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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

In re A.S., a Person Coming Under the
Juvenile Court Law.

H043127
(Santa Clara County
Super. Ct. No. 3-14-JV-41000C)

THE PEOPLE,

Plaintiff and Respondent,

v.

A.S.,

Defendant and Appellant.

Appellant A.S. seeks review of a dispositional order continuing her as a ward of the juvenile court, having been found to have committed battery on her mother, a violation of Penal Code section 242. The charges arose in the morning of October 2, 2015, when A.S.'s mother tried to get A.S. to get up out of bed. When A.S. resisted, yelling at her mother to get out of her room, her mother pulled her legs off the bed. A.S. stood and began swinging at her mother with her fists. At one point she hit her mother on the forehead, to the right of the eye. These events were witnessed by A.S.'s grandmother. At the jurisdictional hearing, however, A.S. testified that her mother had pulled her out of bed by her hair, hard enough to make her stand up. Out of fear that her mother would hit her next, she hit her mother. Her mother let go and A.S. went back to bed. She did not go to school that day.

A.S.'s grandmother called the police the next morning, and A.S. was arrested that day for misdemeanor battery. The district attorney filed a petition for wardship on October 6, 2015, alleging misdemeanor battery in violation of Penal Code sections 242 and 243, subdivision (a). A.S. received a detention hearing on October 7, 2015. The court ordered A.S. to remain in custody, noting that she had violated an order of the court and that it was necessary to protect her as well as the person or property of others. At the time of this incident A.S. was on probation for previous incidents of violent behavior toward family members, and the court had endorsed "peaceful contact" restraining orders protecting the minor's mother, younger brother, and grandmother. Two previous petitions had been sustained, one for battery against her mother and one for battery against her grandmother.

At the jurisdictional hearing, after hearing testimony from A.S.'s mother, her grandmother, and A.S., the court found that A.S. had hit her mother on the morning of October 2. The court thus determined that it had jurisdiction over A.S. under Welfare and Institutions Code section 602, subdivision (a)¹. The court also ordered a dual status minor report (§ 241.1) to determine whether the court should continue to exercise its jurisdiction pursuant to section 602 (delinquency jurisdiction) or whether A.S. instead fell under section 300 (dependency jurisdiction). The Santa Clara Department of Family and Children Services prepared a section 241.1 report concluding that A.S.'s case did not fall under section 300 (dependency jurisdiction). After receiving the report, the court retained jurisdiction under section 602.

On November 18, 2015, A.S. was released to her parents, and a dispositional hearing took place on December 1, 2015. The court asked all affected persons, including A.S., whether they had any questions or problems with the probation officer's

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

recommendations, and all answered that they understood. The court then adopted those recommendations, continuing A.S. as a ward of the juvenile court, returned her to the custody of her parents, and ordered intensive home-based family services.

A.S. filed a timely notice of appeal on December 15, 2105 challenging the jurisdictional finding and the dispositional order. Her appellate attorney filed an opening brief that states the facts of the case but raises no issues. Counsel has asked this court to review the record to determine whether there exist any arguable issues on appeal, pursuant to *People v. Wende* (1979) 25 Cal.3d 436. A.S. was notified of her right to submit written argument on her own behalf, but she has not availed herself of the opportunity. Pursuant to *Wende*, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

Disposition

The dispositional order is affirmed.

ELIA, J.

WE CONCUR:

RUSHING, P. J.

PREMO, J.