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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re P.I. et al., Persons Coming Under the
Juvenile Court Law.

H041703
(Santa Clara County
Super. Ct. Nos. 1-14-JD22745,
1-14-JD22746)

SANTA CLARA COUNTY
DEPARTMENT OF FAMILY AND
CHILDREN'S SERVICES,

Plaintiff and Respondent,

v.

P.I.,

Defendant and Appellant.

I. INTRODUCTION

P.I. is the mother of P.I. (the daughter) and I.I. (the son), the children at issue in this juvenile dependency case. The mother appeals from the juvenile court's disposition orders, which placed the children with the mother on Family Maintenance Services (Welf. & Inst. Code, § 361.5).¹ The mother contends there was insufficient evidence to support the juvenile court's jurisdictional findings. We will affirm.

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

II. FACTUAL AND PROCEDURAL BACKGROUND

A. Section 300 Petition

On August 6, 2014, the Santa Clara County Department of Family and Children's Services (the Department) filed petitions under section 300, subdivisions (b) [failure to protect] and (c) [serious emotional damage], alleging that the children, ages 6 (the daughter) and 13 months (the son), came within the jurisdiction of the juvenile court. The petition alleged the following facts.

The children had been exposed to domestic violence perpetrated against the mother by the son's father, N.P. One incident had occurred on July 30, 2014, while the mother was driving a car. N.P. had screamed at the mother, called her a "bitch," and pounded on her seat. The daughter had told N.P. to stop, but N.P. had told her to mind her own business. After arriving at a hotel, N.P. had removed the son from the car and pounded on the car windows. The mother had instructed the daughter to go into the hotel and to call the police. The daughter had been afraid that N.P. would hurt the mother, and she had screamed at the mother to leave.

There had also been prior incidents of domestic violence by N.P. against the mother. N.P. had hit the mother, causing bruising, and he had threatened to kill her on several occasions. He had recently hit the mother with a golf club. The son would withdraw and was "numb to the violence." The daughter was "anxious to save the mother" from the violence and worried that N.P. would hurt her.

N.P. had a substance abuse problem and a criminal history that included substance abuse charges. The whereabouts of the daughter's father, R.C., were unknown.

The Department filed applications for protective custody warrants on the same day it filed the section 300 petitions. In the applications, the social worker reported that the mother had acknowledged the domestic violence. The mother had been encouraged to apply for a restraining order against N.P. and she had done so, but she admitted she "only filed because she thought that this was sufficient to not have CPS [Child Protective

Services] involved any longer.” The mother had continued to maintain contact with N.P. and stated she had no plans to end the relationship. The mother had declined voluntary services on July 30, 2014 and on August 5, 2014.

The social worker also reported on statements by N.P., who said that he did not want custody of the son and that he believed the mother was “desperate to have a relationship with him.” N.P. admitted using methamphetamine and reported that the mother was aware of his drug use. N.P. had several criminal convictions and, in April of 2014, he had finished serving a prison term for second degree burglary and obstructing an officer.

A first amended section 300 petition was filed as to the daughter on August 7, 2014. The first amended petition included an allegation that R.C. had not seen the daughter for at least a year and that the daughter was “not comfortable” with being placed with R.C.

B. Detention Hearing

At the detention hearing held on August 8, 2014, the juvenile court found that continuance in the parental home would be contrary to the children’s welfare and that removal from the parents’ custody was necessary to protect the children’s physical or emotional health. The court therefore determined that a prima facie showing had been made that the children came within section 300, and it ordered the children detained.

At the detention hearing, the mother requested the children be released to her care. The juvenile court denied the request. However, the juvenile court authorized the social worker to release the children to the mother’s care prior to the next hearing “should it be deemed appropriate.” Similarly, the juvenile court ordered the mother to have only supervised visitation, but the court authorized the social worker to permit unsupervised visitation as long as there was a restraining order in effect.

C. Restraining Order Applications

On August 4, 2014, the mother filed a request for a domestic violence restraining order against N.P. The mother described the July 30, 2014 incident and asked for the children to be protected, explaining, “They do not need to see violence.” A temporary restraining order was denied because the mother had not provided sufficient details of the abuse.

On August 14, 2014, the mother filed a request for a restraining order against N.P. in the juvenile court, through her appointed counsel. She alleged that in July of 2014, N.P. had slapped her arms and grabbed her wrists, causing bruising. N.P. had held her against the wall by her throat twice. The mother described the July 30, 2014 incident and the golf club incident, and she alleged that N.P. had threatened to kill her on numerous times. N.P. had also spit on her, blocked her, thrown things at her, read her mail, gone through her phone, called her names, and threatened to take the son out of the country. The mother alleged she was “able to see the damage he has done to my children” and acknowledged that the daughter was afraid. The juvenile court issued a temporary restraining order that day.

Attempts to serve the juvenile court’s restraining order on N.P. were unsuccessful, so at a hearing on August 29, 2014, the mother obtained its reissuance. By that date, the children had been placed back into the mother’s care. At the hearing, the children’s attorney stated that she was “really uncomfortable” with the fact that there was not a permanent restraining order in place yet. The juvenile court noted that it had given the social worker discretion to return the children to the mother’s care if there was a restraining order in place and if the social worker believed that the mother would “actually enforce it if necessary.” The juvenile court noted that if N.P. attempted to violate the restraining order and if the mother did not “respond appropriately by contacting the police,” the children could be removed again.

D. Jurisdiction and Disposition Reports

The Department filed a jurisdiction report dated August 29, 2014 and a disposition report dated September 17, 2014.

In the jurisdiction report, the Department recommended that the juvenile court sustain the petitions. The social worker explained that the children had been released to the mother on August 15, 2014, and that the decision was made after (1) the mother filed a restraining order request, (2) the mother confirmed that she had not had any contact with N.P., (3) the mother scheduled appointments for services, and (4) the children showed signs of experiencing emotional distress due to separation from the mother.

The social worker had spoken with members of the mother's extended family and others who were in close contact with the mother and the children. The maternal aunt reported that, on several occasions, the mother said she would file a police report regarding N.P.'s behavior, but she never followed through. The girlfriend of the maternal uncle had witnessed the incident in which N.P. had a golf club. The children's day care provider reported that the daughter had talked about seeing N.P. hitting the mother. The maternal grandfather reported that the mother had allowed N.P. to come to their home even after the maternal grandfather asked her to stop. The maternal grandfather also described how the son was desensitized to the fighting around him.

The social worker believed that the mother had begun to address "the concerns regarding domestic violence" but that the mother needed to overcome the factors that led to the situation, which included her own childhood exposure to violence and her low self-esteem.

In the disposition report, the Department recommended that the juvenile court keep the children with the mother on Family Maintenance Services. The social worker explained why the mother would benefit from services—specifically, individual counseling and domestic violence education and support. The mother had acknowledged that she had grown up in a household where there was violence and that she had learned

to believe “that this was ‘normal.’ ” The mother had an “intense desire to have a ‘family’ of mother, father, and children,” which contributed to her poor judgment in maintaining a relationship with N.P. The mother herself had “engaged in intense verbal altercations” with N.P. in front of the children.

The social worker also recommended that the children undergo a mental health assessment and participate in services. The social worker noted that both children, but especially the daughter, had experienced trauma and distress due to exposure to domestic violence.

The mother did not believe she needed support in understanding why she had continued in a violent relationship, nor did she need support obtaining skills to prevent the same thing from occurring in the future. The mother planned “to pursue spiritual counseling” for the daughter rather than “medical level counseling.” The mother also felt she did not need individual counseling herself. According to the mother, “her family copes and heals through prayer and their connection to God.” However, the mother had begun to participate in an individual domestic violence education and support program. The mother appeared to be “gaining some insight” into her decision to maintain a relationship with N.P., and she appeared to understand how the children were affected by their exposure to domestic violence. Nevertheless, the social worker believed that the mother had “more work to do.” While the mother had taken responsibility for her actions on some occasions, on other occasions she had claimed that she had done nothing wrong.

The mother acknowledged that the daughter had been traumatized by her exposure to domestic violence but reported that the daughter was “not currently showing significant fear or anxiety.” The daughter told the social worker that she still thought about N.P. and that she was worried that N.P. would come back and hurt the mother or the son. Based on these comments, the social worker believed that the daughter needed support and counseling. A mental health referral had been made, but the mother was concerned that the provider of services was not a “good fit.” The mother had then

informed the social worker that she wanted to “pursue spiritual counseling” for the daughter, “with the focus on prayer and biblical teachings.” The social worker believed that the daughter needed a counselor who was trained and experienced in treating trauma in children, and she was attempting to find a counselor who could “integrate[] evidence-based treatment techniques with faith-based spiritual counseling.”

E. Addendum Report

In an addendum report dated October 21, 2014, the social worker reported that the mother had not received any services since the Early Resolution Conference held on September 17, 2014, which had not been successful. The mother had not attended any of her recently scheduled domestic violence sessions, even after being informed that there was childcare available and after being given bus tokens for transportation. The mother had informed the support group facilitator that she was hoping to get her case dismissed, and she told the social worker that she did not believe she needed the services. As of October 1, 2014, the mother had not contacted the faith-based Christian counselor that the social worker had referred her to two weeks earlier, but she agreed to do so and, about 10 days later, she did call the counselor to schedule an appointment for the daughter.

The social worker had interviewed the daughter on October 6, 2014. The daughter reported that N.P. had helped the family move into their new apartment at the end of August 2014 and that she had been scared because N.P. had been drunk and “all over” the mother. The daughter then told the social worker that someone else had actually helped the family move, but that N.P. had knocked on the door and window of their apartment. The daughter stated that she continued to think about N.P. and was worried about him returning.

Because of the inconsistencies in the daughter’s statements, the social worker questioned the accuracy of her reports of N.P.’s contact with the family. Nevertheless, the social worker noted, even if the daughter was making up the reports, her statements reflected her “continued anxiety and struggle with the effects of traumatic exposure.”

The son had been assessed by a public health nurse on October 6, 2014. The nurse was concerned that the son's fine motor coordination and speech development might be delayed. The nurse provided a document entitled "16 Month Ages and Stages Questionnaire" and a document concerning the developmental milestones for an 18-month old. The nurse reported that the mother had refused to sign a consent form to provide the son with services or a further assessment. The mother stated that she did not want "anyone else meddling or interfering with [her] kids[.]"

The social worker began her assessment by highlighting the mother's parenting strengths. The mother had no substance abuse or criminal history. She had been "steadily and gainfully employed." She provided the children with "economic and housing stability." She spent time with the children and made sure their needs were met. She had good support from family and friends. She had a strong connection to her religious faith. She had a "strong voice in advocating for herself and her children."

The social worker then described her concerns about the mother's "insight into, and willingness to address, the domestic violence issues" The mother appeared to believe that "the issue has been resolved" since she no longer had contact with N.P. The social worker believed that the mother's tolerance and pursuit of a relationship with N.P. stemmed from "powerful factors" that needed to be addressed. The social worker was concerned that without the court's involvement, the mother would discontinue domestic violence services. While the social worker believed that the mother would not reengage in a relationship with N.P., she was concerned that, without further services, the mother would engage in another domestic violence relationship.

The social worker also described her concerns about how the children's exposure to domestic violence had negatively impacted them. She reiterated that the daughter continued to exhibit "symptoms of the trauma" she had experienced. The social worker also noted that the son's developmental issues may have been caused by his exposure to domestic violence. The social worker was concerned that the mother had not secured

counseling for the daughter, that the mother had refused to sign consents for the son to receive services, and that without court involvement, the children would not receive the services that they needed.

Finally, the social worker noted that the mother had not shown the ability to accept feedback and guidance from her own family and friends. The mother's family reported that they had repeatedly urged the mother to break off her relationship with N.P., but that she refused to listen. The children's day care provider had likewise expressed concerns to the mother about the effect that the relationship was having on the daughter.

In summary, the social worker believed that an order for Family Maintenance Services was "the most appropriate plan to ensure the safety and well-being of the family moving forward."

F. Jurisdiction/Disposition Hearing

A combined jurisdiction and disposition hearing was held on October 21, 2014. The social worker and the mother both testified. The social worker was accepted as an expert in risk assessment for dependent children and as an expert in the dynamics of domestic violence.

1. The Social Worker's Testimony

According to the social worker, the effects of domestic violence on children can be comprehensive and long-lasting. Domestic violence can affect a child's cognition, memory, concentration, emotional regulation, behavior, and school performance. Domestic violence can lead to learned patterns of violence and acting out.

In this case, the daughter had continued anxiety and worry as well as "intrusive thoughts and images" related to the domestic violence she had experienced, and she had been acting out in day care. The son had developmental delays, and some of the issues involved his ability to concentrate. The mother was inconsistent in her receptiveness to information about the effects of domestic violence on children. She had acknowledged that the daughter had been negatively impacted, but she was reluctant to have the

daughter engage in any services to address the issue. The mother had also refused any further assessment of the son. The mother believed that she did not need any services for herself, indicating she lacked full insight into the dynamics of domestic violence.

The social worker had “serious concerns” that the mother would not follow up with services if the case was dismissed. The children would be “at continued risk” because the Department would not have authority to ensure that the mother and children were participating in services. Failure to obtain services for the children could lead to long-lasting negative effects on the children’s functioning, and the mother might reengage in an abusive relationship. The social worker did not believe that the mother would participate in informal services, which had already been offered to her two times. The social worker also did not believe that the mother’s family and friends could help her, since she had refused to listen when they cautioned her about N.P.

2. The Mother’s Testimony

The mother described her relationship with N.P. as beginning with “one encounter,” which led to her pregnancy with the son, and which continued through correspondence and visits after N.P. was incarcerated. The relationship resumed when N.P. was released from custody in April of 2014.

The mother acknowledged that there had been three incidents of domestic violence during her relationship with N.P., including the incident on July 30, 2014 and one incident that had occurred when the children were within earshot. The mother acknowledged that she had filed for a restraining order only after the Department had instructed her to, but she claimed she would have done so herself. She intended to enforce the restraining order by calling the police if N.P. showed up at her home. She did not intend on having “any type of relationship” with N.P.

The mother asserted that she knew the daughter needed counseling. The mother acknowledged that the daughter had been “scarred” by the domestic violence she had seen and that it was important for her to maintain no contact with N.P. for the children’s

sake. The mother wanted the daughter to have “faith-based counseling” rather than a counselor who might prescribe medication or provide the daughter with “excuses for behavior.” The mother acknowledged that the social worker had referred her to a faith-based counselor, but her insurance would not cover the cost and the Department had not offered to pay for it. Further, the counselor’s schedule conflicted with the mother’s schedule. She would take the daughter to the counseling sessions if she had to.

The mother explained that when she had previously declined to participate in informal services, she did not know what it meant. The Department had not provided her with any details or an explanation of the services. Further, the mother had been confident that she would not resume a relationship with N.P.

The mother testified she now saw that services would benefit her, although she claimed that the domestic violence counselor had told her “that she wasn’t sure why [the mother] was there” and that there was no appropriate group for the mother, since the mother had ended her relationship with N.P. and the mother did not have “a drug background or criminal background.” The mother asserted that she had attended several domestic violence counseling sessions that had not been “counted” because she had the son with her. She also asserted that she had missed some sessions due to transportation issues. The mother claimed she would “definitely participate” in domestic violence classes if the juvenile court dismissed the petition.

The mother addressed her refusal to agree to further services for the son. One problem was that an appointment with the public health nurse was scheduled during the son’s nap time. Since the son was “exhausted,” she had asked for another assessment. She had not wanted the public health nurse to release any information about that assessment, since it had not gone well. She had followed up with a supervisor by leaving a message explaining what had happened and asking for another assessment. She also felt the original assessment was inappropriate because it was for a 16 to 24-month-old

child, whereas the son had been 15 and a half months old at the time. She denied refusing to sign the consent form for further services.

3. The Juvenile Court's Findings

In announcing its oral findings, the juvenile court explained that it found the social worker's testimony to be "credible and convincing." The juvenile court indicated that the case of *In re R.C.* (2012) 210 Cal.App.4th 930 (*R.C.*) was "pretty squarely on point" and provided authority for taking jurisdiction under section 300, subdivision (b) in cases where children were exposed to domestic violence but not physically harmed. The juvenile court also indicated that it was "troubled by the lack of insight" shown by the mother. The juvenile court noted that the mother had become "cooperative" only after the court's involvement, and that the mother had demonstrated she had difficulty in working with professionals, which would be concerning if the court were to order only informal services. In addition, the juvenile court found it "pretty clear" that the daughter needed "therapeutic intervention," and it was concerned about the daughter receiving faith-based counseling from a non-certified or unlicensed counselor.

Thus, the juvenile court sustained the allegations of the petition under section 300, subdivisions (b) and (c), and it ordered Family Maintenance Services, explaining "that is the best way to ensure that [the mother] will follow through with all of the services." Regarding the section 300, subdivision (c) allegation, the juvenile court noted that the daughter was "evidencing anxiety" and that the son was "at risk of also having serious emotional difficulties." The case plan included domestic violence counseling and counseling for the children/daughter. The juvenile court ordered that N.P. have no contact or communication with the children.

G. Restraining Order Hearing

A hearing on the mother's request for a restraining order was held on October 27, 2014. The court issued a three-year restraining order.

H. Appeal

The mother filed a notice of appeal from the juvenile court's disposition orders on November 25, 2014.

III. DISCUSSION

The mother contends the juvenile court's jurisdictional findings are not supported by substantial evidence. She challenges the findings made under both section 300, subdivision (b)² (hereafter, "section 300(b)") and section 300, subdivision (c)³ (hereafter, "section 300(c)").

A. Standard and Scope of Review

“ ‘In reviewing a challenge to the sufficiency of the evidence supporting the jurisdictional findings and disposition, we determine if substantial evidence, contradicted or uncontradicted, supports them. “In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we note that issues of fact and credibility are the province of the trial court.” [Citation.]

² A child comes within the jurisdiction of the juvenile court under section 300, subdivision (b) 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, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.”

³ A child comes within the jurisdiction of the juvenile court under section 300, subdivision (c) if “[t]he child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care.”

“We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court. [Citations.] ‘ “[T]he [appellate] court must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence . . . such that a reasonable trier of fact could find [that the order is appropriate].” ’ [Citation.]” [Citation.]’ [Citation.]” (*In re I.J.* (2013) 56 Cal.4th 766, 773 (*I.J.*).

“ ‘When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court’s 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.’ [Citation.]” (*I.J.*, *supra*, 56 Cal.4th at p. 773.)

B. The Parties’ Contentions

As to the juvenile court’s section 300(b) finding, the mother contends that there was insufficient evidence that the children had suffered, or were at a substantial risk of suffering, serious physical harm or illness. As to the juvenile court’s section 300(c) finding, the mother contends that, at the time of the jurisdictional hearing, there was insufficient evidence that the children were suffering serious emotional damage or that the mother’s conduct put the children at substantial risk of suffering serious emotional damage. The Department contends both findings were supported by substantial evidence.

C. Analysis

A number of courts have upheld jurisdictional findings under section 300(b) where there was evidence that the children were exposed to domestic violence and evidence supporting an “ongoing concern” about the children’s future exposure to domestic violence. (*In re E.B.* (2010) 184 Cal.App.4th 568, 576 (*E.B.*); see also *In re T.V.* (2013)

217 Cal.App.4th 126, 134-135 (*T.V.*); *R.C.*, *supra*, 210 Cal.App.4th at p. 942.) The rationale underlying those decisions is that “ ‘[d]omestic violence in the same household where children are living . . . is a failure to protect [the children] from the substantial risk of encountering the violence and suffering serious physical harm or illness from it.’ [Citation.] Children can be ‘put in a position of physical danger from [spousal] violence’ because, ‘for example, they could wander into the room where it was occurring and be accidentally hit by a thrown object, by a fist, arm, foot or leg’ [Citation.]” (*E.B.*, *supra*, at p. 576; see also *T.V.*, *supra*, at p. 134; *R.C.*, *supra*, at p. 942.)

A finding under section 300(b) was upheld in *E.B.*, *supra*, 184 Cal.App.4th 568, where the father had committed multiple acts of domestic violence against the mother. One of the two children reported seeing the parents fight (*id.* at p. 571) and the mother reported that the children had heard her screaming during an episode of violence, although they “did not see it happen” (*id.* at p. 572). On some occasions, the mother would leave the father, but she would return to him after he apologized; on other occasions, she did not leave. However, the mother had moved with the children to a domestic violence shelter before the Department of Children and Family Services began its investigation. (*Id.* at p. 570.)

The *E.B.* court rejected the mother’s claim that “nothing she did or is likely to do endangers the children.” (*E.B. supra*, 184 Cal.App.4th at p. 575.) The court emphasized that the mother had returned to the father repeatedly despite his ongoing verbal and physical abuse, and that she had not left him after the incident in which the children heard her screaming. (*Id.* at p. 576.) The court concluded that these facts supported the juvenile court’s section 300(b) finding “that her conduct in the domestic altercations endangered the children.” (*Ibid.*)

In *R.C.*, *supra*, 210 Cal.App.4th 930, the case relied upon by the juvenile court here, the father had also committed multiple acts of domestic violence against the mother. None of the children saw the first violent episode. (*Id.* at p. 937.) One of the children

was present during the second violent episode, but the two other children were not, although they learned about the incident from the mother. (*Id.* at pp. 936-937.) After the second episode, a social worker arranged for the mother and the children to go to a shelter, but the mother chose to go to San Francisco instead. (*Id.* at p. 935.) However, the social worker believed that the mother was “ ‘focused on getting out of her relationship’ ” with the father. (*Id.* at p. 939.)

The *R.C.* court rejected the father’s claim that the evidence did not support a finding that the children were at substantial risk of physical harm due to the domestic violence. (*R.C.*, *supra*, 210 Cal.App.4th at pp. 943-944.) The court distinguished cases involving single episodes of violence and emphasized that even though the parents had separated prior to the violence, the separation had not “diminish[ed] the risk.” (*Id.* at p. 944.)

“[A] lengthy history of domestic violence” supported a section 300(b) finding in *T.V.*, *supra*, 217 Cal.App.4th at page 134. There, the father had successfully reunified with the child after an initial dependency proceeding brought due, in part, to his commission of domestic violence against the mother. However, his violence continued after reunification, and new dependency proceedings were instituted. (*Id.* at p. 130.) One incident occurred in the child’s presence; another occurred when she was not present. (*Ibid.*) This evidence supported a finding that the domestic violence between the parents was “ongoing and likely to continue, thus placing [the child] at substantial risk of physical harm.” (*Id.* at p. 134.)

In contrast to the three cases discussed above, a finding under section 300(b) was reversed in *In re Daisy H.* (2011) 192 Cal.App.4th 713 (*Daisy H.*), a case the mother relies upon here. In that case, there had been only one episode of domestic violence, and it had occurred “at least two” and possibly seven years before the dependency proceedings were initiated. (*Id.* at p. 717.) “[T]he children denied ever witnessing Father physically abuse Mother and there was no evidence that the alleged [domestic

violence] incidents occurred in the children’s presence.” (*Ibid.*) The court noted that “[p]hysical violence between a child’s parents may support the exercise of jurisdiction under section 300, subdivision (b) but only if there is evidence that the violence is ongoing or likely to continue and that it directly harmed the child physically or placed the child at risk of physical harm. [Citations.]” (*Ibid.*) Under the circumstances, the evidence did not support a finding that the children were “at a current substantial risk of physical harm.” (*Ibid.*)

Contrary to the mother’s argument, this case is not analogous to *Daisy H.*, *supra*, 192 Cal.App.4th 713. Here, there was more than one episode of domestic violence, and the children were directly exposed to the violence. The instant case is more analogous to *E.B.*, *supra*, 184 Cal.App.4th 568, where the father had committed multiple acts of domestic violence against the mother, the children were exposed to the violence, and the mother had resumed or maintained a relationship with the father after all of the episodes until the one that led to the dependency proceedings.

The mother points to her “current lack of relationship with the batterer” as evidence that there is no substantial evidence to support a finding that the children were currently at a substantial risk of harm due to domestic violence. She notes that the social worker and the juvenile court had allowed the children to return to her care because they believed she would enforce the restraining order against N.P. The mother asserts that the evidence shows that she “will continue to exclude N.P. from her life.”

The record reflects that the social worker’s concern was not that the mother would reengage in a relationship with N.P., but that she would engage in another abusive relationship, which would create a substantial risk of physical harm to the children. The social worker, who was an expert in both risk assessment and the dynamics of domestic violence, explained that the mother had learned to believe that domestic violence “was ‘normal’ ” due to her own family upbringing. The social worker was concerned that the mother would not obtain domestic violence services without court oversight, and that the

mother's failure to obtain such services could lead to her engaging in another abusive relationship. The juvenile court explicitly found that the social worker's testimony was "credible and convincing," and the record is replete with evidence supporting the social worker's opinion. For instance, although the mother initially filed for a restraining order before the Department detained the children, she admitted she had "only filed because she thought that this was sufficient to not have CPS involved any longer." The mother had no plans to end her relationship with N.P. at that time. She had previously been dismissive of her family's concerns about the domestic violence in her relationship with N.P. Up to the time of the jurisdiction and disposition hearing, the mother repeatedly denied that she needed support or skills to prevent her from engaging in another abusive relationship.

On the basis of the evidence in the record, the juvenile court could reasonably conclude that the children remained at risk due to the mother's history of remaining in an abusive relationship and the evidence that she did not think she needed any services. (See *In re S.O.* (2002) 103 Cal.App.4th 453, 461 [" '[p]ast conduct may be probative of current conditions' if there is reason to believe that the conduct will continue"]; *In re Esmeralda B.* (1992) 11 Cal.App.4th 1036, 1044 ["denial is a factor often relevant to determining whether persons are likely to modify their behavior in the future without court supervision"].)

In sum, substantial evidence supports the juvenile court's finding of jurisdiction under section 300(b). We therefore need not consider whether substantial evidence also supports the finding of jurisdiction under section 300(c). (See *I.J.*, *supra*, 56 Cal.4th at p. 773.)

IV. DISPOSITION

The disposition order of October 21, 2014 is affirmed.

BAMATTRE-MANOUKIAN, ACTING P.J.

WE CONCUR:

MIHARA, J.

GROVER, J.