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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

In re THOMAS L., a Person Coming Under the Juvenile Court Law.	
STANISLAUS COUNTY COMMUNITY SERVICES AGENCY, Plaintiff and Respondent, v. VANESSA L., Defendant and Appellant.	F067285 (Super. Ct. No. 516562) **O P I N I O N**

THE COURT*

APPEAL from orders of the Superior Court of Stanislaus County. Ann Q. Ameral, Judge.

Merrill Lee Toole, under appointment by the Court of Appeal, for Defendant and Appellant.

John P. Doering, County Counsel, and Carrie M. Stephens, Deputy County Counsel, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Cornell, J., and Poochigian, J.

Vanessa L. appeals from the juvenile court's dispositional order. She challenges the sufficiency of the evidence upon which the juvenile court ordered her nine-year-old son, Thomas, detained and subsequently removed from her physical custody at the dispositional hearing. (Welf. & Inst. Code, § 361.)[1] Vanessa contends the dispositional orders must be reversed because there was no evidence Thomas was at risk in her care and there were less restrictive alternatives to removal. We affirm the juvenile court's orders.

PROCEDURAL AND FACTUAL SUMMARY

Vanessa is the mother of nine-year-old Thomas, the subject of this appeal. She is also the stepmother of 14-year-old Alexander, the son of her husband, and Thomas's father, Fernando. Dora, Fernando's ex-girlfriend, is Alexander's mother.

These dependency proceedings were initiated as to Thomas in January 2013. However, because Thomas's detention and removal stems from Vanessa and Fernando's mistreatment of Alexander, we incorporate Alexander's history into our summary of the case.

Fernando has a history of domestic violence referrals beginning in 2000 in Santa Clara County. In March 2000, Dora reported multiple incidents of domestic violence in which Fernando assaulted her, striking her head, stomach, chest, back and legs with his fists. At the time, Alexander was 11 months old and Fernando and Dora shared custody of him. There were two additional reports of domestic violence in 2000 stemming from arguments Fernando and Dora had while exchanging custody of Alexander.

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

When Alexander was five years old, he was removed from Dora's custody and placed with Fernando who was granted full custody of him. By that time, Fernando was involved with Vanessa and Thomas was an infant.

In November 2005, eight months after Alexander was placed with Fernando, the Stanislaus County Community Services Agency (agency) received a report that Vanessa hit Alexander in the face because he "got his numbers wrong." Alexander had facial bruising, a cut lip and a bloody nose. Alexander stated that he knew Vanessa did not like him because she was mean to him, but said he loved her. Fernando begged the agency not to place Alexander in foster care and said he would keep Alexander out of the home until the next day. Vanessa denied hitting Alexander and said that then two-year-old Thomas hit him. Vanessa and Fernando agreed to participate in family maintenance services.

By late February 2006, Fernando and Vanessa had made an appointment for parenting classes, and the agency reported she and father were following their case plan. At the same time, however, the agency received a report that then six-year-old Alexander was found wandering in the street. Over the ensuing five months, the social worker had monthly contact with the family except for March and May when the social worker attempted home visits but no one answered the door. When the social worker saw Alexander and Thomas, they appeared healthy and clean. In July 2006, the social worker asked Vanessa if she wanted to continue receiving family maintenance services and she said she did not. The social worker closed their case because the children appeared safe and the parents were not willing to cooperate. In May of that year, Alexander stated in class that he was angry and wanted to kill himself.

In January 2008, the agency received a report that Vanessa made Alexander stand outside naked because he got in trouble. Vanessa denied the allegation. She said Alexander had been in school counseling since he lived with them, but that she cancelled

it the year before because it was not helping. The social worker explained that Alexander may benefit from a private counselor and asked Vanessa how she felt about medication if it was recommended. She said she was opposed. Fernando, however, became very emotional and said he would allow Alexander to try medication if a counselor recommended it. About a week later, Fernando told the social worker Alexander revised his story that Vanessa made him stand outside naked. Alexander told Fernando he defecated in his pants and Vanessa made him strip off his clothes in the entry way of the home. The tile in the entry way was cold and that made him angry at her. Fernando said he was interested in counseling for Alexander and an assessment to determine if he had Attention Deficit Hyperactivity Disorder. The agency determined Alexander's allegation was unfounded and did not pursue it.

In July 2009, while staying with Dora in Sunnyvale, Alexander reported that Vanessa slapped him on the right side of the face causing bruises and pinched him on the legs causing them to bleed. He said he was afraid of Vanessa and did not want to return to his father's house. He did, however, return and was interviewed by a social worker from the agency. Alexander said he had not seen Dora since he was in kindergarten and he was excited to see her. However, she questioned him about how Vanessa and Fernando treated him, asking whether Vanessa hit him and whether they hurt him. Alexander emphatically denied that Vanessa and Fernando hit him. He said they disciplined him by restricting him, taking away privileges and/or spanking him. According to the social worker Alexander and Thomas presented as healthy, intelligent boys. The social worker believed that Alexander may have been encouraged to change his story, but also found Dora's behavior suspect. The agency was unable to substantiate the physical abuse allegation.

In December 2009, Alexander reported at school that he wished he were dead, that Fernando did not give him dinner the night before or breakfast that morning, and that

Fernando punched him in the arm and stomach. Alexander, however, did not have any bruises and did not appear afraid of his father.

In March 2011, the agency received a referral that Thomas, then six years old, returned to school after three days of absence with a swollen and bruised ear. Thomas said that he and Fernando were playing when Fernando got mad and kicked him in the face, knocking him into the dresser. Fernando and Vanessa said the family was wrestling and Fernando accidentally kicked Thomas in the head, sending him into the dresser. The agency concluded Fernando did not physically abuse Thomas and the family agreed to modify their wrestling activities.

In January 2012, Fernando and Vanessa told a mandated reporter that they threatened to beat Alexander until he was "black and blue." They did not allow him to sleep on a mattress because he urinated on it or to eat in the school cafeteria as punishment for misbehavior. The agency did not intervene because Alexander did not report he was hungry and because he, Vanessa and father were in counseling.

In March 2012, the agency received reports that Vanessa had removed Alexander's bed and carpet, and he slept naked on the floor with two sheets. The carpet was removed because Alexander defecated and urinated on the floor deliberately. Alexander disclosed that he was not fed at home for several days in a row and not permitted to eat at school. He was made to wear soiled clothes for several weeks and not allowed to change his soiled underwear. In addition, Alexander had to run back and forth to school, and he was hit and pushed at home. He was allowed six minutes to arrive home after school. Once he arrived, he was locked in his room and had to call for bathroom breaks and dinner. Alexander was told he was going to be sent to a foster home and feared for his safety. He appeared underweight and had been diagnosed with attachment disorder. He was participating in counseling but father and Vanessa were not.

Thomas stated Fernando and Vanessa disciplined him by making him stand next to a wall without his hands touching the wall. He was also yelled at, sent to his room, spanked with a spoon on his bottom, punched in the stomach and had things taken away. He said Alexander got in trouble a lot for stealing and was locked in his bedroom at night for watching the family sleep or stealing food. He said Alexander was not allowed to eat breakfast because he was "bad." Alexander was also "bad" according to Thomas because he stole food.

Vanessa said that Alexander had "lots of issues" and had been seeing a counselor and psychiatrist since 2006. She said he was defiant and thought he was the boss. Fernando and Vanessa said Alexander was aggressive toward Thomas. They placed a lock on Alexander's bedroom door because he stood and watched them sleep and tried to suffocate Thomas with a pillow when Thomas was two or three years old. They limited Alexander to two outfits in his bedroom because he urinated and used his clothing to wipe up his feces. They did not feed him breakfast because he refused to take the trash out. They were frustrated by Alexander's inappropriate behavior, did not believe their discipline worked anymore and wanted help.

The social worker helped the family develop a verbal contract with Alexander and he responded well for several days, but then resumed urinating in his clothing. In April, Fernando told Alexander to pack his belongings and not return to the home after school. Alexander reported at school that he had nowhere to go and was scared and sad.

Fernando told the social worker he needed a break and asked her to place Alexander somewhere else. The social worker explored a temporary placement, but determined that Alexander's behavior was too severe and would be a threat to staff and other clients. Not long after, the family began receiving home-based services to address the situation.

By May, father and Vanessa were no longer giving Alexander sheets. He was not allowed to sit on the furniture or wear clothes.

In May 2012, Alexander was evaluated by psychologist James A. Wakefield, Jr. who reported Dora exposed Alexander to drugs prenatally and then to her drug use in the home until he was five years old. Subsequently, Fernando exposed him to inappropriate punishment. As a result, Alexander retaliated through enuresis, encopresis and feces smearing. Dr. Wakefield further reported that Alexander was of average intelligence and was not having behavioral or academic problems at school. However, he opined that Alexander was emotionally disturbed and had been so for a long time. He said Alexander was engaged in a power struggle with his parents and he was not controlled by punishment. Dr. Wakefield diagnosed Alexander with schizoaffective disorder and reactive attachment disorder, recommended continuing counseling, and suggested Fernando take over as the primary disciplinarian.

In July 2012, social worker Julian Wren reported that Fernando and Vanessa refused to let Alexander participate in treatment as suggested by the family's counselor. Vanessa said she was participating in treatment but that it did not work. She referred to Alexander as a "lying ass." Wren further reported that after Alexander fulfilled a goal, Vanessa increased her expectations and consequences, and Fernando used punishment to humiliate Alexander. Wren stated Fernando and Vanessa "shut down every avenue the family's counselor suggested to decrease Alexander's target behaviors" and when Fernando was asked to participate in treatment, he declined to do so.

In September 2012, Vanessa and Fernando agreed to participate in family maintenance services. However, they refused to sign a case plan that included Thomas. Consequently, in November 2012, the agency closed their case.

In January 2013, the agency received a report that Vanessa burned Alexander's wrist. Alexander said she held his hand over a hot pan and burned his wrist. The day before, she hit him on the hand with a baseball bat for taking a pen.

An agency social worker took then 13-year-old Alexander into protective custody and a police officer arrested Fernando for child endangerment after seeing the condition of Alexander's room and interviewing Fernando.

The agency placed Alexander in foster care and filed a dependency petition alleging he was a minor described under section 300, subdivisions (b) (failure to protect), (c) (serious emotional damage) and (i) (cruelty).

During the investigation, Thomas described how he and Alexander were treated differently in the home. Thomas said sometimes Alexander only ate a cheese sandwich while the rest of the family ate chicken, vegetables and potatoes. He said Alexander was locked in his room while the rest of the family went on outings and for Christmas Thomas received games and toys while Alexander received an empty box with a note from Santa Claus telling him he was too bad to receive presents. Thomas said he also wet the bed but did not get into trouble. Thomas let Alexander out of his room at night so he could go to the bathroom and took him back to his (Alexander's) bedroom.

Alexander was also interviewed. He admitted having an anger problem and easily angered if he did not get his way. Once, he punched Fernando in the stomach because Fernando was trying to force him outside the house when it was cold and dark. He had pushed and socked Thomas in the past, and bit Vanessa once when she would not let him go. As to punishment he received, he remembered an occasion when he was picking up his clothes and Vanessa got mad at him. She choked him and he blacked out for about 30 seconds. When he regained consciousness, everything was spinning and he was cold inside.

Vanessa denied hitting Alexander on the head with a pan. She said he made that up because he was in trouble for threatening to stab some girls at school. As for the burn on his wrist, she explained she and Alexander were making enchiladas. Alexander was stirring the sauce and it "popped" and splashed on her and Alexander. She said her burns healed but Alexander's did not because he picked at them. She showed the detective the pan they used. He compared the edge of the pan with the images taken of Alexander's burn scar and determined they were a good match. The detective arrested Vanessa for child endangerment. She was subsequently charged in addition with inflicting injury upon a child.

Approximately a week after removing Alexander, the agency took then eight-year-old Thomas into protective custody out of concern that he was exposed to the emotional abuse inflicted upon Alexander. The agency filed a dependency petition alleging that Thomas was described under section 300, subdivisions (b) and (j) (abuse of sibling). Thomas was also placed in foster care.

The juvenile court ordered Alexander and Thomas detained and set their jurisdictional/dispositional hearings (combined hearings) in February 2013.

After a month in foster care, Alexander was no longer smearing feces and defecating and urinating in his clothes and bedding. He said he felt safe and loved and was doing well in school.

In its report for the combined hearing as to Alexander, the agency recommended the juvenile court use caution in considering Dr. Wakefield's psychological evaluation of Alexander since much of the background information was provided by Fernando and Vanessa. The agency recommended the juvenile court offer Dora reunification services but deny them to Fernando.

In its report for the combined hearing as to Thomas, the agency recommended the juvenile court adjudge Thomas a dependent child, remove him from Fernando and

Vanessa's custody, and order reunification services for them. The agency believed Thomas's removal was necessary to prevent Fernando and Vanessa from physically abusing and neglecting him as they did Alexander, and from involving Thomas in Alexander's abuse. In order to safely return Thomas to his parents, the agency believed Fernando and Vanessa needed to stop blaming Alexander for the family situation and acknowledge their parenting errors through intensive counseling and parenting services.

The juvenile court set a contested combined hearing for April 2013. Meanwhile, the agency placed Thomas with a relative. The agency reported Fernando completed a drug and alcohol assessment but did not require substance abuse treatment. In addition, he and Vanessa completed a clinical assessment with Amy Coleman, a marriage and family therapist intern, who recommended they participate in individual counseling. In addition, they participated in parenting classes and individual parenting sessions but it was too soon to assess their progress. They regularly visited Thomas and all three were sad and cried at the end of visits.

The agency advised the juvenile court that despite Fernando and Vanessa's progress, they did not recognize they subjected Alexander to emotional cruelty and exposed Thomas to it. Until they did so, the agency could not recommend family maintenance services.

In April 2013, the juvenile court conducted a contested combined hearing as to Alexander and Thomas. Ms. Coleman testified Fernando and Vanessa were participating in individual parenting sessions with her. Fernando and Vanessa believed Thomas was removed from their custody in order to protect him from Alexander. They acknowledged treating Alexander differently but only Fernando provided an explanation ─ he stated Alexander and Thomas had different needs.

Ms. Coleman further testified it was too early to determine if Fernando and Vanessa made progress in their parenting services. There were additional topics she

planned to discuss with them such as their prior child welfare history and their method of disciplining Alexander. Ms. Coleman declined to give an opinion as to whether it was safe to return Thomas to Fernando and Vanessa's custody, explaining that it was beyond the scope of her professional duty.

Social worker Sarah Hernandez testified concerning a risk assessment tool, the structured decision-making (SDM), used by the agency to determine a parent's risk level with respect to a child. She testified that, according to the results of Vanessa's SDM assessment, Thomas was at high risk for abuse.

The juvenile court sustained the allegations in the petitions and ordered Alexander and Thomas removed from parental custody, stating there was "extreme violence" in the home for a "number of years" of which Alexander was a direct victim and Thomas a victim by exposure. The juvenile court ordered reunification services for Dora and Fernando as to Alexander despite the agency's recommendation to deny Fernando services. The juvenile court ordered reunification services for Fernando and Vanessa as to Thomas. This appeal ensued.[2]

DISCUSSION

I. Substantial Evidence Supports the Detention Order

Vanessa contends the agency failed to make reasonable efforts to prevent Thomas's removal. Therefore, she further contends, the juvenile court erred in ordering Thomas detained.

A juvenile detention hearing is the first hearing conducted once a child has been taken into temporary custody and a petition is filed with the juvenile court to exercise its dependency jurisdiction. (§§ 309; 319.) The juvenile court must order the child's release

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[2] Fernando also filed an appeal from the juvenile court's dispositional order removing Thomas from his custody (*In re Thomas L.* (Nov. 17, 2013, F067163) [nonpub. opn.]) which we affirmed.

from custody unless a prima facie showing is made that the child comes within section 300 (the grounds for jurisdiction), that continuance in the parent's home is contrary to the child's welfare and, as relevant here, that there is a substantial danger to the child's physical health or the child is suffering severe emotional damage and there are no reasonable means by which the child's physical or emotional health can be protected without removing the child from the parent's physical custody. (§ 319, subd. (b).)

In addition, the juvenile court must find the agency made reasonable efforts to prevent or eliminate the need for the child's removal from the home and there are no services available that would prevent the need for further detention. If the juvenile court can return the child to parental custody through the provision of services, it must do so. (§ 319, subd. (d)(1)-(2).)

Vanessa challenges the sufficiency of the evidence to support this last finding. She argues the agency could have prevented the need to detain Thomas by removing Alexander and providing services.

On a challenge to the juvenile court's findings and orders, appellant bears the burden of affirmatively showing error on the record. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) We review the record for substantial evidence, resolving all conflicts in favor of the court and indulging in all legitimate inferences to uphold the court's finding. (*In re Brison C.* (2000) 81 Cal.App.4th 1373, 1378-1379.) On this record, we conclude substantial evidence supports the juvenile court's detention order.

Vanessa's contention that Thomas's detention could have been avoided by removing Alexander presumes that Alexander was the only person who endangered Thomas. However, that is not the case. Vanessa exposed Thomas to his brother's physical abuse for years and made him an unwitting participant. Undoubtedly, Thomas was emotionally damaged as a result. In addition, there was some evidence Thomas was inappropriately disciplined if not physically abused himself. Consequently, there is no

reason to believe that simply removing Alexander from the home would eliminate any danger to Thomas.

Further, the agency provided Vanessa parenting instruction, individual counseling and home-based services prior to Thomas's detention. Vanessa admits refusing these services, claiming they were ineffective. She does not, however, identify what other services the agency could have offered that would have prevented Thomas's removal. She, thus, failed to meet her burden.

We conclude the agency made reasonable efforts to prevent Thomas's detention and affirm the juvenile court's detention order.

II. Substantial Evidence Supports the Removal Order

"At the dispositional hearing, ... there is a statutory presumption that the child will be returned to parental custody." (*In re Marilyn H.* (1993) 5 Cal.4th 295, 308.) In order to remove a child from parental custody, the juvenile court must find by clear and convincing evidence that removal is the only way to protect the physical or emotional well-being of the child. (§ 361, subd. (c)(1).) The juvenile court must also determine reasonable efforts were made to prevent or eliminate the need for the child's removal. (§ 361, subd. (d).)

Section 361, subdivision (c), the governing statute, provides in relevant part:

> "A dependent child may not be taken from the physical custody of his or her parents ... with whom the child resides at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence ...: [¶] (1) [t]here is or would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the minor if the minor were returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parent's ... physical custody."

In determining whether to order a child removed from parental custody, the juvenile court is not required to find the child was harmed. (*In re Diamond H.* (2000) 82 Cal.App.4th 1127, 1136, disapproved on another ground in *Renee J. v. Superior Court*

(2001) 26 Cal.4th 735, 748, fn. 6.) The juvenile court only has to have some reason to believe that circumstances which place the child at a substantial risk of harm would continue in the future. (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 824.) Thus, the purpose of the removal statute is to avert harm to the child. (*In re Jamie M.* (1982) 134 Cal.App.3d 530, 536.)

"In reviewing the sufficiency of the evidence on appeal, we look to the entire record to determine whether there is substantial evidence to support the findings of the juvenile court. We do not pass judgment on the credibility of witnesses, attempt to resolve conflicts in the evidence, or determine where the weight of the evidence lies. Rather, we draw all reasonable inferences in support of the findings, view the record in the light most favorable to the juvenile court's order, and affirm the order even if there is other evidence that would support a contrary finding. [Citation.] When the [juvenile court] makes findings by the elevated standard of clear and convincing evidence, the substantial evidence test remains the standard of review on appeal. [Citation.] The appellant has the burden of showing that there is no evidence of a sufficiently substantial nature to support the order. [Citations.]" (*In re Cole C.* (2009) 174 Cal.App.4th 900, 915-916.) In our view, Vanessa failed to meet her burden.

Vanessa contends the agency failed to provide reasonable counseling services between the detention and dispositional hearings. Specifically, she faults the agency because Thomas was not yet in counseling. She also faults the agency for referring her to Ms. Coleman who she argues was not qualified to provide the level of counseling she needed because she was an intern with little experience, and who had yet to address her parenting of Alexander. Vanessa fails, however, to show how the agency was responsible for any delay in Thomas receiving therapy, that Ms. Coleman was not qualified to counsel her and/or that Ms. Coleman's failure to raise the issue of her parenting of Alexander sooner rendered the quality of her counseling inadequate. Most

importantly, Vanessa fails to show how any of the counseling discrepancies she alleges resulted in Thomas's removal at the dispositional hearing.

Vanessa further contends there was insufficient evidence that Thomas would be abused or neglected if returned to her custody. She points out she and Fernando have a good relationship and there is no evidence of domestic violence, substance abuse or mental illness. She also points out that, unlike Alexander, Thomas does not have any problems that would trigger family conflict. Thomas is healthy, well-mannered and old enough to complain if he were abused or neglected.

Vanessa, in essence, highlights favorable evidence to support her argument. However, there is substantial unfavorable evidence that supports the juvenile court's finding. Vanessa cruelly abused Alexander physically and emotionally for eight years. It began within eight months of his placement in the family. He responded by acting out and she intensified the mistreatment. She either resisted the agency's efforts to treat Alexander and the family or stopped participating. By the time Alexander was finally removed, he was sleeping naked on a concrete floor in a locked bedroom and denied food. To make matters worse, Thomas had to lock his brother in his room so as to comply with the family system. Given the cruelty and persistence of Vanessa's abuse, there is no reason to believe that Thomas would not be targeted in a similar fashion if he were the only child in the home.

Vanessa cites this court to *In re Hailey T*. (2012) 212 Cal.App.4th 139 (*Hailey T.*) for the proposition that the abuse of one child does not justify the removal of the child's sibling. (*Id*. at pp. 147-148.) *Hailey T*., however, is distinguishable on a key point. In that case, a four month old sustained bruising on and underneath his eye. He and his three-year-old sister Hailey were removed from parental custody. The parents could not explain the injury and a child abuse expert testified the injuries were nonaccidental and unlikely inflicted by Hailey. The expert could not tell if the injuries were sustained

during a single or multiple episodes. Another expert testified that it was impossible to determine if the injuries were caused intentionally and that they could have been caused by Hailey. (*Id*. at pp. 142-144.)

The appellate court in *Hailey T*. reversed the juvenile court's removal order, concluding there was insufficient evidence to order Hailey removed from the home because there was no evidence of any abuse and the evidence of abuse was disputed. (*Hailey T*., *supra*, 212 Cal.App.4th at pp. 148-149.)

In this case, there was ongoing child abuse.

Vanessa also contends "stringent conditions of supervision" such as unannounced home visits were an alternative to removal. We disagree. Even stringent conditions are not a viable alternative to removal given evidence in this case strongly suggesting that Vanessa and Fernando attempted to cover up and deny Alexander and Thomas's injuries. Notably, in March 2011, Fernando and Vanessa kept Thomas out of school for three days because he had a swollen and bruised ear. Thomas said Fernando was angry and kicked him in the face. Fernando and Vanessa said he was injured during rough wrestling. In addition, there is more than one instance of Alexander alleging abuse only to deny it occurred, presumably after a conversation with his parents. No amount of supervision can protect a child in an abusive home if parents hide their children's injuries and prevent them from disclosing the abuse to authorities.

Finally, Vanessa contends the juvenile court's order removing Thomas served more to punish her than to serve Thomas's best interest given his strong desire to return to her custody. For this proposition, she cites *In re B.T.* (2011) 193 Cal.App.4th 685 (*B.T.*), also factually distinguishable.

In *B.T.,* the juvenile court found the child was at risk of sexual abuse and neglect because the child was the product of a sexual relationship between the mother, an adult, and her neighbor's minor son. (*B.T., supra,* 193 Cal.App.4th at pp. 687-688.) Apart

from the mother's poor judgment in having sexual relations with a minor, the mother in *B.T.* had an exemplary track record of childrearing, had no prior criminal record, there was no evidence of any past abuse of her other children, and there was no evidence that her lapses in judgment would continue. (*Id.* at pp. 687, 692-693.) The Court of Appeal reversed the juvenile court's jurisdictional finding because there was no evidence the child had been injured, and mother's unlawful sexual relationship with a minor did not constitute evidence that she would sexually abuse the child. (*Id.* at pp. 692-696.)

The Court of Appeal in *B.T.* did, however, find evidence of an effort to punish the mother at the child's expense which it found incongruent with dependency proceedings. The court stated: "Juvenile dependency proceedings … have a different focus: protecting children and serving their best interests, not punishing the parent. [Citations.]" (*B.T.*, *supra*, 193 Cal.App.4th at p. 695.)

Unlike the mother in *B.T.*, Vanessa does *not* have an exemplary record of childrearing, but rather a significant history of child abuse. Further, there is no evidence the juvenile court's decision to remove Thomas from Vanessa's custody was motivated by anything but serving Thomas's best interest.

We find no error on this record and affirm the juvenile court's orders.

DISPOSITION

The dispositional orders entered on April 19, 2013, are affirmed.