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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

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

RIVERSIDE COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

J.H.,

Defendant and Appellant.

E055651

(Super.Ct.No. RIJ1101468)

**OPINION**

APPEAL from the Superior Court of Riverside County. Matthew C. Perantoni,  
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Jacob I. Olson, under appointment by the Court of Appeal, for Defendant and  
Appellant.

Pamela J. Walls, County Counsel, and Anna M. Deckert, Deputy County Counsel,  
for Plaintiff and Respondent.

J.H (Father) and Je.H (Mother) were involved in a bitter divorce and custody  
battle. The Riverside County Department of Public Social Services (the Department)

filed a Welfare and Institutions Code section 300<sup>1</sup> petition against Father for their two children, C.H. and N.H., for allegations of abuse, domestic violence between him and Mother, and substance abuse. At a jurisdictional/dispositional hearing, the juvenile court found the allegations in the section 300 petition true, granted reunification services to Father, and granted custody to Mother on a family maintenance plan. Father appeals that order on the following basis:

1. The jurisdictional findings under section 300, subdivisions (b) and (j) that he had committed abuse against C. causing injury, abused alcohol while caring for the children, and committed domestic violence were not supported by the evidence.
2. No substantial evidence supported a finding that C. and N. needed to be removed from his custody to be protected to support the dispositional order.
3. The juvenile court-ordered case plan requirements were overly burdensome and contrary to the unique needs of his family.

## I

### PROCEDURAL AND FACTUAL BACKGROUND

#### A. *Detention*

Father and Mother, who had married in 2006, were in the middle of a divorce when the Department became involved. Father was the adoptive father of 10-year-old C. and the biological father of 3-year-old N.

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

According to the detention report, on October 19, 2011, a report was received by the Department that on October 14, Father had hit C. with an open hand while he was sitting in the back of Father's truck. As a result, C. fell back and hit his head on the truck bumper. C. was taken to the emergency room. There were no injuries according to an X-ray taken. However, C. was taken to a chiropractor who had to adjust C.'s hips and back. Mother reported that C. hitting the truck bumper caused the injuries.

Mother was also concerned about Father's drinking. She additionally reported that she and Father had been involved in domestic violence during their relationship and that the last incident had occurred in 2010.

C. had been living with Father in Riverside, but Mother, who lived in San Diego, had a visit with C. starting on October 14, 2011, and she had not returned C. to Father's care. Mother reported that she did not want to return C. to Father's care because C. had bruises on his neck and because Father hit him.

A social worker from the Department interviewed C. C. wanted to live with Mother because she was nicer to him. C. reported that a few days before, Father had hit N. with a pillow. Father pushed C. hard enough to make him fall and hit his head against a wall. C. never wanted to see Father again. C. was afraid of Father and would run away if he was returned to Father. Father called C. a "jerk" when he got mad.

C. reported that he had seen Father drink beer. On one occasion, Father had left him and N. with a babysitter while he went out and drank beer. Father called the babysitter and asked her to come get him because he could not get home. At 5:00 a.m.,

the babysitter took C. and N. driving around looking for Father. When they finally brought Father home, C. had to help Father up the stairs because he was too “dizzy.”

As to the incident on October 14, C. stated that he had been sitting on the bumper of his Father’s truck. Father had closed the garage door, trying to scare him. C. got mad and threw a shoe at Father. Father hit C. on the head, making him fall back, and C. said his head hit the back of the truck.

Mother claimed to have hospital records showing that she received a bruise on the back of her neck from Father hitting her. Mother reported that Father had pushed her down, causing her back to be re-injured. Father got on her and was laughing. C. witnessed the event. Mother had been allowing Father to take care of C. and N. because she had a back injury. She did not think he would be violent with them.

Since C. had lived with Father, Mother reported his neck had started making popping sounds, and he had coughing spells. Mother had been evaluated in the family law case because a mediator had reported that she was unstable.

C. had been diagnosed with attention deficient disorder (ADHD) and obsessive compulsive disorder (OCD). Medication seemed to be controlling C.’s symptoms. Mother was taking an antidepressant. Father had never hit N. but had cussed at him.

The social worker went to Father’s home. N. was in the home. He appeared clean and had no visible injuries. Father agreed to talk to the social worker. Father was upset that C. was not in school. He reported that C. took medication, but it wore off in the afternoon.

Father explained that Mother had been with C. on October 14, prior to C.'s baseball game. She had not fed him, and his blood sugar was low. C. did not want to go to the baseball game, but Father had worked hard to get him on the team. When they arrived at the game, C. threw his shoes at Father. Father told him to stop, and then C. threw his socks at him. Father explained that when C. acted like this, Father had to put two fingers on his face to get him to stop. Father claimed he tapped C. on the face with two fingers, and C. jerked his own head back and hit the truck. Father denied hitting C. to discipline him.

The social worker advised Father that he wanted C. to stay with Mother until C. could be medically examined. Father told the social worker that Mother suffered from anxiety and had borderline personality disorder. He claimed that she had supervised visits with C. and N. until only recently because of her mental health issues.

Father denied any substance or drug abuse issues. It was decided between Father and the social worker that N. would stay with Father and C. would stay with Mother until a medical examination could be performed. Mother then arrived at the home with C. C. was crying and complaining of pain in his neck. The social worker observed C. crying. In addition, the social worker saw a swollen section on C.'s neck and it was hot. Mother reported back to the social worker that C. had two new soft tissue injuries to his neck.

C. was examined by a doctor on October 21, 2011. The examining doctor did not discover any "structural abnormality." There was some tenderness on his neck.

An interview by the Riverside Child Assessment Team was conducted on October 25, 2011, with C. C. reported instances where Father hit him on the side of the head, causing him to fall and hit other objects. He reported that Father hit him all the time when he got mad. He again described the events of October 14. C. added that after he fell on the truck, Father said to him, "You mess with the bull, you get the horns." Father was not going to be arrested because of the lack of findings with the doctor's examination.

The investigation continued because of the lack of findings of physical injury to C. Father insisted he had hired a chiropractor for C. before the October incident, explaining that C. had a history of neck problems. Father said he continued to tap C. on the head to get his attention despite these neck problems because it was the only way to get his attention.

An investigation by Dr. Michael Kania, who was appointed by the family court to evaluate the family, was included in the report. According to the report dated May 22, 2011, Father described an incident that occurred on March 9, 2010, between him and Mother. He claimed he and Mother had separated but that she had been visiting C. and N. during the day. When he returned home, she started poking him, and he pushed back at her. She scratched him on the face and chest. He put her in a "bear hug" and held her on the couch. She bit him to get away. She left before the police came.

According to Dr. Kania's report, in June 2010, Father obtained physical custody because Mother could not care for the boys due to a back injury. Mother also had been

hospitalized in June for a panic attack. Father accused Mother of not properly supervising the children and of using marijuana. Once Father took custody, Mother started calling the police accusing him of abusing C. Father was highly educated and was fully employed with the City of Riverside. Father denied any substance abuse problems.

Dr. Kania determined, based on profile testing, that Father could be hostile, tense, and agitated if he felt threatened. He also was manipulative and self-centered. His profile also suggested chronic abuse of alcohol.

Mother was also evaluated. Mother was abused by her brother from the age of 4 years until she was 28 years old. In 2009, she and Father moved to Riverside and started having marital trouble.

Mother suffered a back injury delivering N. In March 2010, she was upset with Father because she was injured and he would not get her assistance. She announced that she was moving to San Diego with her boyfriend. She informed Father that she was taking C. with her. Father “body-checked” her into a wall. They then slapped each other. He grabbed her and threw her on the couch. She scratched him to get him off of her. She exacerbated her back injury. No arrest was made, as the fight was mutual. Mother took the boys but then had panic attacks and had to send them back to Father. Mother admitted using marijuana regularly to help her with pain. Mother took antidepressants and had received counseling for anxiety.

An evaluation showed that she was repressed and over-controlled. She had a low tolerance for frustration.

Mother reported that Father did not keep the children clean and well groomed. C. had reported to Mother that Father was hitting him and called him a “piece of shit.” At the time of the evaluation, Mother could not take the children full time because she still needed to heal. Mother wanted C. and N. to live with her during the week and with Father on the weekends.

C. reported to Dr. Kania that Father was “mean.” He said that Father and Mother had separated because Father beat Mother up. Father hit him on the side of the head when he did not listen.

Dr. Kania concluded that it did not appear that Father suffered from substance abuse problems despite the profile suggesting substance abuse. Mother might have difficulty taking care of both boys by herself. Dr. Kania recommended that C. and N. remain in Father’s custody but that visits with Mother and the children no longer needed to be supervised. Mother should have visitation every other weekend and every other week during the summer.

On August 22, 2011, a supplemental evaluation report was filed by Dr. Kania. Father reported that he believed Mother suffered from a personality disorder, and he was concerned she could not care for the children. Mother was attending therapy. She had recovered from her back injury and was taking anti-anxiety medication. Father felt that C. was benefitting from regular visits with Mother. Overall, Dr. Kania thought the family was doing better, and C. was improving. Dr. Kania recommended again that the children stay in Father’s custody. Weekend visits with Mother would continue.

There were eight prior referrals for the family starting in April 2010. The first report was by C.'s school. C. claimed Father made him get ready by himself and take his own medication. C. claimed Mother was afraid of Father because he had a gun. The referral was unfounded. Another referral for bruises on C.'s legs was reported to be from a classmate. On May 18, 2010, C. did not take his ADHD medication because he claimed Father was not home in the morning. No disposition was noted.

On August 8, 2010, there was a referral wherein it was reported that C. did not want to return to Father's care. C. claimed Father slapped him as discipline and made him sleep on the floor. An investigation showed that C. was seeking to spend more time in Mother's custody. No marks or bruises were found on C. The allegations of neglect and physical abuse were unfounded.

On August 14, 2010, there was a report of neglect because Father left C. at home alone for one hour while at the store. Father admitted leaving C. alone but nothing was filed. On September 9, 2010, it was reported that Father was under the influence when he picked C. and N. up from visitation with Mother. Father had beer cans in the car. The results of an investigation were inclusive. On April 4, 2011, Mother reported physical abuse of C. C. complained that Father hit him when disciplining him. Since there were no marks or bruises, the allegations were unfounded.

On November 3, 2011, the Department received a report from the chiropractic radiologist and chiropractic specialist wherein it was shown that new injuries were reported after the October 14 incident involving the truck. According to a chiropractic

radiology report, on July 14, 2011, C. did have trauma to his cervical spine. However, on October 20, 2011, he had a new injury. The chiropractor reported that C. had been seen between July 14 and October 10, 2011, and his condition appeared to be improving. However, on October 17, his condition had “drastically worsened.” C. needed regular care for muscle pain from the chiropractor.

C. and N. had been placed with Mother since November 3, 2011. The Department felt that there was physical abuse of C. by Father despite no marks or injuries being found in the past. Further, there clearly had been some sort of domestic violence in the home. Father continued to deny that he used unnecessary force with C. The Department felt the neck injury to C. was real. N. was also at risk of abuse if left in Father’s custody.

On November 7, 2011, the Department filed a section 300 petition against Father. C. and N. were detained from Father only. It alleged a failure to protect under section 300, subdivision (b). An allegation under b-1 was “[t]he father disciplines the child, [C.], inappropriately, with the most recent incident occurring on or about October 19, 2011, [sic] wherein the father struck the child on the head causing the child to hit the back of the truck, resulting in injuries to the child’s neck. Further, the father curses at the child and calls him inappropriate names.” Under allegation b-2, it was alleged that Father “abuses alcohol and supervises the children while under the influence.” Allegation b-3 alleged fact that Mother and Father had “a history of engaging in domestic violence disputes.” Allegation b-4 stated, “[t]he father has been offered pre-placement preventative services, including, but not limited to[,] several referrals to address issues of

substance abuse. The father has failed to benefit from prior interventions as he continues to abuse alcohol.” It was alleged as to N. under section 300, subdivision (j) as follows: “The child’s sibling, [C.], has been abused and neglected as described in subdivision 300(b) of the Welfare and Institutions Code, and there is a substantial risk that this child will be abused or neglected, as defined in th[at] subdivision[.]”

A hearing was held on November 8, 2011. The juvenile court found a prima facie case and ordered that C. and N. remain in Mother’s custody. Both Father and Mother declared they had no Indian ancestry. At the hearing, Father requested that the family law orders -- which gave him custody with Mother granted visitation -- be reinstated. Mother had mental health problems (as evidenced by Dr. Kania’s evaluation) and was influencing C. Mother insisted that she had a poor evaluation by Dr. Kania because she had a severe back injury that was impacting her mental abilities. The court referred to both Dr. Kania’s reports and recognized that they recommended that C. and N. be placed with Father. The juvenile court stated that it had “great concern regarding the well[-]being of these children.” The juvenile court did not think there was enough evidence to detain the children from Mother. The reasons for detention were primarily Father’s physical abuse of C. Father was granted regular and frequent visitation. The juvenile court ordered that the Department have an independent chiropractor evaluate C. for injuries.

B. *Jurisdictional/Dispositional Reports*

In a jurisdictional/dispositional report filed on December 1, 2011, the Department recommended that C. and N. remain in the custody of Mother. Father would be given reunification services and Mother would be on family maintenance services. The case would be transferred to San Diego County for all further proceedings because Mother resided in that County.

C. was interviewed on November 23, 2011. N. was also present during the interview. C. appeared calm and reserved and played with N. appropriately. C. was having no neck pain. C. expressed that he was afraid of Father. He was afraid Father would hit him again. The last time that Father had hit him was when he hit his head on the truck. However, C. enjoyed the visits with Father. C. said that Father was mean when he was drinking beer. C. wanted to live with Mother.

Mother was interviewed the same day. After the incident with the truck, C. continued to complain of neck pain, so she took him to the chiropractor. C. had told Mother that Father had called him “a piece of shit” and “fucking idiot.” Father had told C. that Mother was mentally ill during visitation.

Mother claimed that Father drank every day they were together and increased his drinking when they separated. She claimed Father drank in the car while driving the children. Mother denied any domestic violence during the marriage except for the incident in 2010. Mother did not believe that Father was abusive to N.

Father had asked the Department to have C. see a specialist, not a chiropractor, to examine his neck injury. Father was interviewed on November 29, 2011, regarding the allegations in the petition. As to the allegations against him, he admitted that he cursed on occasion in front of C. and N., but it was not directed at them. Father maintained that he only tapped C. on the face on October 14 to get his attention, and C. jumped back and hit his head on the truck. Father denied he abused alcohol and was always sober when driving the children. As for domestic violence, they did have one altercation, but Mother bit him and scratched him. The police were called but there were no charges because they both had marks on their bodies. He claimed he had only been told to participate in coparenting classes, and he had completed those classes. He “100%” would not hurt N.

A nanny hired by Father spoke with the social worker. She had never seen C. be afraid of Father. She claimed that C. had injured his neck at hockey camp. C. had never told her that Father was hitting him.

Mother’s psychiatrist denied that Mother had any personality disorder. She suffered from generalized anxiety. C.’s new therapist had diagnosed him with adjustment disorder, which was evidenced by disturbances of emotion and conduct. C. was also suffering from some depression.

The Department stated that defendant would benefit from therapy, a parenting education program, and a substance abuse treatment program. Mother had a medical marijuana card for treatment of pain, but she had not used it in three months. Mother had

left Father because she started having an affair with his boss. Mother lived with Father's boss, and he supported the children.

C. did not appear to have any developmental delays. He appeared to have only behavioral issues. N. appeared to have some speech delays. C. reported that visits with Father had not involved any problems. A social worker believed that Mother was willing to work for joint custody with Father. However, there was a concern that he was extremely vindictive and retaliatory. Father appeared to have lost control because of the affair and C.'s behavioral problems. He needed to continue to receive therapy.

An addendum report was filed in anticipation of the contested jurisdictional/dispositional hearing. On December 14, 2011, a social worker from the Department met with Mother, C., and N. at their home. C. and N. reported that the visits with Father were going well, and they felt safe in his home. C. had recently been diagnosed with post traumatic stress disorder (PTSD) after witnessing the domestic violence incident occurring between Mother and Father and because of Father hitting him. C. had been given new medication for his ADHD and his behavioral problems, and he was doing well on the medication. Mother reported that Father continued to make derogatory comments about her to C. and N. during visits. Mother had C. see another chiropractor, who made the same diagnosis of whiplash and neck injury.

The incident involving Father and C. hitting the truck was being forwarded to the district attorney's office for prosecution. The detective in charge of the investigation was not sure if criminal charges would be filed due to the conflicting medical records. C.'s

pediatrician reported that there was no new injury from the incident, but the chiropractor stated that there was a new injury. As of January 3, 2012, there had been no case filed against Father.

C. *Contested Jurisdictional/dispositional Hearing*

At the contested hearing conducted on January 11, 2012, a first amended petition was filed. It was amended to exclude the allegation that Father cursed at C. and called him inappropriate names. The Department submitted on the detention, jurisdictional/dispositional, and addendum reports. Both Mother and Father continued their denials of the petition. Father had no affirmative evidence to present. He opposed jurisdiction and disposition placing C. and N. with Mother. He also objected to the case being transferred to San Diego.

The juvenile court had reviewed all of the reports. It found the allegations under section 300, subdivision b to be true for C., and under subdivision (j) true for N., by a preponderance of the evidence. C. and N. were to stay in the custody of Mother and she was to participate in family maintenance services.

The case was transferred to San Diego Superior Court since Mother had moved to that location. Father appeals from the jurisdictional/dispositional order.

## II

### DEPENDENCY JURISDICTION

Father contends the evidence was insufficient to support the jurisdictional findings under the section 300, subdivisions (b) and (j) allegations in the petition.

Section 300 provides that “[a]ny child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court . . . .” Subdivision (b) supports jurisdiction if “[t]he 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 . . . .” Subdivision (j) provides for jurisdiction if the “child’s sibling has been abused or neglected, . . . and there is a substantial risk that the child will be abused or neglected . . . .”

““A dependency proceeding under section 300 is essentially a bifurcated proceeding.” [Citation.] First, the court must determine whether the minor is within any of the descriptions set out in section 300 and therefore subject to its jurisdiction.’ [Citation.] ““The petitioner in a dependency proceeding must prove by a preponderance of the evidence that the child who is the subject of a petition comes under the juvenile court’s jurisdiction.”” [Citation.] ‘The basic question under section 300 is whether circumstances at the time of the hearing subject the minor to the defined risk of harm.’ [Citation.]” (*In re A.S.* (2011) 202 Cal.App.4th 237, 243-244.)

We review the court’s jurisdictional order for substantial evidence. “Substantial evidence is evidence that is ‘reasonable, credible, and of solid value’; such that a reasonable trier of fact could make such findings. [Citation.] [¶] It is axiomatic that an appellate court defers to the trier of fact on such determinations, and has no power to judge the effect or value of, or to weigh the evidence; to consider the credibility of

witnesses; or to resolve conflicts in, or make inferences or deductions from the evidence. We review a cold record and, unlike a trial court, have no opportunity to observe the appearance and demeanor of the witnesses. [Citation.] ‘Issues of fact and credibility are questions for the trial court.’ [Citations.] It is not an appellate court’s function, in short, to redetermine the facts.” (*In re Sheila B.* (1993) 19 Cal.App.4th 187, 199-200.) “Under the substantial evidence rule, we ‘must accept the evidence most favorable to the order as true and discard the unfavorable evidence as not having sufficient verity to be accepted by the trier of fact.’ [Citation.]” (*In re S.A.* (2010) 182 Cal.App.4th 1128, 1140.)

Father first contends that the evidence was insufficient to support the b-1 and j-1 allegations that were based on the incident occurring on October 14. He complains that the evidence was contradicted and that the Department never obtained an independent evaluation. He points to the X-rays and medical opinions that no injury occurred. He insists that the chiropractors were hired by Mother and the date of the evaluations is unclear.

Here, at the time of the jurisdictional hearing, a detective involved in the investigation of the events on October 14, had referred the matter to the district attorney’s office for possible prosecution. Although the investigating detective was not sure if charges would be filed because of the contradictory medical reports, there was enough evidence to refer it to the district attorney’s office. C. and Mother were consistent that Father hit him, and he fell on the truck bumper.

Father complains that “every single medical and psychological doctor noted in this case, with the exception of chiropractors retained by mother, agreed there was nothing to suggest [C.] ever suffered physical abuse or injury to his neck at the hand of [Father].” He denies that the testimony by C. or Mother was enough to support the allegation. However, the juvenile court could find that Mother and C. were credible. “The testimony of a single witness is sufficient to uphold a judgment [citation], and an appellate court may not evaluate that testimony as a basis for reversal.” (*Sheila B., supra*, 19 Cal.App.4th at p. 200.) The juvenile court could find by a preponderance of the evidence, relying upon the statements of C. and Mother, and the records from the chiropractors, that Father hit C. on October 14 and caused injury to his neck. This allegation supported the jurisdictional finding by the juvenile court.

Moreover, despite the fact that N. had not been harmed by Father, a finding that Father hit C. and caused him injury certainly put N. at risk of the same action by Father. It is apparent Father lost control when he hit C. and the juvenile court could reasonably be concerned N. was at risk.

Father also alleges that there was not sufficient evidence of the b-2 and b-4 allegations that he had a substance abuse history. Again he claims the only evidence supporting the allegations was unsupported testimony from C. and Mother. Father additionally contends the allegation under b-3 -- that there was a history of domestic violence -- was not supported by the evidence. There was only one conflict in 2010,

which did not present a substantial risk of harm to C. and N. at the time of the jurisdiction hearing.

“[A]n appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence. [Citations.]” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1492; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 330 [“[s]ection 300 contemplates that jurisdiction may be based on any single subdivision”].) Since we have found the juvenile court had dependency jurisdiction based on the October 14 incident, any discussion of the remaining allegations would be purely academic. (See *I.A.*, at p. 1492.) Here, the evidence that Father had physically abused C. supported the jurisdictional finding and we need not address the remaining allegations.

### III

#### DISPOSITIONAL ORDER

Father also claims about the dispositional order removing C. and N. from his care and placing them with Mother because there was no substantial evidence that C. and N. needed to be removed from his custody to be protected. He insists that even if there was one incident where he “allegedly” struck and injured C. during an argument, there was no evidence at the time of the disposition hearing that there was any risk of future harm to C. or N. if they were in his care.

“After the juvenile court finds a child to be within its jurisdiction, the court must conduct a dispositional hearing. [Citation.] At the dispositional hearing, the court must

decide where the child will live while under the court's supervision.' [Citation.] 'A removal order is proper if based on proof of a parental inability to provide proper care for the child and proof of a potential detriment to the child if he or she remains with the parent. [Citation.] "The parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child." [Citation.] The court may consider a parent's past conduct as well as present circumstances.' [Citation.]" (*In re A.S., supra*, 202 Cal.App.4th at p. 247.)

““Before the court issues a removal order, it must find the child's welfare requires removal because of a substantial danger, or risk of danger, to the child's physical health if he or she is returned home, and there are no reasonable alternatives to protect the child.”” [Citations.] 'Whether the conditions in the home present a risk of harm to the child is a factual issue.' [Citation.] The court's dispositional finding is also subject to a sufficiency of the evidence standard of review. [Citation.]" (*In re Lana S.* (2012) 207 Cal.App.4th 94, 105; see also § 361, subd. (c)(1).)

Here, Father had hit C. in the head, causing him to fall backward and hit his head on the bumper of the truck. Father continued to use a method of tapping C. on the face to get his attention and denied any wrongdoing. C. reported other incidents where Father had hit him. C. was afraid to return to Father's custody since he believed that he may hit him. C. was diagnosed with having PTSD due to Father hitting him. Although Dr. Kania had suggested that C. and N. live with Father, these evaluations were conducted prior to the incident on October 14.

Based on the foregoing, the juvenile court could properly determine that the welfare of the children required removal from Father's custody because of a risk of danger to their physical health if they returned home, and custody with Mother would protect the children. (*In re Lana S.*, *supra*, 207 Cal.App.4th at p. 105.) This finding was supported by substantial evidence.

#### IV

#### CASE PLAN

Father also contends that his case plan -- which required him to participate in general counseling to address substance abuse, comply with a substance abuse assessment and the recommended treatment, and participate in random drug testing -- was overly burdensome and was in error because there was no evidence that he had a problem with drugs and alcohol.

A social worker met with Father on November 28, 2011, to develop his case plan. Father told the social worker that he was already seeing a therapist. He agreed to be referred to a parenting education program. Father also said he would participate in substance abuse treatment services and participate in random drug testing. A case plan was attached to the report. It included counseling to address coparenting, stress reduction, and anger management; parenting education; substance abuse treatment; and substance abuse testing.

At the time of the jurisdictional/dispositional hearing, Father was granted reunification services and ordered to complete his case plan. The juvenile court signed the case plan. There was no objection by Father.

According to the record, Father consented to the case plan and failed to object to the reunification service plan ordered by the juvenile court at the jurisdictional/dispositional hearing. As such, Father waived his claims that his case plan was overly burdensome or inappropriate. (*In re Precious J.* (1996) 42 Cal.App.4th 1463, 1476; *In re Christina L.* (1992) 3 Cal.App.4th 404, 416.) We will not address the issue, as Father could have easily resolved the issue in the lower court, or had the juvenile court explicate its reasons for imposing a substance abuse and random drug testing requirement, which would provide for more meaningful review by this court. As it stands, with Father's failure to object and in fact to consent to the plan, he cannot now complain.

V

DISPOSITION

The orders of the juvenile court are affirmed.

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RICHLI  
J.

We concur:

RAMIREZ  
P. J.

KING  
J.