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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

In re J.R., a Person Coming Under the  
Juvenile Court Law.

H043533  
(Santa Cruz County  
Super. Ct. No. 16JU00050)

SANTA CRUZ COUNTY HUMAN  
SERVICES DEPARTMENT,

Plaintiff and Respondent,

v.

K.R.,

Defendant and Appellant.

K.R. (mother) appeals the order declaring J.R. (child) (born 2011) a dependent of the juvenile court and removing child from mother's custody. She contends the evidence was insufficient to support the jurisdictional finding that child suffered or was at substantial risk of suffering serious emotional harm under Welfare and Institutions Code section 300, subdivision (c).<sup>1</sup> Mother does not challenge the juvenile court's findings under section 300, subdivisions (b) and (g), that child suffered or was at substantial risk of suffering serious physical harm based on mother's inability or failure to protect child, and child had been left without provision for support.

For the reasons set forth below, we exercise our discretion to address the substantial evidence challenge. We conclude that the evidence in the record supports the

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<sup>1</sup> Unspecified statutory references are to the Welfare and Institutions Code.

court's findings concerning substantial risk of serious emotional harm and affirm the jurisdictional and dispositional orders.

### **FACTUAL AND PROCEDURAL BACKGROUND**

Santa Cruz County sheriff's deputies arrested mother on the morning of February 18, 2016 (February 18 arrest) in the parking lot of a liquor store. Child was in the backseat of the car and was taken into protective custody. Shortly before, the sheriff's office received a phone call from C.B.—the mother of mother's boyfriend, D.B.—who reported that mother was driving intoxicated with four-year-old child in the car. According to the incident report, when the deputies approached mother in the parking lot, she was unsteady on her feet, slurred her speech, and smelled of alcohol from three feet away. She admitted to drinking a small, shot-size bottle of liquor found on the ground next to her car and to drinking the night before, but repeatedly stated that she was not drunk. A California Highway Patrol officer performed a field sobriety test, which mother was unable to complete in a satisfactory manner. Mother told the officer that the night before she had drunk a Heineken, a Coors, two 2-ounce shots of “Jack,” and had taken two puffs of a marijuana cigarette. She also admitted having a shot of liquor in the parking lot that morning. A breath test performed about two-and-a-half hours after mother's initial detention registered 0.06 percent blood-alcohol level.

#### *Dependency Petition and Initial Hearing Report*

The Santa Cruz County Human Services Department (Department) filed a petition on February 22, 2016, alleging that child fell within the dependency jurisdiction of the juvenile court under section 300, subdivisions (b) (failure to protect), (c) (serious emotional damage), and (g) (no provision for support). The petition, which was subsequently amended, alleged as to “failure to protect” that mother abuses alcohol and controlled substances, negatively impacting her ability to provide safe and appropriate care for child. It referred specifically to the February 18 arrest, noting that mother was driving intoxicated with child in the vehicle and that mother's alcohol and substance

abuse places child at substantial risk of harm. It also alleged that child's father, C.D. (father), abuses controlled substances and is unable to protect child from mother's behavior.

The petition alleged as to "serious emotional damage" that child had been exposed to incidents of domestic violence between mother and "various met [*sic*]," including mother's boyfriend, D.B. It alleged that D.B. was beating mother, causing bruising, and had broken the family's television in the presence of child. It alleged that mother's inability to prevent child from witnessing domestic violence placed child at substantial risk of emotional harm.

The petition further alleged as to "no provision for support" that child had no provision for support due to a parent's incarceration, and the whereabouts of father were unknown and reasonable efforts to locate him had been unsuccessful.

The Department filed an initial hearing report on February 22, 2016. A social worker interviewed mother at the county jail. Mother explained that she had driven to Santa Cruz from Bishop and became stranded after her car broke down. She had been staying with an "old friend," D.B., for approximately three weeks. D.B. was controlling and had beaten her, placed a GPS tracking device on her cell phone, and told her he would not let her leave him. She denied driving intoxicated prior to her arrest and pointed out that the breathalyzer had registered 0.06 percent which was not over the limit. She described child's father as a drug addict who is homeless and has seen child about three times since birth. Mother had child when she was in prison, and her father (child's maternal grandfather, hereafter grandfather) cared for child for seven months.

Grandfather told a Department social worker that mother had left him a voicemail message that morning that D.B. " 'had laid hands' " on her. He also recounted an incident that occurred about one-and-a-half weeks earlier, when he was in town to bring mother and child some items from Bishop. He said that mother was drunk when she went to pick child up at a friend's house, had tried to push her way into the house, and

had slipped and fallen. D.B. then got out of the car and started to beat the friend who was caring for child. Regarding issues with alcohol, grandfather stated that after serving 18 months of a three year prison sentence, mother had done well initially. He acknowledged that mother had started a “downward spiral” and was drinking a lot; he indicated her preferred drugs to be marijuana, methamphetamines, and liquor. He also stated that she had a pending charge and upcoming court date in Bishop for grand theft.

The report outlined the criminal histories of mother and father. Among mother’s prior convictions were three convictions for driving under the influence, including one involving bodily injury for which she received a three-year prison sentence,<sup>2</sup> and several theft-related offenses, including second degree robbery. Father’s criminal history included convictions for felony possession of a controlled substance, including possession of a controlled substance while armed and possession of a controlled substance for sale, and driving under the influence.

The report also contained investigation notes from the February 18 arrest. A Department social worker met child after mother’s arrest. The social worker observed that child appeared comfortable, showed no signs of obvious distress or trauma, and was “highly articulate.” Child told the social worker that mother had woken him and told him that D.B. had broken their television and she was taking him to “ ‘find someplace safe.’ ” Child repeated the same facts to another social worker, stating his mom had woken him up when they were at D.B.’s house so they “ ‘could find someplace safe.’ ”

On February 23, 2016, the juvenile court determined a prima facie showing had been made under section 300 and detained child. Based on information provided by mother that child has Native American (Sioux) ancestry on father’s side, the court

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<sup>2</sup> Mother’s testimony on cross-examination at the hearing confirmed that she had suffered three prior DUI convictions. The California Highway Patrol incident report from February 18, 2016, also noted that mother had at least three prior DUI convictions within the past 10 years.

determined that the Indian Child Welfare Act (ICWA) may apply only as to father.<sup>3</sup> The court reserved jurisdiction as to father's parentage.<sup>4</sup>

*Jurisdictional and Dispositional Report and Hearing*

The Department filed a jurisdiction/disposition report on March 21, 2016, recommending the court sustain the petition and order family reunification services for mother. The report noted that father was homeless but would be assessed to develop an appropriate case plan, should he present himself to the court and be raised to presumed parent status.

The report included excerpts from the social worker's investigation, including mother's statement to the social worker that she had bruises all over her body from D.B., and child's statement that D.B. broke their television. Before their time in Santa Cruz, mother and child lived in Bishop, where child attended a "Head Start" preschool from August 2014 through January 2016. According to child's Head Start teacher, child attended school consistently on time, was clean and dressed appropriately, was developmentally on target or above, and was "very articulate and had great reasoning skills and was well like[d] by [child's] peers." The report also noted that child misses mother and, according to the foster placement, is an "awesome kid," adjusting well to foster care, and not receiving therapy or taking any medication. Although mother missed the first supervised visit with child, she attended three subsequent visits.

The report repeated the alcohol and substance abuse and criminal histories of mother and father. It indicated that mother had not availed herself of the counseling or drug and alcohol assessment referrals provided by the Department, and had failed to comply with several requests to submit to drug testing. The Department also asserted

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<sup>3</sup> Notice was sent to the appropriate agencies and tribal organizations as described in the ICWA attachment to the social worker's report dated March 22, 2016.

<sup>4</sup> Through contact with father, the Department eventually learned of an open case in Inyo County establishing paternity in 2012.

that mother does not believe she has a substance abuse problem and has minimized the seriousness of being intoxicated while driving with child in the car.

Regarding the circumstances of the February 18 arrest, the report referred to the incident reports of the Santa Cruz Sheriff's Office and California Highway Patrol. Sheriff's deputies interviewed C.B. that day, who explained that mother was the ex-girlfriend of her son, D.B. Mother and child were living at C.B. and D.B.'s house. Mother had left child with C.B. the night of February 17, 2016, to go to a party. When she returned the next morning, mother was clearly intoxicated and, over C.B.'s objections, took child and drove away.

A deputy also made contact with D.B., a parolee. Because mother had told the deputies that D.B. had been stalking her the night before and had been abusive, D.B. was placed in handcuffs and informed of his *Miranda*<sup>5</sup> rights prior to his interview. D.B. explained that mother had asked him and C.B. to watch child for a few hours while mother went out. When mother did not return hours later, D.B. texted and called her as child was having a hard time without mother and had cried until falling asleep at 3:00 a.m. D.B. later met mother and they argued, though he denied physically assaulting her, and he returned home. Early the next morning, D.B. met mother again. She was intoxicated and he tried to grab her keys from the ignition to stop her from driving, but she drove away. He claimed that she was driving erratically back to the house, where she screamed and banged on the front door, demanding to retrieve child. She then drove away with child.

Department social worker Mary Ellen Olson testified at the dispositional hearing on April 18, 2016. Olson stated that mother had undergone an alcohol and drug assessment but had not entered treatment as recommended. Mother had not completed any drug testing, had "no showed" twice to a parenting and counseling assessment group,

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<sup>5</sup> *Miranda v. Arizona* (1966) 384 U.S. 436.

and had “no showed” four times and arrived late twice for her supervised visits, though in the week prior to the dispositional hearing mother had attended two visits. Olson also testified that she had concerns regarding mother’s sobriety based on conversations in which she found it “evident [mother] was under the influence” and based on reports from service providers stating that mother at various times was slurring her words, yelling, and “going off on tangents.” She also reported that mother was currently homeless and living in her car.

Mother testified at the hearing. She denied the petition allegation b-1 that “mother abuses alcohol and controlled substances including methamphetamine,” denied being “unsteady on her feet” at the time of her February 18 arrest, and denied that child was present when she experienced domestic violence by D.B. She testified that she had an appointment the next day with a service provider, in response to the alcohol assessment, was “[a]bsolutely” willing to participate in the counseling and parenting class components of the case plan, and was committed to visitation with child.

On cross-examination, mother admitted to being an alcoholic. Regarding her February 18 arrest, mother admitted to “drinking alcohol all night” while in a hotel room with friends, but attributed her extended absence that night to “being stalked all night” by D.B. Mother stated that since becoming “stuck” in Santa Cruz, she had moved in with D.B. and C.B. She also indicated that she left child safely with D.B.’s mom, C.B., while D.B. was at work, but acknowledged that D.B. lived at the same house and had a key. She denied any confrontation with C.B. regarding her drinking or state of intoxication when she picked child up from D.B. and C.B.’s house the next morning. She stated that she decided child was no longer safe at D.B. and C.B.’s house once the abuse by D.B. “went from one extreme to the next” and she found her life being threatened by D.B. Mother stated that D.B.’s abusive conduct was not in front of child.

The court admitted into evidence the Department’s jurisdiction/disposition report but indicated in response to argument over evidentiary objections that it would not

consider non-corroborated hearsay statements made by D.B. to the sheriff's deputy, as reflected in the social worker's report, as sole support for the jurisdictional allegations.

The juvenile court found true the allegations of the petition. The court sustained the amended petition and declared child a dependent of the court. It ordered child to be removed from custody, ordered reunification services for mother and adopted the case plan of the Department, and ordered that father be reassessed for services if he presents himself.

Mother filed a timely notice of appeal on May 4, 2016.

## **DISCUSSION**

### **A. JUSTICIABILITY**

Mother contends the juvenile court erred in sustaining the petition under section 300, subdivision (c), because the evidence was insufficient to show that child suffered, or was at risk of suffering, severe emotional harm. She does not contest the juvenile court's other jurisdictional findings or the court's dispositional order.

The Department responds that mother has not presented a justiciable issue for appellate review. "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." (*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 (*Alexis E.*))

Mother acknowledges that because she does not challenge the section 300, subdivisions (b) and (g) findings, appellate reversal of the section 300, subdivision (c) finding would not alter the juvenile court's jurisdiction over child. She nonetheless urges this court to exercise its discretion and consider the merits of her substantial evidence challenge, asserting the juvenile court's error was "prejudicial" and "impacted the

subsequent dispositional orders.” Specifically, mother contends that in arriving at the disposition, the trial court emphasized that child was at risk of suffering severe emotional damage and that this was “the thrust of the ruling.”

The Department disputes that mother has identified any prejudice or future impact from the challenged jurisdictional finding and argues the appeal may be dismissed for lack of “a present, concrete, and genuine dispute as to which the court can grant effective relief . . . .” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1489.)

In general, “a single jurisdictional finding supported by substantial evidence is sufficient to support jurisdiction and render moot a challenge to the other findings.” (*In re M.W.* (2015) 238 Cal.App.4th 1444, 1452 (*M.W.*), citing *Alexis E.*, *supra*, 171 Cal.App.4th at p. 451.) But appellate courts retain discretion to consider the merits of a challenge to jurisdictional findings and “often do so when the finding ‘(1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citations]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction’ [citation].” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763; see *In re D.C.* (2011) 195 Cal.App.4th 1010, 1015; *In re Anthony G.* (2011) 194 Cal.App.4th 1060, 1064-1065.)” (*M.W.*, *supra*, at p. 1452.)

This court recently addressed a justiciability challenge under similar circumstances in *In re D.P.* (2015) 237 Cal.App.4th 911 (*D.P.*). In that case, D.P. was an infant who, “in his short life, . . . ha[d] been exposed to his parents’ constant arguing and his father’s alcohol problem,” (*id.* at p. 916) and whose siblings had been physically affected by domestic violence in the household. (*Id.* at p. 915.) The appellant, D.P.’s mother, claimed there was no substantial evidence to support the jurisdictional finding that D.P. was at substantial risk of suffering serious emotional damage (§ 300, subd. (c)) but did not contest the other jurisdictional findings based on failure to protect and sibling abuse (§ 300, subds. (b), (j)). (*D.P.*, *supra*, at p. 913.) We addressed the appeal on the

merits because “the finding on the section 300, subdivision (c) allegation could potentially affect future dependency proceedings.” (*Id.* at p. 917.)

Similarly here, the finding under section 300, subdivision (c), if erroneous, has the potential to be prejudicial or impact current or future dependency proceedings. (See *D.P.*, *supra*, 237 Cal.App.4th at p. 917; *In re Drake M.*, *supra*, 211 Cal.App.4th at pp. 762-763; see also *In re D.C.*, *supra*, 195 Cal.App.4th at p. 1015 (*D.C.*) [mother’s challenge to jurisdictional finding under § 300, subd. (i) (act of cruelty by parent) not moot because it could affect any future child dependency proceedings].) We note in particular that the section 300, subdivision (c) allegation was based on child’s alleged exposure to domestic violence—facts distinct from those supporting the allegations under section 300, subdivisions (b) and (g), such that an erroneous ruling could affect current or future proceedings relating to those facts or circumstances. (See *M.W.*, *supra*, 238 Cal.App.4th at p. 1452 [noting potential effect of jurisdictional findings that carry particular stigma and preference not to “ ‘insulat[e] erroneous or arbitrary rulings from review’ ”].) Accordingly, we will exercise our discretion and consider the merits of mother’s appeal.

## **B. SUBSTANTIAL EVIDENCE**

The juvenile court may take dependency jurisdiction over a child only if the court finds the child to be a person described by one or more of the section 300 subdivisions. (*D.C.*, *supra*, 195 Cal.App.4th at p. 1014.) “The basic question under section 300 is whether circumstances at the time of the hearing subject the minor to the defined risk of harm.” (*In re Nicholas B.* (2001) 88 Cal.App.4th 1126, 1134.) It is the Department’s burden to establish the jurisdictional facts by a preponderance of the evidence. (*In re I.J.* (2013) 56 Cal.4th 766, 773.)

“ ‘On appeal, the “substantial evidence” test is the appropriate standard of review for both the jurisdictional and dispositional findings. [Citations.]’ [Citation.] [¶] Thus, ‘we must uphold the court’s [jurisdictional] findings unless, after reviewing the entire

record and resolving all conflicts in favor of the respondent and drawing all reasonable inferences in support of the judgment, we determine there is no substantial evidence to support the findings. (*In re Monique T.* (1992) 2 Cal.App.4th 1372, 1378.) Substantial evidence is evidence that is reasonable, credible, and of solid value. (*In re Angelia P.* (1981) 28 Cal.3d 908, 924.)’ (*In re Veronica G.* (2007) 157 Cal.App.4th 179, 185.)” (*In re J.N.* (2010) 181 Cal.App.4th 1010, 1022 (*J.N.*.)

A child described by section 300, subdivision (c) “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 . . . .” The Department’s petition, as amended, alleged: “c-1[:] The minor, [child], has been exposed to incidents of domestic violence between [mother] and various met [*sic*]. Such domestic violence includes, but is not limited to, [D.B.] beating [mother] up causing bruises on her arms, wrists, legs and all over her body and breaking the family’s television set in the presence of [child]. [Mother’s] inability to prevent [child] witnessing domestic violence places her [child] at substantial risk of emotional harm.”

The juvenile court summarized in relevant part the factual basis for its decision to sustain the petition, explaining: “[Mother] has indicated that she was the victim of domestic violence incidents from [D.B.] prior to this date and that’s corroborated by [grandfather’s] testimony concerning not only [mother’s] aggressive and argumentative, combative behavior, again that pattern of dropping [child] off, coming back to whatever location [child is] at intoxicated, angry and some type of drama or altercation including physical violence between [D.B.] and a friend and then a physical altercation between [mother] and [D.B.] on another occasion.” The court further explained that it found child “at risk of suffering severe emotional damage . . . . I am concerned that the exposure poses a risk of [child] developing that by witnessing all the untoward aggression that . . .

mother exhibits when she's intoxicated. And those interactions with other people and the domestic violence [child has] been exposed to."

The court thus expressed grave concerns about child's emotional well-being given mother's comportment while intoxicated and the evidence of D.B.'s violent conduct toward mother and others. We find these concerns, and the ensuing findings on the petition allegations, are supported by substantial evidence in the record, with one exception. Insofar as the petition alleged that child had been exposed to domestic violence between mother and "various" men, we find that specific factual allegation to be unsubstantiated. The only evidentiary reference to mother's relationships generally is in the social worker's report, which noted that according to the deputy who arrested mother on February 18, she "has been surrounding herself with men who have extensive and serious criminal backgrounds." There is no indication on what basis the deputy made his observation. Without more, that fact does not translate into child's exposure to violence by "various" men.

As to the allegations of domestic violence between mother and her then-boyfriend, D.B., mother asserts there was no substantial evidence that child was present at those incidents. She further contends that the facts cited by the juvenile court were insufficient to establish a current risk of harm at the time of the hearing, because the evidence indicated that mother had ended her relationship with D.B. and that child's exposure to mother's alcoholism was recent. The Department responds that this court's decision in *D.P.*, *supra*, 237 Cal.App.4th at page 919 teaches that the juvenile court need not wait until a child has been harmed; the circumstances of domestic violence and alcohol abuse in the parents' lives may constitute evidence sufficient to support a finding of risk of serious emotional harm under section 300, subdivision (c).

We agree that *D.P.*, *supra*, 237 Cal.App.4th 911, is instructive. D.P. was an infant who had been exposed since birth to domestic violence between his parents and to his father's daily alcohol use. (*Id.* at pp. 915-916.) D.P.'s mother had a history of

relationships involving domestic violence, in which her older children were exposed to physical violence on multiple occasions. (*Id.* at p. 915.) In determining the sufficiency of the evidence supporting the claim that D.P. was at risk of suffering emotional harm from the parents' constant arguments and the father's alcoholism, we noted that D.P.'s mother was unable or unwilling to recognize the risks that exposure to domestic violence posed to her young child, and was unable to protect him from harm. (*Id.* at pp. 918-919.) We concluded that these factors constituted substantial evidence that D.P. was at risk of serious emotional harm as a result of the parents' conduct and upheld the juvenile court's finding under section 300, subdivision (c). (*D.P.*, *supra*, at p. 920.)

Here, child separately told two social workers that D.B. had broken their television and mother had woken child, who had been asleep at D.B.'s house, and said that she was taking child to " 'find someplace safe.' " This suggests that the incident of D.B. reportedly breaking the family television imprinted on child's mind, even if child did not directly witness the violent act. Further, child was made aware that D.B.'s house was not safe. Although mother and child had been living in Santa Cruz for not more than "a couple of months"<sup>6</sup> and had been staying with D.B. and C.B. for about three weeks at the time of her arrest, during that time mother reported that D.B. was controlling, had told her that he was not going to let her leave him, and had beat her. Mother told social workers and testified that D.B. abused her on more than one occasion while she and child lived with him, leaving bruises all over her body. We also consider grandfather's statement to the social worker regarding a physical altercation between D.B. and mother's friend when mother, in a drunken state, tried to retrieve child from the friend's house.

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<sup>6</sup> Mother testified at the hearing that she and child came to Santa Cruz from Bishop on January 6, 2016, approximately six weeks before her arrest.

Taken together, this evidence supports the court’s factual findings that mother was the “victim of domestic violence incidents” by D.B. and had exhibited “aggressive and argumentative, combative behavior” as evidenced by a “pattern of dropping [child] off, coming back to whatever location [child is] at intoxicated, angry and some type of drama or altercation . . . .” Like in *D.P.*, in which the infant’s mother “continued to minimize the domestic violence, failed to recognize the risks, and chose to remain in her relationship with D.P.’s father” (*D.P.*, *supra*, 237 Cal.App.4th at p. 920), the evidence presented here provides no clear indication that the domestic violence in mother’s life, in connection with her untreated alcohol problem, was likely to abate. Nor were the incidents limited to a single episode of violence or drunken aggression. (Cf. *J.N.*, *supra*, 181 Cal.App.4th at p. 1025 [finding “a single episode of endangering conduct” insufficient to sustain an allegation requiring current risk of harm, given parent’s understanding of past conduct and steps taken to avoid a recurrence].) We note in particular the evidence in the disposition report and social worker Olson’s testimony that up until the time of the hearing, mother presented herself multiple times to service providers while intoxicated and failed several times to submit to drug tests or to enroll in detox as indicated by the Department. Although mother testified about her abuse by D.B. that “after three times, that’s enough” and that she had decided on the morning of February 18 that it was not safe for child to be at D.B.’s house, she also testified that D.B. had continued to threaten her life “to this very moment.” A legitimate inference to be drawn from this evidence is that mother had yet to address the alcohol issues or domestic violence threats that the trial court found placed child at risk of serious emotional harm as described in the statute, even if, as social worker Olson testified, mother reportedly no longer lived with D.B. and was homeless and living in her car.

Furthermore, that child may not have witnessed these incidents directly is not dispositive. California courts recognize the detrimental effects of domestic violence on children (*In re Benjamin D.* (1991) 227 Cal.App.3d 1464, 1470, fn. 5 [“common sense

and expert opinion indicate spousal abuse is detrimental to children”]), even if the occurrences are out of sight. (See, e.g., *In re E.B.* (2010) 184 Cal.App.4th 568, 576, [father’s emotional and physical abuse of mother “within the hearing of the children” endangered children’s physical and emotional health]; *In re F.S.* (2016) 243 Cal.App.4th 799, 812, fn. 9 [that child may have been in a different room during episode of domestic violence does not undermine juvenile court’s order]; Fields, *The Impact of Spouse Abuse on Children and Its Relevance in Custody and Visitation Decisions in New York State* (1994) 3 Cornell J.L. & Pub. Pol’y 221, 228 [“Studies show that violence by one parent against another harms children even if they do not witness it.”].) All circumstances and effects of domestic violence therefore must be considered (*In re Chantal S.* (1996) 13 Cal.4th 196, 201 [juvenile court has “responsibility to the child as *parens patriae* and must look to the totality of a child’s circumstances when making decisions regarding the child”]) and “exposure” to domestic violence not construed too narrowly. (See § 300.2 [purpose of dependency provisions “to ensure the safety, protection, and physical and emotional well-being of children” who are currently experiencing or are “at risk of” the harms of abuse or neglect].)

As stated in *D.P.*, the provisions of section 300, subdivision (c) enable the juvenile court to exercise jurisdiction on the basis of substantial risk of serious emotional damage to a child, without evidence of actual harm. (*D.P.*, *supra*, 237 Cal.App.4th at p. 919; *In re A.J.* (2011) 197 Cal.App.4th 1095, 1104 [“Section 300[, subdivision] (c) extends both to a child who is suffering serious emotional damage, and a child who is at *substantial risk* of suffering serious emotional damage.”].) The evidence of mother’s demeanor while intoxicated, the occurrence of violence at those times, including one episode of domestic violence about which child was acutely aware, and mother’s failure to take steps toward preventing recurrence by complying with treatment and other service referrals until just before the hearing date, comprise substantial evidence supporting the juvenile court’s orders at disposition.

**DISPOSITION**

The order of the juvenile court is affirmed.

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Premo, J.

WE CONCUR:

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Rushing, P.J.

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Walsh, J.\*

In re J.R.  
H043533

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\* Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.