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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B336356

(Los Angeles County
Super. Ct. Nos.
23CCJP04283,
23CCJP04283A)

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and
Respondent.

v.

Y.D. et al.,

Defendants and
Appellants.

APPEAL from orders of the Superior Court of Los Angeles
County, Mary E. Kelly Judge. Affirmed.

Sean Angele Burleigh, under appointment by the Court of Appeal for Appellant Mother.

Paul Couenhoven, under appointment by the Court of Appeal for Appellant Father.

Dawyn R. Harrison, County Counsel, Kim Nemoy, Assistant County Counsel, Brian Mahler, Deputy County Counsel, for Plaintiff and Respondent.

Janette Freeman Cochran, under appointment by the Court of Appeal for Respondent Minor.

INTRODUCTION

Mother Y.D. challenges the juvenile court's order exercising jurisdiction over her six-year-old son, A., under Welfare and Institutions Code section 300, subdivision (b).¹ Mother argues there was insufficient evidence that she suffered from mental health issues that placed A. at risk of harm. We find that substantial evidence supports the juvenile court's jurisdiction order.

Mother and A.'s father, I.D., both challenge the juvenile court's disposition ruling removing A. from mother's care and placing A. with father, and continuing jurisdiction over A. Mother contends A. should not have been removed from her care; father contends the case should have been closed with an exit order awarding custody to him. We find no error, and therefore affirm.

¹ All undesignated section references are to the Welfare and Institutions Code.

FACTUAL AND PROCEDURAL BACKGROUND

A. Detention

A. was born in July 2017. According to an assessment in 2023, he was “non-verbal, in diapers, can’t feed himself, . . . and he has gate [*sic*] problems.” The Regional Center diagnosed A. with “intellectual disability,” and at school he qualified for the “severely handicapped” program. A. was attending a school on an out-of-district permit, but the school was not able to meet A.’s needs and he was disenrolled.

In October 2023, the Los Angeles County Department of Children and Family Services (DCFS) received a referral stating that A. might be a victim of physical abuse by mother. There had been previous referrals of abuse and neglect in February 2019, September 2021, January 2022, and June 2023; each was deemed “inconclusive.”

According to the detention report filed in December 2023, a children’s social worker (CSW) met with mother on October 30, 2023. Mother was upset about the referral and asked who was “making things up” about her. She noted an earlier referral for physical abuse, and said, “The people who report these things should be put in jail because they do not how much stress they cause people like me.” About a week later, in a text message, mother again asked the CSW who reported her to DCFS, suggesting that she should make a police report because “the person that report it [*sic*] false claims on me should be punished. Don’t you think?”

Mother admitted that she said she sometimes wanted to “kill” A. but said she never meant it. She said she was going through a lot, and “I am a human being, I have the right to feel overwhelmed, anxious and depressed but that doesn’t mean I

cannot take care of my son.” Mother said she had no support system. She said father “forgets he has a son,” and father was “out there living his life with no child responsibility and here I am having to deal with everything, it’s not fair.” Mother said father had not visited A. in months. Mother and father separated in 2021 and their divorce was finalized on October 13, 2023. Mother had full physical custody of A., and she and father had joint legal custody. Mother also told the CSW “that she has no relationships with her three adult siblings and does not have any type of relationships with her parents, friends or extended relatives.” Mother reported “that she is constantly sad and the last time she remembers being happy was in 2014.”

The CSW “explained to mother that the statements she made about ‘wanting to kill her son’ are not being taken lightly [and] with a combination of statements of feeling depressed and overwhelmed raised concerns for the Department for her ability to parent child [A.] an Autistic non-verbal child.” The CSW asked mother to take a psychological examination, but mother refused because she said she was planning to be a surrogate mother and she was concerned that a psychological evaluation could interfere with that plan.

A. was not receiving any services, and mother could not recall when A. last received services. Mother told the CSW that A. was a Regional Center client for speech and occupational therapy, but he was currently not receiving services because mother was “overwhelmed.” When the CSW expressed the importance of A. receiving services, mother said, “You are asking me to do so much and right now I feel overwhelmed so you’re going to have to give me time.” Mother also told the CSW she was being evicted and had to move out of her apartment by

November 10. The CSW gave mother information about housing support.

The CSW noted that A. was “comfortable and happy” with mother, and he had no marks or bruises. A. was minimally verbal, and would point and make sounds to get mother’s attention. Mother refused to sign forms to allow DCFS to access A.’s medical records.

The CSW talked to an academic counselor at the community college mother attended, who reported that she had been mother’s counselor for about two years. Mother had recently dropped all of her classes. The counselor said mother showed signs of depression and had been suicidal, but she did not have a plan to carry it out. Mother also told the counselor that sometimes “I feel like killing” A., but mother “quickly retracted her statement with, ‘I mean, I would never do that. It is just overwhelming.’” She told the counselor that psychological services at the college had not been helpful. Mother had been through the divorce and told the counselor that “sometimes it is hard because her child is special needs.” The counselor’s colleague reported that mother said she wanted to put A. up for adoption.

The CSW texted mother on November 14 to ask how she was doing, check about finding housing, and to ask about a psychological evaluation. Mother responded, “I’m overwhelmed. And I just feel like I don’t want to do anything with my life anymore. I would like the help for the evaluation.”

When the CSW met with mother at the DCFS office on November 21, 2023, mother said she was homeless and started to cry. But she also said being homeless was less stressful because she could sleep anywhere and she did not have to be responsible

for any payments. Mother said A. was still not enrolled in school and was not receiving any services. Mother said she did not like schools in Los Angeles Unified School District and wanted to continue trying to get A. enrolled in an out-of-district school. Mother said she was angry at father and thought he was having a romantic relationship with A.'s former behavioral therapist. The CSW said mother was "fixated" on this subject and kept asking the CSW if she knew anything about the relationship. Mother also talked to the CSW about how "Everyone leaves me," including family members and a friend. Mother also said, "I don't want to kill myself, it's just thoughts but I don't have a plan."

The CSW told mother that four things were needed for DCFS to close the investigation: a psychological evaluation to address mother's statements about her depression and harming A., confirmation that A. was up to date on his medical care, reinstatement of services for A., and for A. to be enrolled in school. Mother said, "It's too much. I am overwhelmed and you people need to give me time. You (referring to the Department) guys don't see what I'm going through." (Parenthetical in detention report.) Mother declined to sign the form for a psychological evaluation, again saying it could interfere with her plans to be a surrogate. Mother initially agreed to take a drug and alcohol test, but after the CSW texted mother the relevant information, mother replied that she should not have to do "all these things" just because someone lied about her.

Also on November 21, the CSW spoke with father by phone. Father said he had no concerns about mother's mental health or A.'s safety in mother's care.

On November 28, the CSW spoke with A.'s daycare provider, who said she had been caring for A. for a year and

seven months, and she had no concerns about mother abusing or neglecting A. The daycare provider said mother was “very involved” and asked appropriate questions when she picked up A. She also said that only mother drops off and picks up A.; she had never met father.

On November 29, the Regional Center service coordinator told the CSW that A. had not had services since July 2023. Mother had canceled and rescheduled multiple appointments. When the coordinator tried to schedule a meeting with mother, mother said “I cannot think right now.” Mother had also accused the Regional Center of reporting her to DCFS.

On December 1, 2023, the CSW spoke with the principal of A.’s former school, Ms. S. Ms. S. said there were “a lot of concerns” about A., and that mother was “very unstable” and “a very difficult person to work with.” A. was tested at the school and qualified for “severely handicapped” services, which the school could not provide. Ms. S. said that mother was provided with paperwork that she could take to her home school to get A. enrolled in services. But then mother “blew up all our emails,” sending “very erratic, very irrational” emails “at all hours of the night.” Mother complained to the district and was kicked out of the district office. Ms. S. said that mother engaged in “constant yelling and abusing [the] school staff in front of [A.], belittling [the] campus staff and belittling [the] office managers.” In an incident at the school in October 2023, A. sought mother’s attention by saying, “Mommy, mommy, mommy”; mother “turned around looked at [A.] mimic [*sic*] him ‘mommy, mommy, mommy’ and told him ‘go fuck yourself’ in front of” the office staff. Mother also refused to sign school forms.

Ms. S. also said that mother got into a hit-and-run incident with another parent. The incident started with a verbal altercation, then, with A. in the car, mother backed into another car before driving away. Two weeks later, mother yelled at the same parent again, threatening to follow the parent home and saying, “[Y]ou are going to see what happens because you disrespected me.” Ms. S. “informed mother . . . that her permit for her child to attend school was in jeopardy. At that point, finally [mother] calmed down.” Mother was then banned from the school campus for two weeks, but she violated the ban by going to the school before the two-week period ended.

On December 1, 2023, mother enrolled A. at a different school. The CSW spoke with an office secretary at the school on December 6. The secretary said mother brought A. to school in a wet diaper and dirty clothing; A. looked like he had just woken up. The secretary said the district was working with mother to provide clothing, housing, and diapers.

When the CSW asked mother some questions by text message on December 4, 2023, mother accused the CSW of “trying to manipulate me” and trying “to have war with me, my child, court, and you.” When the CSW responded and asked mother where she was staying, mother replied, “Figure it out. I honestly don’t feel like being nice to you anymore since you aren’t being nice to me at all. You are evil like everyone else.”

On December 8, 2023, the juvenile court ordered that A. be detained from mother’s care. On December 11, A. was detained from mother and placed with father. Father had just moved to New York with his girlfriend, so A. was placed with father in New York. Mother then sent a series of text messages to the CSW that included statements such as, “You will pay later in the

future. I will get my son back. I never ever did anything to my child and never abuse him [*sic*]. There is no prove [*sic*] and definitely there's war between you and me you bitch!!" Mother also called the CSW a "miserable bitch" and said, "Hope you go to hell!! And you will."

When a different CSW spoke with mother on December 12, mother ranted about how the first CSW was "corrupt" and a "dirt bag." Mother said the first CSW had "brainwashed" father, and that karma would get her. When the second CSW asked if mother wanted to leave a message for the first CSW, mother said to tell her, "Fuck you, fuck yourself. [The first CSW's name] will be on her tombstone. Someone will murder her," and mother laughed. When the second CSW asked if mother was threatening the first CSW, mother said, "Not me. Someone will murder her. Fuck her." Mother also threatened that she would "do everything to take [the first CSW's] child."

DCFS concluded that "there are various concerns with regards to the well-being and safety of [A.] in the care of the mother," because mother "creates a detrimental home environment [through her] ongoing and unresolved mental health, aggressive, volatile and verbally abusive behavior on multiple occasions to multiple individuals, including the child." DCFS also noted "Mother's unwillingness or unable to [*sic*] provide the appropriate level of care for [A.] who is Autistic and non-verbal ongoing [*sic*] emotional abuse places the child at risk of harm and danger."

On December 13, 2023, DCFS filed a juvenile dependency petition under section 300, subdivision (b)(1), asserting that A. was at risk of harm due to mother's failure to protect him, and mother's inability to provide care due to mental illness, disability,

or substance abuse. Allegation b-1 asserted that A. had been diagnosed with intellectual disabilities but mother had neglected him by failing to follow up with the Regional Center since July 2023. Allegation b-2 asserted that mother had a history of mental and emotional problems, including depression, suicidal ideation, homicidal ideation, anxiety, “paranoid and erratic behavior, and volatile and unstable behavior,” which interfered with her ability to care for A. Allegation b-3 asserted that mother created a dangerous situation for A. by engaging in a verbal altercation with another parent at A.’s school, hitting the other parent’s car with her own while A. was in the car, and engaging in verbal altercations with school staff. At hearings on December 28 and 29, 2023, the juvenile court found a prima facie basis for detention.

B. Jurisdiction and disposition

According to the jurisdiction/disposition report filed on January 24, 2024, A. was living with father. When the DCFS investigator asked father on January 19 about closing the case with an order granting father full custody, father said it was not his goal to get full or partial custody of A., and he thought A. should be with mother. When asked if he had any concerns about A. in mother’s care, father said no because mother did not mean the things she said about suicide and she takes good care of A. Father “did not know where to take the minor for medical attention or dental care, and stated, ‘he looks fine to me.’” A. was not enrolled in any therapy, services, or school in New York.

When asked about the petition allegations, father said he was not aware that mother had not obtained services for A. Father also said that mother “has aggressive characteristics and can easily snap but it seemed liked [*sic*] she treated [A.] ok.”

Father also said that mother “likes to fight, and has gotten in fights with other people at schools or jobs, and those people were bigger and stronger and I felt she didn’t care and or ever stopped to think ‘wait I could get hurt here.’” Father said that when he and mother were together they fought, she would threaten that she would “go end my life and see how you feel,” but he said mother never really meant it. When asked about the hit-and-run incident, father said that when he learned about it, he “wasn’t surprised to be honest. She has aggressive characteristics, and she easily snaps.”

At an interview on January 19, 2024, mother denied the allegation that A. stopped receiving services. She said she “didn’t like the last Services Coordinator” at the Regional Center, but A. was getting speech and occupational therapy at his school. However, mother later said that the school “never gave my son the services that he needed.” Mother denied she had mental health issues such as depression, anxiety, paranoia, or erratic behavior. She denied ever saying she wanted to kill herself or A. Mother also said she did not get a psychological evaluation because the CSW told her it was voluntary, and mother was already seeing a therapist at her college. Regarding the hit-and-run incident, mother said the other parent “was harassing me. I think the school discriminated against me because of my age and looks” because “the parent and the school principal were white.” Mother admitted that she got mad, but said she never yelled or used foul language.

The Regional Center coordinator said that school-age children typically get services in school, but the Regional Center offers “supportive services such as Case Management, assistance applying for SSI, school enrollments, and ABA Services” if not

otherwise provided. The coordinator said that mother refused services, was uncooperative, and accused the coordinator of reporting mother to DCFS. Ms. S., the principal at the school where A. was enrolled in April 2023, said that mother enrolled A. as a student who needed speech therapy, but “the school staff determined the minor needed more than speech and were trying to get the mother to meet with them to discuss their concerns. Ms. S[.] indicated the mother was not receptive to their observations and refused to engage with them. . . . When the school staff was finally able to talk to the mother about the minor being evaluated and scheduling an IEP, the mother refused to sign the IEP which included services such as speech and occupational therapy. Ms. S[.] indicated that when the mother finally agreed to sign the IEP it was nearly two months after the meeting,” at which point the school “was impacted and would not be able to service the minor.”

A.’s maternal grandmother said that mother would never hurt A. DCFS recommended that the petition be sustained, that family maintenance services be ordered for father, and that services be ordered for mother, including therapy and parenting classes.

An addendum report filed February 7, 2024, stated that father, “after time to reconsider” his position regarding A., decided it was in A.’s best interest for father to have custody. Father made an intake appointment for A. at his local Regional Center in New York; the appointment was set for June. Father had also taken A. to medical and dental appointments, and A. was enrolled in school, where he would receive speech and occupational therapy. In a visit, the CSW observed that A.

appeared to be happy and comfortable living with father, his partner, and the partner's family members.

The addendum report stated that mother was having monitored video visits with A.; she was on time, consistent, engaged, and affectionate with A. However, mother also had another person present during a visit whom she refused to identify, and she engaged in inappropriate "case related conversations" such as making negative comments about DCFS and telling A. he would be back in mother's care soon. Mother had enrolled in anger management and parenting courses, and had completed one class in each course. Mother also submitted a letter from a therapist at the community college stating that mother was meeting with him "regularly." A.'s attention in video visits was limited.

DCFS recommended that juvenile court jurisdiction be terminated with a family law order providing sole custody to father and monitored visitation for mother.

At the jurisdiction hearing on February 8, 2024, counsel for mother asked the court to dismiss the petition for insufficient evidence. Counsel for A. asked that the petition be sustained, and counsel for DCFS joined A.'s argument. Father's counsel did not take a position. The juvenile court amended the petition to remove the allegation about mother saying she wanted to kill A. because mother "immediately retracted the statement," and sustained the petition as amended.

The court ordered mother to participate in parenting classes and individual counseling, and ordered mother to complete a psychological evaluation. The court set a disposition hearing for March 29.

C. Disposition

A last-minute information filed March 25, 2024 stated that father, his girlfriend, and A. moved back to California and were living in Orange County. A. had been enrolled in school and was receiving special education services in school. Connection with the appropriate Regional Center office was pending.

The last-minute information stated that mother sent DCFS a copy of an evaluation for psychotropic medications; it is a photograph of a 2-page handwritten paper and is largely illegible. Mother had attended a therapy intake appointment at a mental health center in Arcadia on January 11 and attended a single therapy session on February 8. When CSW told mother that her therapy sessions should be weekly instead of monthly, mother “was skeptical.” Mother had attended one parenting class.

Mother had in-person monitored visitation with A. after his return to California; she was affectionate and caring with A. However, mother continued to make case-related comments, and toward the CSW mother was “reactive and [took] offense easily.” When A. cried about leaving mother, mother “lacked the inability [*sic*] to understand” A.’s reaction, and instead began asking A. if the CSW hit him or touched him inappropriately. The CSW noted that mother attempted to record her conversations with him despite the CSW telling mother that he did not consent to be recorded.

At the disposition hearing on March 28, 2024, mother’s counsel asked that A. be returned to mother’s care and the case be closed, or in the alternative that the case remain open with mother’s visitation advancing to unmonitored visits. Father’s counsel asked that the case be closed with an order granting custody to father, who was nonoffending. A.’s counsel argued

against unmonitored visitation for mother due to her “volatile” behavior in A.’s presence and lack of progress in her case plan. A.’s counsel also asked that the case remain open because A. had special needs that were not being met because A. was not yet receiving Regional Center services. The court suggested that it might be “premature” to close the case because father just moved back to California and he was still trying to get A. enrolled in services. DCFS’s counsel also requested that the case be closed with an order for custody to father.

The court found clear and convincing evidence to support A.’s removal from mother. The court referenced the facts in the sustained petition and the “totality of the circumstances.” The court said it was “mindful that the child is present” so it would not explicitly state those circumstances to avoid A. “being re-traumatized by going over the information that the court relied on in the sustained petition.” The court also mentioned a referral regarding physical abuse from June 2023 that had been deemed inconclusive, and said again that it was considering the totality of the circumstances. The court also noted the lack of evidence that mother was in compliance with her mental health requirements and that mother said “inappropriate and bizarre things” during visits.

The court expressed concern about closing the case before A. was connected with appropriate Regional Center services, and therefore found that conditions warranted continued jurisdiction. The court set a hearing for September 25, 2024.²

² A. filed a request for judicial notice in this court attaching minute orders from the juvenile court dated May 2, 2024, September 25, 2024, and January 6, 2025, citing Evidence Code sections 452, subdivision (d) and 459. A. did not explain why he

Mother and father each timely appealed.

DISCUSSION

Mother challenges the court’s jurisdiction ruling and disposition order removing A. from her care. Father challenges the court’s disposition order to keep the case open rather than close the case with an exit order granting custody to him. DCFS asserts that the jurisdiction ruling should be affirmed, and the disposition order removing A. from mother’s care should be affirmed; DCFS takes no position on father’s challenge to the disposition ruling. A. asserts that both the jurisdiction and disposition rulings should be affirmed in full.

“In reviewing the jurisdictional findings and the disposition, we look to see if substantial evidence, contradicted or uncontradicted, supports them. [Citation.] 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.” (*In re R.T.* (2017) 3 Cal.5th 622, 633.)

A. Jurisdiction

Jurisdiction under section 300, subdivision (b)(1) is appropriate when “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm

was seeking judicial notice or how these documents might be relevant to this appeal. A.s’ request is therefore denied. (See, e.g., *In re R.M.* (2024) 99 Cal.App.5th 240, 246, fn. 4 [“a litigant must demonstrate that the matter as to which judicial notice is sought is both relevant to and helpful toward resolving the matters before this court”].)

or illness, as a result of any of the following: (A) The failure or inability of the child’s parent or guardian to adequately supervise or protect the child. . . . (C) The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment. (D) 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.” A court “need not wait until a child is seriously abused or injured to assume jurisdiction and take steps necessary to protect the child.” (*In re Cole L.* (2021) 70 Cal.App.5th 591, 602.)

Mother contends the jurisdiction order is not supported by substantial evidence. She challenges each of the three jurisdictional findings separately, but we need not address all of them. “[T]he principle that ‘[d]ependency jurisdiction attaches to a child, not to his or her parent’ [citation] means that “[a]s long as there is one unassailable jurisdictional finding, it is immaterial that another might be inappropriate.”” (*In re D.P.* (2023) 14 Cal.5th 266, 283.) If we affirm the juvenile court’s jurisdiction ruling on any basis, therefore, mother’s challenge to any of the additional bases becomes moot.

Nevertheless, we may exercise our discretion to consider additional bases for jurisdiction. Discretionary review may be warranted, for example, if the sustained allegation may prejudice a parent in future proceedings or affect the child’s placement, if the ruling is based on “particularly pernicious or stigmatizing conduct,” or if declining review might “incentivize noncompliance.” (*In re D.P., supra*, 14 Cal.5th at pp. 285-286.) Mother has not established any such effect here, where the three allegations are intertwined and overlapping.

We therefore address only allegation b-2. As sustained, this allegation asserted that mother “has a history of mental and emotional problems, including depression, suicidal and homicidal ideation, anxiety, paranoid and erratic behavior, and volatile and unstable behavior, which renders the mother unable to provide regular care of the child. . . . The mother failed to participate in consistent mental health services for the mother’s mental and emotional problems. Such mental and emotional problems on the part of the mother tend [to] endanger the child’s physical health and safety from time to time, and places [sic] the child at risk of serious physical harm, damage, and danger.”

Mother argues that “proof of a mental health issue alone” is insufficient to support a jurisdictional finding under section 300, subdivision (b). Mother acknowledges that people found her “difficult and demanding,” but asserts that substantial evidence did not demonstrate that A.’s physical health and safety were at risk as a result.

We disagree; the record contains substantial evidence that mother’s depression, hostility, volatility, aggression, and sense of being overwhelmed placed A. at risk of harm. An assessment in early 2023 showed that A. had significant needs. He was minimally verbal, he needed help eating and drinking, and he could not use the toilet by himself. The staff at A.’s school recognized that A.’s needs were not being met, but mother refused to engage with school staff and missed A.’s Regional Center appointments. By the time an IEP was completed and mother finally agreed to sign it, the school was “impacted” and was no longer able to meet A.’s needs. Meanwhile, mother also

engaged in a hit-and-run accident while A. was in the car during an altercation with another parent.³

By the end of October 2023, A. was not enrolled in any school or services. When the CSW told mother that A. was overdue for a medical check-up and he needed to be enrolled in school and special services, mother told the CSW that she was too overwhelmed to attend to A.'s needs.⁴ Mother also told the CSW that she had not been happy since 2014, and she had thoughts of suicide. Father said that mother was volatile and got into fights easily without any concerns about getting injured. The evidence therefore showed that mother's depression, sense of being overwhelmed, and ongoing hostility toward school staff, the Regional Center coordinator, and social workers substantially interfered with A.'s ability to receive the services he needed.

Mother argues that "at the time of the jurisdictional hearing Mother had shown she had been regularly attending

³ Mother does not deny this occurred. She argues that it "makes sense" that she backed into another car during this altercation, and says there is "no indication that the owner of the damaged car took any legal action." She argues that "a single fender bender where the child is unharmed is not jurisdictional."

⁴ Mother contends this is not a legitimate concern, because the "Regional Center coordinator clearly explained[that] school-aged children obtain speech and occupational therapy from school and not the Regional Center." In fact, the Regional Center coordinator said the Regional Center continued attempting to connect with mother and A. because the Regional Center offers an array of supportive services even when speech and occupational therapy are being provided by a school. Moreover, A.'s first school could not provide the services A. needed, and it is undisputed that A. did not receive any services from school or the Regional Center between late October and early December 2023.

individual therapy . . . for nearly three months.” The record does not support this claim. DCFS first requested that mother get a psychological evaluation in October 2023, and by the time of the jurisdiction hearing on February 8, 2024, mother still had not completed one. Mother points to the letter from a therapist at her college, dated in January 2024, stating that mother had been seen “regularly” for individual therapy since October 2023. However, the record also shows that mother dropped out of Rio Hondo in October 2023. In October 2023, mother told a Rio Hondo academic counselor and the CSW that the psychological services at Rio Hondo were not working for her. Mother also completed an intake appointment and began working with a different therapist in January 2024, suggesting that she either was not consistently seeing the Rio Hondo therapist or that the Rio Hondo therapist was not meeting her needs.

Moreover, many of mother’s statements about being overwhelmed and her threats to the CSW occurred during the time mother was allegedly receiving therapy at Rio Hondo. And throughout the case, mother consistently minimized and denied her role in causing any of the case issues, instead blaming the other parent at school, school staff, the Regional Center coordinator, and the CSW, as well as fixating on finding out who reported A. to DCFS so mother could punish that person for telling “lies.” “One cannot correct a problem one fails to acknowledge.” (*In re Gabriel K.* (2012) 203 Cal.App.4th 188, 197.)

Mother also argues that the court should have stricken the phrase “homicidal ideation” from allegation b-2. She notes that the court held there was insufficient evidence of mother saying she wanted to kill A. and therefore struck that allegation, so the court should have stricken “homicidal ideation” as well. Mother

asserts that the “only piece of evidence that could possibly be connected to the notion that Mother ever thought about killing another human being” was mother’s comment that sometimes she wanted to kill A., which she quickly retracted.

This argument is not supported by the record, because there are other instances in the record of mother threatening to harm or kill people. Mother threatened to follow a parent home from school and “see what happens” as a result of the parent “disrespecting” mother. Mother also threatened the CSW, saying that she was going to “war” against the CSW. Mother asked a second CSW to convey a message to the first CSW that her name “will be on her tombstone. Someone will murder her,” then mother laughed. Thus, mother has not demonstrated that the inclusion of “homicidal ideation” in allegation b-2 is unsupported by substantial evidence.

Substantial evidence supports a finding that mother’s mental health needs were not being sufficiently addressed at the time of the jurisdiction hearing, and that A.’s safety was at risk as a result. Mother therefore has not demonstrated error with respect to allegation b-2. Because jurisdiction over A. was appropriate on this basis, we decline to address mother’s contentions about the remaining allegations.

B. Disposition

Both mother and father challenge the disposition order. Mother argues that substantial evidence does not support the court’s decision to remove A. from her care. Mother also asserts that the court’s reliance on an allegation about mother hitting A., which had not been substantiated, violated mother’s due process rights. Father contends the court erred by continuing jurisdiction

rather than closing the case with an exit order granting full custody to him. We find no error.

1. Mother's contentions

We first address mother's contention that A. should not have been removed from her care. "A dependent child shall not be taken from the physical custody of [a parent] with whom the child resides at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence" that "[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." (§ 361, subd. (c)(1).) As noted above, we review a disposition order for substantial evidence, reviewing the record in the light most favorable to the order and drawing all reasonable inferences from the evidence to support the findings of the dependency court. (*In re R.T.*, *supra*, 3 Cal.5th at p. 633.) When doing so, however, we take into account the level of confidence required by the "clear and convincing evidence" standard in section 361, subdivision (c). (*In re Zoe H.* (2024) 104 Cal.App.5th 58, 71.)

Mother asserts there is "no substantial evidence" to support the disposition order removing A. from her care. DCFS and A. argue that substantial evidence supports the juvenile court's order.

Substantial evidence supports the court's ruling. As discussed above, there was substantial evidence that mother's mental health issues placed A. at risk of harm. A. has significant special needs and requires an increased level of attention and

care. Mother was depressed, too overwhelmed to timely arrange for the services A. needed, combative with the other adults in A.'s life who were trying to offer support and services, and committed a hit-and-run accident while A. was in the car as part of an altercation with another parent. Multiple people reported that mother had anger issues and "snapped" easily. Yet mother refused to take any responsibility for how her actions affected A. Instead, mother blamed school staff, the Regional Center coordinator, the CSW, the other parent at school, and whoever reported concerns about A. to DCFS.

Notably, DCFS tried to work with mother without removing A. from her care from the time of the referral in late October 2023 until early December 2023. However, mother was uncooperative and openly hostile to the CSW. When the CSW told mother that A. needed to be enrolled in school and services, for example, mother said she was too overwhelmed to deal with those things. When the CSW asked mother where she and A. were staying in early December 2023, mother told the CSW to "figure it out" and called her "evil."

After A. was removed from mother's care in December 2023, mother threatened the CSW. In early 2024, mother continued to be "reactive" and easily took offense with respect to the CSWs who monitored her visitation with A. This suggests that mother had not made significant progress with the issues that led to jurisdiction, because she still had anger issues and was still being uncooperative and hostile to the other adults in A.'s life. The evidence supported the court's finding by clear and convincing evidence of a threat to A.'s well-being if he were returned to mother's care, and that there were no reasonable

means by which A.'s health could be protected without removing him from mother's physical custody.

Mother's due process argument is unpersuasive. She contends the court erred by referencing a referral by an anonymous caller during the disposition hearing. Mother asserts she was deprived of due process because DCFS had deemed the referral inconclusive, and mother "had no opportunity or ability to subpoena the hearsay declarant the court relied upon." "In juvenile dependency litigation, due process focuses on the right to notice and the right to be heard." (*J.H. v. Superior Court* (2018) 20 Cal.App.5th 530, 536-537.) Mother relies on *In re Malinda S.*, (1990) 51 Cal.3d 368, which addressed the admissibility of hearsay relating to a *jurisdiction* finding, and has been superseded by changes to section 355. Mother's argument ignores settled law regarding admissibility relating to *disposition*.

At a jurisdiction hearing, the author of the jurisdiction/disposition report "shall be made available for cross-examination upon a timely request by a party." (§ 355, subd. (b)(2).) The same is not true at the disposition phase. (See § 358, subd. (b).) "[I]t is settled that hearsay evidence, which would be inadmissible at a jurisdiction hearing, may nevertheless be considered at a dispositional hearing." (*In re Vincent G.* (2008) 162 Cal.App.4th 238, 243.) "At the . . . dispositional phase, any relevant evidence including hearsay shall be admitted pursuant to section 358, subdivision (b) to help the court determine the child's best interests." (*In re Madison T.* (2013) 213 Cal.App.4th 1506, 1509, citing *In re Corey A.* (1991) 227 Cal.App.3d 339, 347; see also *In re Jeanette V.* (1998) 68 Cal.App.4th 811, 816.) Thus, mother did not have a right to cross-examination at the

disposition hearing. Moreover, even without the referral the juvenile court mentioned at the hearing, there was ample evidence to support the court's finding. Mother therefore has not met her burden to demonstrate error in the court's disposition order removing A. from her care.

2. Father's Contentions

Father contends the juvenile court erred at the disposition hearing by keeping the case open rather than closing the case with an order granting custody to father.

When a court orders removal of a dependent child from the custodial parent, it must determine whether there is a noncustodial parent "who desires to assume custody of the child." (§ 361.2, subd. (a).) If the court places the child with that parent, the court may choose one of three options: it may grant custody to the second parent and terminate jurisdiction (§ 361.2, subd. (b)(1)), it may "[o]rder that the parent assume custody subject to the jurisdiction of the juvenile court and require that a home visit be conducted within three months" (*id.*, subd. (b)(2)), or it may "[o]rder that the parent assume custody subject to the supervision of the juvenile court," and order services for one or both parents (*id.*, subd. (b)(3)). Here, the juvenile court chose the third option.

Father contends "no substantial evidence existed to support the juvenile court's finding that there was a need [for] continued jurisdiction." A. contends the court's order should be affirmed. Mother argues that if the disposition order removing A. from her care is affirmed, the order continuing jurisdiction over A. should also be affirmed. "Juvenile courts have 'wide latitude' in formulating reasonable dispositional orders for the care, custody, support, and well-being of dependents subject to their

jurisdiction.” (*In re A.F.* (2024) 102 Cal.App.5th 778, 785.) We review disposition orders denying a request for dismissal for abuse of discretion; such an abuse occurs when the court’s determination is arbitrary, capricious or patently absurd. (*Id.* at p. 786; *In re Jaden E.* (2014) 229 Cal.App.4th 1277, 1288.)

The court did not abuse its discretion by maintaining jurisdiction over A. at the March 28, 2024 hearing. When the case was initiated in October 2023, father was not involved in A.’s life. A. was placed with father on December 11. When the CSW spoke with father on January 19—nearly six weeks after A. was placed with him—father said he was not interested in having permanent custody of A., A. had not been enrolled in school, and father said he did not know how to find medical or dental services for A. Father eventually got A. enrolled in school and some school-based services in New York. But father moved back to California less than a month before the disposition hearing, resulting in another disruption in services for A. A major focus of this case was that A. was not receiving the services required to address his special needs, and at the time of the disposition hearing A. had not received Regional Center services for eight months. Only a few months had passed between the time father had no involvement in A.’s life, to when father did not want custody and did not know how to find medical care for A., to when father decided he wanted custody and began working to get A. the services he needed. Under these circumstances, the court did not abuse its discretion in maintaining jurisdiction to ensure that A.’s needs would be met.

Moreover, it appeared that A.’s relationship with mother could benefit from ongoing reunification services, which could be provided by continued jurisdiction. Despite mother’s struggles,

the record makes clear that she loved A., wanted to support him, and wanted to reunify with him. Thus, the juvenile court did not abuse its discretion in finding that continued supervision was warranted. (See, e.g., *In re A.F.*, *supra*, 102 Cal.App.5th at pp. 785-786 [no abuse of discretion where juvenile court retained jurisdiction over children at risk of harm]; *In re Austin P.* (2004) 118 Cal.App.4th 1124, 1134 [denial of request to terminate jurisdiction under section 361.2 affirmed where “substantial evidence showed a need for continuing supervision” over the child].)

DISPOSITION

The juvenile court’s orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

COLLINS, ACTING P. J.

We concur:

MORI, J.

GARCIA UHRIG, J.*

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