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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re G.C., a Person Coming Under the
Juvenile Court Law.

SAN BERNARDINO COUNTY
CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

Y.T.,

Defendant and Appellant.

E078637

(Super.Ct.No. J291367)

OPINION

APPEAL from the Superior Court of San Bernardino County. Lynn M. Poncin,
Judge. Reversed.

Neale B. Gold, under appointment by the Court of Appeal, for Defendant and
Appellant.

Tom Bunton, County Counsel, Svetlana Kauper, Deputy County Counsel for Plaintiff and Respondent.

Defendant and appellant Y.T. (Mother) is the mother and E.V. (Father)¹ is the father (collectively, Parents) of G.C. (male, born September 2021, Minor). Mother appeals the juvenile court's findings and orders under Welfare and Institutions Code² section 300. For the reasons set forth *post*, we agree with Mother and reverse the juvenile court's jurisdictional finding and removal order.

FACTUAL AND PROCEDURAL HISTORY

On November 19, 2021, “a child abuse referral was called in to [plaintiff and respondent] San Bernardino County Children and Family Services (CFS) Child Abuse Hotline that alleged [Minor], age 2 months, was taken to the Naval Hospital at Marine Corps Air Ground Combat Center Twentynine Palms for a routine checkup.” At the visit, a doctor determined that the Minor had “a brain bleed and skull fracture from unknown causes,” and that the Minor “may be transferred to Loma Linda university Medical Center (LLUMC) for further treatment.”

At LLUMC, Dr. Snow confirmed that Minor suffered from a subdural hematoma and a skull fracture. Dr. Snow opined that the head trauma was the result of at least two separate events. Minor underwent additional tests and x-rays at LLUMC. Minor's drug screen was negative for all substances. Parents told the assigned nurse that they did not

¹ Father is not a party to this appeal.

² All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

know how Minor sustained the injuries. They also denied physical violence in the home. Parents were cooperative with the hospital staff.

Dr. Sherwin, another doctor at LLUMC, noted that Minor had chronic effusion, an abnormal collection of fluid in the brain, caused either by congenital origin or trauma. Minor was referred to neurosurgery and for a forensic medical examination.

When a social worker interviewed Parents, they both denied injuring Minor. Neither suspected the other of abusing Minor. Parents reported that they lived alone. Therefore, no one else cared for Minor.

After additional tests and exams were conducted on Minor, Dr. Sherwin discovered more fractures to Minor's ribs, clavicle, tibia, and other areas of Minor's body. The doctor explained that there were " 'so many fractures, it is difficult to count them all.' " Dr. Sherwin opined that the chronic effusion stemmed from constant physical abuse since Minor's birth.

During an interview with law enforcement, Father eventually admitted hurting Minor. When Father was trying to change Minor on at least two occasions, November 3 and 4, 2021, Father became frustrated when Minor cried. Father squeezed Minor's arms, torso, and legs before pushing Minor's legs forcefully against his chest. As a result, law enforcement arrested father under Penal Code section 273A, subdivision (a)—child abuse under the circumstances which were likely to produce great bodily injury or death.

CFS temporarily detained Minor in its care under a detention warrant. On November 23, 2021, CFS filed a section 300 petition under subdivisions (a) serious physical abuse; (b) failure to protect; and (e) severe physical abuse. The sole allegation

against Mother was under section 300, subdivision (b) failure to protect Minor from severe physical abuse when Mother knew or should have known that Minor was being abused. On December 14, 2021, CFS filed a first amended petition adding allegations against Mother under subdivision (a) serious physical abuse; (b) failure to protect; and (e) severe physical abuse. The amended subdivision (b) allegation against Mother stated that Mother physically abused Minor.

On November 23, 2021, Mother filed a petition for dissolution and an application for a restraining order against Father naming Minor as a protected person.

At the detention hearing one day later, Minor's counsel requested to find visits with Parents detrimental to Minor. The court granted the request suspending visits pending the jurisdiction and disposition hearing.

On December 13, 2021, CFS filed a jurisdiction and disposition report. In the report, the social worker requested additional time to investigate the extent of Mother's knowledge about the abuse to Minor. The social worker requested copies of medical reports and police reports.

In the report, the social worker stated that she interviewed Mother on December 6, 2021. Mother informed the social worker that, after giving birth to Minor, she was unable to bend over or reach into Minor's bassinet. Therefore, Father took the initiative and became the primary caregiver of Minor. One to two weeks after she was discharged from the hospital, Mother returned to school. Father also returned to work after two weeks. Thereafter, Mother started to take over responsibility to care for Minor during the day. Father only cared for Minor in the evenings when Mother attended school three

times a week. When Mother studied, Father cared for Minor. Mother, however, monitored the interactions between Father and Minor with a baby monitor.

Mother told the social worker that Father was responsive and attentive to Minor's needs. Father did not exhibit any signs of stress, frustrations, or feeling overwhelming by caring for Minor. Mother, however, recalled at least one instance when she had to redirect Father on his cradling methods.

Mother went on to tell the social worker that on the evening of November 4, 2021, she heard running water in the bathroom when she returned home from school. This was unusual because it was too late for Minor's bath. When Mother checked on the source of the running water, she saw Father cradling Minor in his arms under the running water. Father appeared "very scared." Mother panicked when she saw Minor limp and changing color in Father's arms. She called 911 and Minor was transported to the hospital.

The following two days, November 5 and 6, 2021, Minor was hospitalized again because he appeared weak, pale, and his eyes rolled back. Minor was diagnosed with brief, resolved, unexplained event (BRUE). The hospital staff explained to Mother that BRUE "could be a sign of SIDS [Sudden Infant Death Syndrome] onset." The staff instructed Mother to take videos or pictures if the Minor continued to suffer from BRUE.

Five days later, November 9, 2021, another emergency occurred when Minor began to vomit. Hospital staff attributed the vomiting to "digestive issues," and recommended that Mother follow up with Minor's pediatrician.

After leaving the hospital, Mother followed up with Minor's pediatrician. The doctor checked Minor for his digestive issue, and also completed a well-child exam at the

visit. Mother stated that although the pediatrician pulled Minor's legs and moved them, checked his arms, and listened to his chest, the doctor made no abnormal findings.

On November 18, 2021, in the middle of the night, Mother noticed a bump on Minor's head. Because Minor exhibited no signs of discomfort and he already had a doctor's appointment the following day, Mother did not seek emergency medical assistance. That evening, she attended school, as scheduled, and Father cared for Minor until 9 p.m. The following day, November 19, 2021, Mother took Minor to the scheduled well-child exam with his pediatrician. The doctor informed Mother that Minor's bump on the head was not normal and required medical attention. Subsequently, when Minor underwent further testing, medical professionals discovered his skull fracture and hemorrhaging.

After Mother learned that Father admitted responsibility for Minor's injuries, she deeply regretted "not responding" to Minor's cries, and not being more attentive to protect Minor.

In Father's interview with the social worker, he acknowledged that he picked up Minor "roughly and carelessly," and he squeezed Minor and treated him "aggressively" when changing his diaper. Father, however, explained that he did not intentionally injure Minor.

In Father's interview with the forensic pediatrician, Father acknowledged that on November 4, 2021, he forcefully put Minor into the bassinet; Minor hit his head. Moreover, while changing Minor, Father (1) grabbed Minor's arms around the elbows and squeezed them; (2) pulled Minor's legs forcefully; (3) squeezed Minor's torso; and

(4) slammed Minor's feet back down. While Father was physically abusing Minor, Minor screamed. Ultimately, Minor "turned pale, his eyes rolled back and he started making a moaning cry." Father reported subjecting Minor to similar abuse on November 18, 2021. Minor screamed but he never became unresponsive. Mother was home while Father was abusing Minor; she was in another room.

On December 2, 2021, the social worker received an additional medical report which enumerated Minor's injuries. The report stated: "In totality, [Minor's] findings [were] consistent with multiple episodes of inflicted trauma, physical abuse, and battered child syndrome." The report went on to state that Minor had (1) 17 rib fractures which were "caused by compression and/or squeezing forces on the rib cage"; (2) six metaphyseal corner fractures, as "the result of shearing forces such as shaking violent traction/twisting of the extremity"; (3) a left distal tibial fracture, which "are caused by twisting and bending force"; (4) healing clavicular fracture "caused by impact to the shoulder or direct force to the clavicle"; (5) a "right distal femur healing metaphyseal fracture"; and (6) a "left distal humerus metaphyseal healing fracture." The fractures on the ribs and long bones were in multiple stages of healing. Moreover, as to his head, Minor suffered from a right "parietal skull fracture" with "[b]ilateral large panhemispheric subdural hemorrhagic collections with acute components." Blunt force trauma to the head "with acceleration-deceleration forces" caused the skull fracture. Furthermore, Minor had bruises on his upper forearm, a heel, and a linear bruise on his abdomen. The report noted that "[b]ruising is exceedingly rare in a young, pre mobile infant."

During a forensic consult at LLUMC on November 20, 2021, Mother reported that she remembered seeing several bruises on Minor. The first bruise she noticed was when Minor was born. Thereafter, at the end of October to the beginning of November 2021, Mother noticed “a linear purple bruise on [Minor’s] mid abdomen. During the hospitalization from November 5 to 6, 2021, Minor was reported to have a bruise on one heel. Moreover, Mother noticed redness on Minor’s left elbow three to four days prior to the November 19, 2021, incident.

According to Minor’s medical history, he was seen on multiple occasions by medical professionals prior to the November 19 incident. Medical records showed that Minor was previously diagnosed with BRUE and Mother followed the doctor’s recommendations. Mother did not know about Father’s violent propensities. Father did not have a history of criminal or aggressive behavior, or of domestic violence.

Mother engaged in services through the Family Advocacy Program. She took parenting classes and engaged in individual therapy. The social worker opined that Mother’s prognosis for reunification with Minor was “good” given the protective steps she was taking.

By February 1, 2022, CFS recommended to find allegations against Mother under subdivisions (a) and (e) not true. The social worker also recommended providing reunification services to Mother, but bypassing them for Father. The social worker reported that in December 2021, Minor presented with an increased head circumference. In January 2022, Minor underwent neurosurgery to receive a brain shunt to reduce the fluid and blood collection in the brain. Minor was recovering well.

Mother continued to provide consistent statements—that she was unaware that Father was abusing Minor—to different investigating agencies. When Father admitted abusing Minor on November 19, 2021, he denied that Mother caused any injury to Minor. He also confirmed that Mother had no “direct knowledge” of the abuse. The LLUMC multidisciplinary team could not conclusively determine whether Mother had actual or constructive knowledge of the abuse; some of the severe injuries could have left no marks or bruises on Minor.

In the interim, Mother planned to enlist in the armed forces and to leave Minor in the care of her father, who lived in Puerto Rico, while she was deployed. CFS expressed concern because of Mother’s plan to leave Minor with family members; Mother “failed to recognize her inattentive behaviors as a threat to [Minor’s] safety.” As for Mother’s reunification services, she completed three parenting classes and three sessions of individual counseling. She also attended three sessions of a new parent support program.

At a hearing on February 4, 2022, the juvenile court ordered supervised visitations for Mother, once a week for two hours.

At the contested jurisdiction/disposition hearing on February 24, 2022, Mother objected to the jurisdictional allegations in the section 300 petition. Mother’s counsel acknowledged that Mother was “inattentive in the past,” and planned to be “more present and more protective” of Minor in the future. CFS’s counsel moved to dismiss the allegations under subdivisions (a)(2) and (e)(6) against Mother, and urged the juvenile court to find the remainder of the allegations true. The court then dismissed the subdivision (a)(2) and (e)(6) allegations against Mother without prejudice, and found the

remainder of the allegations true. In doing so, the court sustained the allegations under subdivision (b)(4)—that Minor “was physically abused by [Mother]. Such abuse included, but was not limited to the [Minor] being physically assaulted by [Mother], resulting in [Minor] suffering a skull fracture, broken ribs, a broken leg and experiencing substantial pain.” Moreover, the court formally removed Minor from Parents.

On March 8, 2022, Mother filed a timely notice of appeal challenging the “allegations found true [on] 2/24/22.” Father did not file an appeal.

DISCUSSION

A. THE COURT’S JURISDICTIONAL TRUE FINDINGS AS TO MOTHER

On appeal, Mother contends that “the court’s unsupported jurisdictional true findings as to Mother should be reversed.” Specifically, Mother contends that because the court found that “Father was the one to cause the injuries to [Minor],” the court’s true finding as to Mother is not supported by substantial evidence. “Father is the offending parent making it a legal impossibility Mother caused the injury.” CFS agrees “that [F]ather admitted that he inflicted the injuries on various occasions while Mother was either at school or in another room making [F]ather the offending parent.” CFS, however, argues that “Mother knew or reasonably should have known that [F]ather was continuously abusing the child since birth while caring for him.” For the reasons set forth *post*, we agree with Mother and reverse the court’s jurisdictional finding.

Section 300, subdivision (b)(1), authorizes a juvenile court to exercise dependency jurisdiction over a child if the “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

the child’s parent . . . to adequately supervise or protect the child.” (§ 300, subd. (b)(1).)

“A jurisdictional finding under section 300, subdivision (b)(1), requires [CFS] to demonstrate the following three elements by a preponderance of the evidence:

(1) neglectful conduct, failure, or inability by the parent; (2) causation; and (3) serious physical harm or illness or a substantial risk of serious physical harm or illness.” (*In re L.W.* (2019) 32 Cal.App.5th 840, 848.)

“It is commonly said that the juvenile court takes jurisdiction over children, not parents. [Citations.] While this is not strictly correct, since the court exercises *personal* jurisdiction over the parents once proper notice has been given [citation], it captures the essence of dependency law. The law’s primary concern is the protection of children. [Citation] The court asserts jurisdiction with respect to a child when one of the statutory prerequisites listed in section 300 has been demonstrated. [Citation] The acquisition of personal jurisdiction over the parents through proper notice follows as a consequence of the court’s assertion of dependency jurisdiction over their child. [Citations.] Parental personal jurisdiction allows the court to enter binding orders adjudicating the parent’s relationship to the child [citation], but it is not a prerequisite for the court to proceed, so long as jurisdiction over the child has been established. [Citation.] Further, every parent has the option not to participate in the proceeding, even if properly noticed.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491 (*I.A.*), fn. omitted.)

Moreover, as a result of this focus on the child, it is necessary only for the court to find that one parent’s conduct has created circumstances triggering section 300 for the court to assert jurisdiction over the child. (See *In re P.A.* (2007) 155 Cal.App.4th 1197,

1212; *In re Alexis H.* (2005) 132 Cal.App.4th 11, 16.) For jurisdictional purposes, it is irrelevant which parent created those circumstances. As a result, it is commonly said that a jurisdictional finding involving one parent is “ ‘good against both. More accurately, the minor is a dependent if the actions of either parent bring [him] within one of the statutory definitions of a dependent. [Citation.] This accords with the purpose of a dependency proceeding, which is to protect the child, rather than prosecute the parent.’ [Citations.] The child thus remains a dependent of the juvenile court.” (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.)

“For this reason, an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence.” (*I.A., supra*, 201 Cal.App.4th at p. 1492; see *In re E.E.* (2020) 49 Cal.App.5th 192, 212 [court did not need to review evidentiary basis for sustained allegations against the father since it concluded jurisdiction was proper based on the mother’s conduct]; “*In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 . . . [addressing remaining findings only ‘[f]or [f]ather’s benefit’]; *In re Joshua G.* [(2005)] 129 Cal.App.4th [189,] 202 . . . [when a jurisdictional allegation involving one parent is found supported, it is ‘irrelevant’ whether remaining allegations are supported]; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 330 . . . [declining to address remaining allegations after one allegation found supported]; *Randi R. v. Superior Court* (1998) 64 Cal.App.4th 67, 72 [same].)” (*I.A., supra*, 201 Cal.App.4th at pp. 1491-1492.)

Here, no one disputes that Father did not appeal from the juvenile court's jurisdiction findings. Moreover, Mother does not challenge the jurisdiction findings as to Father. The record is replete with facts that Father physically abused Minor.

Mother, however, contends that "this Court should address Mother's claims on their merits, particularly because CFS concedes at least one basis of reversal under (b) is warranted." Additionally, Mother contends that "[r]eviewing courts will exercise discretion and reach the merits of a challenge to any jurisdictional finding when (1) it serves as the basis for dispositional orders that are also challenged on appeal, (2) could be prejudicial to the appellant or impact current or future dependency proceedings, or (3) could have other consequences for appellant beyond jurisdiction. (*In re L.O.* (2021) 67 Cal.App.5th 227, 237 [(*L.O.*)]; see also *In re J.N.*(2021) 62 Cal.App.5th 767, 774.)" We agree with Mother. Because Mother challenges both the jurisdictional finding and removal order, and the jurisdictional finding against her " 'could potentially impact the current or future dependency proceedings,' " we exercise our discretion to review the merits of her appeal. (*L.O.*, at pp. 237-238.)

Turning to the merits of this case, we conclude that the jurisdictional finding against Mother is not supported by the record.

In this case, even CFS concedes that if the case were reviewed on the merits, "Mother did not physically abuse the child [in] light of [F]ather's repeated admissions." No one disputes this fact. Nonetheless, CFS contends that "the record supports the allegation that Mother . . . knew or reasonably should have known [F]ather was abusing [Minor] on multiple occasions." We agree with CFS that there is nothing in the record

that Mother physically abused Minor. However, we disagree with CFS that the jurisdictional finding of the court should be upheld based on whether Mother knew or reasonably should have known about Father's abuse; the juvenile court did not make its jurisdictional finding based on whether Mother knew or reasonably should have known about the abuse, and the first amended petition did not make this allegation against Mother.

Here, at the contested jurisdiction/disposition hearing, upon the agreement by the parties, the juvenile court accepted into evidence all the reports, addendums, and first amended petition filed in this case.

Mother's counsel stated: "We are objecting to her remaining allegation. The mother was never abusive or used—or—the mother was never abusive, and she never engaged in any sort of corporal punishment. She—and while she did have—and while she was inattentive in the past, she plans on being more present and more protective of the minor in the future, and on a personal note, she hopes that this is the last time she sees [F]ather."

In response, counsel for CFS asked that "the Court dismiss without prejudice allegation (a)2 and (e)6." Counsel went on to state that the evidence was clear that Minor "was brutally abused on multiple occasions over the entirety of the child's life," resulting on numerous serious injuries to his entire body. At the end, counsel asked the court to find the remaining allegations true. "I do believe they are well supported by the evidence, and it is clear that services for Mother are needed prior to the child being in her care, and she has issues she needs to address as well."

After argument by counsel, the juvenile court made the following findings: “As to the amended petition filed December 14, 2021, the Court will find allegation (a)1 to be true as written. The court will dismiss allegation (a)2 without prejudice. The Court will find allegation (b)3, (b)4, and (e)5 to be true as written. The Court will dismiss allegation (e)(6) without prejudice.”

In response to the disposition order, mother’s counsel stated that Mother “is submitting to family reunification services. She’s already actively engaged in her case plan, and she expects to be finished in March.” Minor’s counsel then stated that initially, he was going to argue that the court bypass reunification services to Mother. However, he, on behalf of Minor, was “opting instead to go in favor of giving her a shot at reunification, but she does have quite a bit to prove going forward and a lot of work to do due to the severity of injuries as [CFS counsel] outlined.”

The court thereafter stated that “[t]he Court will adopt the findings and orders set forth in the first addendum report dated February 1st, 2022.” The court found that there was clear and convincing evidence that the child had been adjudicated “a dependent pursuant to any subdivision of Welfare and Institutions Code section 300 as a result of severe physical harm to the child.” The court never made a finding as to whether Mother knew or should have known that Father was abusing Minor.

As discussed in detail *ante*, all the parties and the court have acknowledged that Father was the only person who physically abused Minor; there was absolutely nothing in the record to indicate that Mother physically abused Minor. And, *assuming arguendo* substantial evidence supports a finding that Mother knew or should have known about the

abuse, there is no dispute that (1) the first amended petition did not make this allegation; and (2) the juvenile court did not make this finding. Instead, the court found that the subdivision (b) allegation, as alleged in the first amended petition, as true: Mother physically abused Minor, including physical assault resulting in a skull fracture, broken ribs, a broken leg, and substantial pain.

Therefore, we find that juvenile court's jurisdictional finding, that Mother physically abused Minor, is not supported by substantial evidence, and must be reversed.

B. THE COURT'S REMOVAL OF MINOR

Mother contends that "the evidence was insufficient to prove a risk of harm to remove . . . Minor from Mother." In support of her contention, mother states that she "did not place her baby at risk of harm and in fact did everything within her power to create safety and care for him."

CFS contends that "mother also forfeited any claims to the dispositional orders because her notice of appeal specifically identified only 'allegations found true [on] 2/24/22' as the basis of the challenge." We disagree with CFS. If a challenged order is not supported by substantial evidence, the failure to object does not forfeit an appellate challenge to the sufficiency of the evidence. (See, *In re J.N.*, *supra*, 62 Cal.App.5th at p. 777, fn. 5; *In re P.C.* (2006) 137 Cal.App.4th 279, 288; *In re Gregory A.* (2005) 126 Cal.App.4th 1554, 1561.)

For the court to order removal from the parent the court must find, by clear and convincing evidence, the child would be at substantial risk of harm if returned home and there are no reasonable means by which the child can be protected without removal.

(§ 361, subd. (c)(1); *L.O., supra*, 67 Cal.App.5th at pp. 246-247.) In determining a substantial risk of harm, it is important to consider that “ “[t]he parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child.” [Citation.] The court may consider a parent’s past conduct as well as present circumstances.” ’ ” (*L.O.*, at p. 245.)

On appeal, the court “review[s] a juvenile court’s dispositional order removing a child from parental custody for substantial evidence, “bearing in mind the heightened burden of proof.” ’ [Citation.] ‘Clear and convincing evidence requires a high probability, such that the evidence is so clear as to leave no substantial doubt.’ [Citation.] Still, the appellant bears the burden of showing “there is no evidence of a sufficiently substantial nature” ’ to support the dispositional removal order.” (*L.O., supra*, 67 Cal.App.5th at pp. 245.) “ ‘In making this determination, [the court] draw[s] all reasonable inferences from the evidence to support the findings and orders of the dependency court; [it] review[s] the record in the light most favorable to the court’s determinations; and . . . note[s] that issues of fact and credibility are the province of the trial court.’ ” (*In re R.T.* (2017) 3 Cal.5th 622, 633.)

In this case, the juvenile court found by clear and convincing evidence that Minor “was repeatedly injured over a lengthy period of time . . . It’s clear that the abuse went on for some time, and there is clear and convincing evidence of that abuse by the offending parent, [Father].” The court, however, made no finding (1) as to Mother’s involvement in Minor’s abuse; (2) why Minor was being removed from Mother; or (3) why there were

no reasonable means by which Minor could be protected without removal from Mother. The court never discussed any of these factors when it ordered that Minor be removed from Mother.

A review of the record shows that Mother was not aware of how Minor got his injuries in the beginning. When Mother first took Minor to the hospital, there were reasonable medical explanations for Minor's injuries, including BRUE and SIDS. Mother not only took Minor to seek medical help, she followed up as they recommended with his pediatrician. Later, when Father confessed to causing the injuries to Minor, she did not defend Father or make excuses for him. Instead, Mother filed for divorce and obtained a restraining order. She was also seeking sole custody of Minor. Although Mother reported that she was thinking of leaving Minor with family in Puerto Rico while she served in the military, there is no evidence in the record that Mother followed through with her plans, what Mother decided to do, or whether the court even considered this as a factor in removing Minor from Mother. What the record does reveal is that the court made no finding, as to Mother, that Minor would either be at substantial risk of harm if returned to Mother, or there were no reasonable means by which Minor could be protected without removal from Mother. The court only referred to Father when making its finding.

In sum, we conclude that there is nothing in the record to support a finding, by clear and convincing evidence, that there was or would be substantial danger to Minor if he were returned home to Mother. Therefore, we find that the juvenile court erred in removing Minor from Mother's custody at this time.

DISPOSITION

The juvenile court’s jurisdictional and dispositional orders as to Mother are reversed and the matter is remanded for further proceedings in accordance with the law.³

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

MILLER
Acting P. J.

We concur:

SLOUGH
J.

RAPHAEL
J.

³ We base our disposition on the facts existing at the time of the contested jurisdictional and dispositional hearing, which we determined from the record on appeal. On remand, the juvenile court must make its decision based on the facts existing at the time of the further proceedings.