “previous acts of neglect, standing alone, do not establish a substantial risk of harm; there must be some reason beyond mere speculation to believe they will reoccur.” (*In re Ricardo L.*, *supra*, 109 Cal.App.4th at p. 565.) To be probative, there must be some evidence that past events will reoccur. (*In re David M.*, *supra*, 134 Cal.App.4th at pp. 831-832.) But, unlike *Savannah M.*, this case did not involve a single incident of neglect or a single lapse in parental judgment where there was no reason to believe it would ever reoccur. Mother had a history of choosing men with substantial criminal histories and failing to recognize how her choices impacted the children. (See *Rocco M.*, *supra*, 1 Cal.App.4th at p. 824 [“evidence of past

conduct may be probative of current conditions”].) The juvenile court observed Mother in court and heard her testify before making its jurisdictional finding. Mother’s history with men, including the fathers of her children, her lack of insight about that issue, and her failure to make reflective decisions offer sufficient evidence to support the juvenile court’s finding that the children would be at substantial risk of future harm if returned to Mother’s custody.

Accordingly, substantial evidence supported a finding to demonstrate C.B. and J.C. are children described by section 300, subdivision (b).

B. Allegations under Subdivisions (g) and (j) of Section 300

Because we conclude that the record contains substantial evidence supporting the juvenile court’s jurisdictional finding under section 300, subdivision (b), we need not consider whether there was also sufficient evidence to support jurisdiction under subdivisions (g) and (j). (See *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 [when dependency petition alleges multiple grounds for jurisdiction, “a reviewing court can affirm the juvenile court’s finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence”].)

III

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

RAMIREZ
P. J.

We concur:

MILLER
J.

CODRINGTON
J.