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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

In re I.M., a Person Coming Under the Juvenile Court Law.	
MARIN COUNTY HEALTH AND HUMAN SERVICES, Plaintiff and Respondent, v. M.M., Defendant and Appellant.	A175337 (Marin County Super. Ct. No. JD0000196)

M.M. (mother) appeals from the juvenile court's January 2026 jurisdictional and dispositional orders as to her minor child, I.M.[1] (born in 2010), contending substantial evidence did not establish the current risk of serious physical harm necessary to establish jurisdiction and did not establish circumstances warranting minor's removal. Mother further contends the removal of minor from her custody in the absence of substantial

[1] The minor is a transgender youth who expressed he uses he/him pronouns and a name different from his legal name. Although portions of the appellate record continue to use female pronouns and the minor's birth name, we will refer to him as "minor" and utilize his preferred pronouns.

evidence violated her rights under the Fourth and Fourteenth Amendments to the United States Constitution. We disagree and affirm.

BACKGROUND

I. *Referral and Investigation*

On October 27, 2025,[2] mother called the San Rafael Police Department to report minor missing. Officers responded to the family's home, where they found minor. Minor stated he had informed his mother he was with a friend. He told the officers he was "worried about his mother's mental health" because the previous day, "she stated that if [minor] were to leave, she would overdose on medication and find a way to kill herself." Minor informed them that his mother was diagnosed with bipolar disorder and was on the autism spectrum. He said that "the family [was] poor and ha[d] limited resources for food," and "his friend's mother had been feeding him." Minor noted that mother had sent "odd" text messages to his friend's mother, who was reportedly also concerned about mother's mental health. Minor stated he "felt safe at home but fear[ed] his mother will follow through with killing herself" if he was not home.

After speaking with minor, officers contacted mother by phone, who was out driving and looking for minor. The officers explained minor had returned home, but mother refused to drive back as she was having a "mental breakdown" due to minor running away. Mother reported that she "was not suicidal, that [minor] was transgender and did not know how to handle this, and that [minor] was ungrateful"; mother "wished that she had the life she had provided for [minor]." Officers said they needed to speak with mother in person and observe the home, but she refused. They later discovered mother "barricaded . . . in the bathroom" after returning home without being seen.

[2] Subsequent dates are in 2025 unless otherwise indicated.

Officers inspected the home, "which appeared to be clean, organized, and stocked with food." Marin County Health and Human Services (Department) opened a referral and investigation.

The following day, October 28, a child welfare worker conducted an unannounced home visit. Mother was upset and had an "elevated voice, tone, and stepp[ed] towards [the worker] stating, 'she started all this' . . . [and that the worker] '[was] causing problems.' " The worker expressed concern for minor and questioned mother's use of she/her pronouns for the minor; mother replied, " '[I]t's super annoying, she's a girl.' " Mother continued to refer to minor by his prior name and stated she "[didn't] support [the] gender change" and "wishes people would stop supporting it." The worker expressed concern for minor's and mother's mental health, but mother "refused to engage in further conversation," sign paperwork, including the "Release of Information," or take written materials concerning public benefits rights. When asked whether she would be open to complete a safety plan with the Department, mother replied, " 'you can take her' " and " 'you can take her ass back' to Modesto with her family or with her uncle in Santa Cruz as well." Mother refused to provide family contact information, called the worker a "bitch," and told her to " 'get the hell away from [her]' "; mother stated she would call law enforcement and a lawyer and claim "the Department was stalking her." Mother told the worker to leave and "come back with a warrant."

The worker interviewed minor the same day, who "presented in baggy clothing and appeared tired and withdrawn," evidenced by "low sagging eyelids, looking down, and talking in a low monotone voice." Minor explained that mother was "more of a roommate" and "things have 'gotten worse than before.' " Mother was "struggling with 'self-harm and suicidal things.' " The

prior evening, after minor told mother he intended to move out, mother " 'started to go off and threatened to kill herself' stating she would 'spend the rest of the $50 on the drugs she needed' to kill herself as she 'already had half.' " Minor stated he was an anxious person and his mother's behavior " 'gets to [him] a lot and [he] get[s] nervous because she is my mom.' " Minor was unaware what drugs his mother possessed because she kept them in a safe.

Minor further stated that mother had autism and bipolar disorder and was " 'not really an emotionally there mother,' " " 'one day she is perfectly fine and then she is not.' " For as long as he could remember, mother made suicidal statements. Mother would leave him at home for hours, telling him she was going to go kill herself. She often yelled, "accused people of brainwashing him," and sent long text messages to his support people. Given a scale of one to 10, minor described his relationship with his mother "regularly as a 4 or 5 and on a good day would be 5 or 6 and that last night it was a 2." Minor stated he felt safe going home because " 'I know she won't hurt me, but I feel a little bit uncomfortable because I don't want to get yelled at.' "

Minor also explained that mother told his teachers and friends to stop referring to him by his preferred name and instead "refer to him as his dead name" which scared him. His mother was " 'absolutely not accepting' of his identity" and said "really mean things" to him. Minor described mother as " 'the main cause of [his] stress,' " as she provided " 'probably the minimum care[] a parent can do.' " He did not believe she could care for herself. Mother "had a problem with alcohol in the past and would drive intoxicated with him in the car and tell him she was going to kill them both."

Also on October 28, the worker spoke with a neighbor, who stated mother had sent her long, incoherent texts. Minor came to her house twice the night before and was " 'so scared of his mother.' " For a long time, mother made daily statements about killing herself by taking Klonopin. The neighbor did not believe mother was a threat or that she would intentionally hurt minor.

The worker interviewed minor again on October 29. Minor explained that mother was upset by the investigation. Minor stated his hygiene was bad because his mother did not help him. Minor wore baggy, dirty clothing covered in dog hair. Minor reported cutting himself in sixth or seventh grade but denied doing it anymore. He previously attended therapy in Santa Cruz but had not since they left the area.

The same day, the worker left a voicemail and texted mother asking to speak. Mother responded by text message; she refused to communicate, used minor's former pronouns, and threatened to contact an attorney if the Department contacted her again.

On October 30, the Department placed minor into protective custody. During his removal from the home, mother screamed, and minor was emotionless and calm. Minor left at the residence the bag of food he was given, stating, " 'she needs it more than I do.' " Minor did not take his belongings with him because he was " 'too worried' " about his mother.

Also on October 30, the neighbor reported that the previous day, mother had locked minor out of the house. When the neighbor approached mother, she refused to let minor inside and claimed they were moving to Santa Cruz. The neighbor observed some of minor's belongings at the dumpster.

The worker also spoke with the mother of minor's best friend, who had never met mother, but mother had sent her "incoherent" and aggressive text messages, threatened her, and accused her of "brainwashing" minor. Minor had told her that mother planned to kill herself.

On October 31, the worker texted mother to confirm the upcoming court date, convey all communication with minor must be through the Department, and offer a pre-hearing visit. Mother stated her sister " 'is looking to take custody' " because " '[w]e believe this is a calculated plan by your people to steal our child.' " Mother represented more family members may be available to take custody, " 'as supervised visits will not be an option since I don't feel safe with your little clique of kidnappers . . . and I am leaving the county.' "

Thereafter, the worker spoke with minor about leaving school with his aunt. Minor told the worker he did not want to go with his aunt, felt safe in his placement, and his mother's messages made him uncomfortable.

The worker interviewed mother's sister, who opined both mother and minor had mental and physical health issues that were " 'severe' " and noted mother's PTSD diagnosis.

The worker interviewed minor's "stepfather,"[3] who was no longer in a relationship with mother. He stated mother " 'is as crazy as they come,' " but maintained she was not a physical danger to herself or minor despite her suicidal statements.

On November 3, the Department filed a petition against mother[4] alleging minor fell within the jurisdiction of the juvenile court under Welfare

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[3] The "stepfather" later clarified that he and mother had not been legally married.

[4] Father's whereabouts were unknown at the time, and he is not a party to this appeal. The Department later conducted due diligence

and Institutions Code[5] section 300, subdivision (b)(1). Specifically, the petition alleged "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 his or her parent . . . to supervise or protect the child adequately" and "by the inability of the parent . . . to provide regular care for the child due to the parent's . . . mental illness, developmental disability, or substance abuse." The petition cited mother's unmanaged mental health symptoms which "appear[ed] untreated" and "impede[d] her ability to care" for minor.

The Department filed a detention report on November 3, which stated no additional reasonable efforts could be made to prevent removal because there was no viable safety plan due to mother's failure to cooperate, mother's dishonesty regarding minor's mental health and inability to obtain assistance for him, mother's denial regarding safety issues and "severe mental health challenges," which made her unable to make a safety plan with the Department, mother's refusal to use minor's preferred name and pronouns and attempts to prevent others from doing so, and mother's statements that she plans to flee the county. The report also summarized 25 prior referrals for mother, including the current referral in Shasta, Mendocino, Humbolt, and Santa Cruz Counties;[6] 16 of the referrals expressed concern for minor, beginning in 2014, when he was four years old.

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attempting to locate father who was "likely living in San Francisco" but was not able to determine his exact location.

[5] Further undesignated statutory references are to the Welfare and Institutions Code.

[6] The referrals that began in 2008 involved an older sibling. Minor has four half siblings; two had passed away in the prior year and a half, one in an ATV accident and the other "unexpectedly." Of the 25 referrals, "two were Immediate Responses, nine were 10-day investigations, and 13 were

At the detention hearing on November 4, the juvenile court admitted the detention report into evidence. Mother filed documentation she asserted was evidence of her medical issues, which, she represented, included a long history of PTSD, trauma, and other health issues including lupus and cancer; her own "timeline of events" surrounding the removal of minor from the home; argument to counter the petition's allegations; and photographs of their home.[7] Mother contested the Department's assertion that there was no safety plan because she had "immediately identified her sister." Mother claimed her reported suicidal statements were due to her grief from the deaths of her older children and had been made when discussing with minor mother's "severe diagnosis and chronic illness." The court ordered minor detained.

II. *Jurisdiction and Disposition*

On December 5, the Department filed an amended juvenile dependency petition[8] and a jurisdiction/disposition report recommending the juvenile court take jurisdiction over minor, declare him a dependent of the court, order family reunification services, and order the parties adopt the case plan. The report detailed mother's written representation of several chronic medical conditions including "PTSD, ADHD, autoimmune issues, chronic

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Evaluated Out (EO). Departments substantiated General Neglect in 2010 and closed four referrals as inconclusive and five as unfounded."

[7] Mother appeared via Zoom. The documentation does not include any medical records or diagnoses; it instead contains photocopies of certain prescription bottles, definitions of the types of medicines purportedly contained in each, mother's own narration of her "medical history," and an "executive summary" representing "the concerns described are rooted in grief and medical stress rather than neglect."

[8] We do not detail the amended allegations because the Department filed a subsequent amended petition in January 2026.

pain, hypothyroidism, and a spinal condition currently under evaluation" with "a positive Cologuard test for which she is undergoing follow-up testing." Mother explained her medical issues intensified after she "became disabled following a divorce." Mother claimed that despite her financial issues, minor was always cared for, and she had stabilized their housing in 2021. Mother represented she participated in "ongoing treatment" through therapy, and her suicide-related statements to minor were "meant to be in a joking manner, not meant in a literal sense or with the purpose of frightening" minor. Mother claimed she "learned healthier communication tools and [wa]s committed to using calm, grounded language going forward."

The jurisdiction and disposition report summarized a November 14 interview with minor, in which he explained mother had "longstanding unaddressed mental health issues," and had only engaged in therapy when they previously lived in Santa Cruz. Minor described mother as paranoid. Minor recalled a pattern of mother "getting drunk, arguing with family, making an announcement that they were leaving and packing their things," and then "they would be driving on the highway, and [mother] would be 'saying things about killing us both' and 'that freaked [minor] out a lot for obvious reasons.' " Minor reported that mother attempted to bribe him after his removal from the home and told him he could " 'be a boy.' " Minor stated, "As soon as I hit puberty she sort of gave up on raising me." Minor informed the worker about mother's history of substance abuse, noting mother's "drugs of choice" were "acid, weed and 'a lot of bad drugs' " and that mother "used to sell marijuana with his father." Minor stated mother introduced him to marijuana at age 13 and mushrooms at age 14. Substances were "easily accessible around the home," and mother made them available to him.

Mother " 'got [him] into using [drugs] as a way to handle [his] mental health' " and he would " 'have to get high to talk to her, it was that bad.' "

Minor reported he had been receiving text messages from someone claiming to be " 'Kevin.' " Minor believed "Kevin" was actually his mother because the information in the messages was information only she would have. Minor stated the text messages were "designed to provoke a reaction" from him and cited a message that his cats were without food. Minor said mother " 'tells lies just to stress [him] out.' "

Regarding welfare checks, the SAFE (Specialized Assistance for Everyone) Team had checked on mother on November 14, but she declined resources because she believed the team was associated with the Department. On December 1, the worker received "concerning" text messages from mother and contacted the SAFE Team again. Mother had not had any visits with minor since his removal on October 30 because mother failed to confirm any that had been scheduled.

At the December 9 jurisdiction/disposition hearing, through counsel, mother denied the allegations and requested a trial by declaration because "being physically present in the trial setting [is] extremely difficult for her mental health . . . ." The Department had no objection, and the court scheduled a contested hearing for January 6, 2026.

Mother's trial brief filed in advance of hearing argued minor was not in substantial danger in the home and included the same previously submitted documentation regarding her medical issues. Mother also submitted a declaration as written testimony authorized as a "reasonable accommodation for [her] diagnosed Complex Post-Traumatic Stress Disorder (CPTSD)." Mother represented she was "under continuous medical care for CPTSD and significant physical health conditions" and stored her medications in a locked

container. In the months prior to the petition, mother had discontinued some medications to evaluate if she could manage her symptoms. Mother stated she supervised minor appropriately for his age, but his "behavior and emotional state changed noticeably" in October 2025; he had received "school-based therapy" for about seven years until the start of the current school year when he requested a break. Mother claimed that in October minor spent time with his friend's mother, an adult not known to mother, who fed him "homemade weight-gain milkshakes . . . accompanied by repeated body-shaming comments suggesting [minor] was underfed." Mother stated minor's friend's mother offered minor rides home, snacks, "and even suggested [minor] moving to [her] home" where "there would be 'no rules.' " Thereafter, according to mother, minor "shaved his head unevenly, pierced his face and body multiple times, and expressed an intention to leave home to avoid rules and responsibilities." Mother represented she temporarily kept minor home from school to "avoid humiliation" but "personally retrieved schoolwork, supervised completion, and ensured his grades did not decline." Mother explained she had initially refused to speak to officers because she had experienced "an acute CPTSD-related response due to not being on all my medications, that impaired verbal communication." She denied any suicidal intent and claimed her suicidal statements were "dark humor language." Mother also represented that "Kevin" is a family friend who is a part of the LGBTQ community and "supports our family."

The Department's response requested that the juvenile court disregard mother's documentation (other than her sworn declaration) or give it minimal weight. The Department argued its recommendation for the juvenile court to sustain the petition and remove minor from the home was supported because mother refused to meet with the Department, thereby precluding

determination of any therapy or medical treatment, had untreated mental health issues that impacted minor's physical and mental safety, and lacked insight into her behavior. Minor joined in the Department's response and hoped for visitation and reunification services.

The Department filed a second amended juvenile dependency petition on January 2, 2026, that added allegations that mother "threatened suicide in front of [minor] and suggested that she would purchase drugs with the intention to overdose," described minor's "chronic anxiety," and asserted mother's "undertreated mental-health conditions are associated with patterns of disorganized and uncooperative behavior, including paranoid thought content, dysregulated and excessive written communication, and the transmission of misleading and inappropriate messages to [minor] under an alternate identity."[9]

On January 6, 2026, the court held a combined contested jurisdiction/disposition hearing at which it admitted the jurisdiction/disposition report into evidence and adopted its facts.[10] As to jurisdiction, the court found by a preponderance of the evidence that minor "has suffered or there is a substantial risk that he will suffer serious physical harm or illness because of mother's inability . . . to adequately protect or supervise the child due to [her] undertreated mental health issues" and thus, sustained the petition. As to disposition, the court found there was clear and convincing evidence of circumstances stated in section 361, subdivision (c)(1),

[9] At the combined jurisdiction/disposition hearing, the Department clarified this amended petition was a "first" amended petition rather than a second because the amended petition filed on December 5, 2025, was "identical to the original petition."

[10] Mother was not present because of her anxiety and CPTSD.

and the Department made reasonable efforts to prevent or eliminate the need for removal.

In making its findings, the court noted the minor's chronic anxiety and fear mother might take her own life, stating, "this is a 14-year-old young man who voiced his concerns about his mother's mental health issues, her use of illicit drugs, and the fact that she may be purchasing drugs with the intention to overdose." The court rejected mother's contention that her comments regarding suicide were "dark humor" and instead concluded "mother also lacks insight into what those types of comments . . . would have on an adult as well as a child." The court found by clear and convincing evidence that minor would not be safe in mother's care because mother was "creating a hostile home environment," minor believed mother has repeatedly used illicit substances, mother has untreated mental health issues, and mother has "refused to acknowledge she needs this greater help." The court stated, "I have no basis to conclude that mother can provide a safe home for this child, that she can provide sound parental advice and care and that she can actually provide for the needs of this child at this time." In its findings and orders, the court found mother made no progress toward alleviating or mitigating the causes necessitating placement. The court declared minor a dependent of the court and ordered family reunification services for mother.

Mother appeals.

DISCUSSION

Mother contends the juvenile court's jurisdictional and dispositional orders are not supported by substantial evidence, and the removal of minor from mother's custody in the absence of substantial evidence violated her rights under the Fourth and Fourteenth Amendments to the United States Constitution. We disagree.

I. *Jurisdictional Order*

Section 300, subdivision (b) "authorizes jurisdiction if a 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 parent to adequately supervise or protect the child." (*In re Isabella F.* (2014) 226 Cal.App.4th 128, 139.) " 'The statutory definition consists of three elements: (1) neglectful conduct by the parent in one of the specified forms; (2) causation; and (3) "serious physical harm or illness" to the minor, or a "substantial risk" of such harm or illness.' " (*Ibid.*)

"The elements must be met 'based on the facts in existence at the time of the hearing.' " (*In re L.G.* (2026) 118 Cal.App.5th 1208, 1225.) But "the 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.) " ' "[P]ast conduct may be probative of current conditions" if there is reason to believe that the conduct will continue.' " (*Ibid.*) Thus, " '[t]he court may consider past events in deciding whether a child currently needs the court's protection' " [citation], but there ' "must be some reason beyond mere speculation to believe the alleged conduct will recur." ' " (*In re L.B.* (2023) 88 Cal.App.5th 402, 416 (*L.B.*).)

" 'We review the jurisdictional findings for substantial evidence. [Citation.] We consider the entire record, drawing all reasonable inferences in support of the juvenile court's findings and affirming the order even if other evidence supports a different finding. [Citation.] We do not consider the credibility of witnesses or reweigh the evidence.' " (*L.B.*, *supra*, 88 Cal.App.5th at pp. 411–412; *In re Albert T.* (2006) 144 Cal.App.4th 207, 217 [substantial evidence may include reasonable inferences, but they must be logically and reasonably related to evidence in the record].) " 'The appellant

has the burden to demonstrate there is no evidence of a sufficiently substantial nature to support the findings or orders.' " (*In re Lana S.* (2012) 207 Cal.App.4th 94, 103.)

Mother contends the juvenile court erred in sustaining jurisdiction because the evidence was insufficient to establish a "current, nonspeculative risk of serious physical harm at the time of the jurisdictional hearing." Mother argues the court's reliance on evidence of her mental health and minor's "emotional response" to support its finding that minor was at a substantial risk of serious physical harm was also error. Mother cites minor's lack of physical injuries and claims, "emotional harm alone does not satisfy jurisdiction." (Citing *In re David M.* (2005) 134 Cal.App.4th 822, 829 [mother's mental and substance abuse problems and father's mental problems were never connected to actual physical harm to children or created a substantial risk of causing actual serious harm].) She further asserts "mental illness alone is insufficient to support jurisdiction absent evidence that it places the child at risk of physical harm." Mother instead positively cites her ongoing therapy, her "insight into her communication" with minor, and a "commitment to improvement" that was not contradicted by "any expert testimony, medical evidence, or specific factual showing that Mother's mental health rendered her unable to safely parent or created a risk of physical harm to [minor]." Mother claims even her threats of self-harm "were not accompanied by any evidence of attempts, plans, or actions suggesting imminent danger," thus, mother contends, the Department failed to establish the required nexus between her conduct and a substantial risk of serious physical harm to minor. Mother argues that the reported substance use and exposure for minor was not corroborated or mentioned in the petition and,

absent a showing that any substance use resulted in harm to minor, the claims cannot support jurisdiction.

But mother's characterization of the evidence is one-sided and too narrowly reads the law. There are myriad ways in which one can demonstrate a parent's "failure or inability . . . to adequately supervise or protect the child," as is required by section 300, subdivision (b)(1)(A). (See e.g., *In re L.W.* (2019) 32 Cal.App.5th 840, 850 (*L.W.*), disapproved on another ground in *In re N.R.* (2023) 15 Cal.5th 520, 560, fn. 18 [affirming jurisdictional findings where record reflected mother's substance abuse issues, that she smoked cocaine in her child's presence, and had been arrested for driving under the influence twice]; *In re L.G.*, *supra*, 118 Cal.App.5th at p. 1227 [mother's mental illness had caused behaviors that put eight-month-old child at risk of neglect including potentially harming herself].) Similarly, being "at substantial risk of serious physical harm" is a fact specific determination that can come in many forms. (*L.B.*, *supra*, 88 Cal.App.5th at p. 416 [significant history of domestic violence and evidence of mother's own assaultive behavior sufficient for jurisdictional finding]; *In re Travis C.* (2017) 13 Cal.App.5th 1219, 1226 (*Travis C.*) [affirming jurisdictional findings where mother threatened suicide in the children's presence and continued to drive alone with her children even when experiencing effects of her mental illness].) Here, like in *L.W.* and *Travis C.*, substantial evidence supports the court's determination that mother's inability to adequately supervise or protect minor created a substantial risk of harm.

Mother minimizes her undertreated mental health issues and their impact on minor's physical safety, claiming her suicide threats were dark humor and the supervision she provided was appropriate for a teen of minor's

age. Yet mother acknowledged her severe grief after the deaths of her two older children, repeatedly stated how minor's gender identification seriously upset her, implied a lack of control over minor's behavior change in October, and admitted to the juvenile court that she had stopped taking her medication, which rendered her "unable" to speak to law enforcement on October 27.

The record is replete with examples of how this inability to supervise or protect minor created a substantial risk of his physical harm. For example, minor detailed to the Department on two occasions a pattern of mother "getting drunk, arguing with family, making an announcement that they were leaving and packing their things," and then "they would be driving on the highway, and [mother] would be 'saying things about killing us both' and 'that freaked [minor] out a lot for obvious reasons.' " (See *In re J.N.* (2010) 181 Cal.App.4th 1010, 1025 [recognizing the " 'horrific' " risk of drinking and driving]; *L.W.*, *supra*, 32 Cal.App.5th at p. 850.) Minor represented mother had made "suicidal statements 'ever since [he could] remember,' " and then would leave him alone for hours telling minor she was going to go kill herself. Mother's threats were so frequently repeated and so specific, for example, "stating she would 'spend [money] on the drugs she needed' to kill herself as she 'already had half.' " Mother's threats demonstrate her dangerous conduct that is likely to result in abandonment and/or physical harm to minor will reoccur. (*In re Cole L.*, *supra*, 70 Cal.App.5th at p. 607 [jurisdiction finding may not be based on a single episode of conduct and requires evidence that "[t]he earlier threatening conduct will recur"].) Although mother is correct that "[t]he fact that [she] has a mental illness, without more, is insufficient to support jurisdiction," here, there is ample evidence that her mental illness

put minor at substantial risk of physical harm.[11] (*Travis C.*, *supra*, 13 Cal.App.5th at p. 1226.)

Moreover, mother's assertion that her drug use and exposure of minor to drugs was "uncorroborated" and did not place minor at substantial risk of physical harm ignores the accepted fact that using illicit substances around children can create a substantial risk of harm and certainly providing drugs to her minor child creates an even greater risk. (See e.g. *L.W.*, *supra*, 32 Cal.App.5th at p. 850; *In re Lana S.*, *supra*, 207 Cal.App.4th at pp. 104–105 [parents' exposure of methamphetamine to children supported the court's jurisdictional finding].) Minor repeatedly discussed with the worker mother's history of substance abuse that included the use of "acid, weed and 'a lot of bad drugs.' " Minor claimed mother used to sell marijuana with minor's father and stated mother had given him marijuana at age 13 and mushrooms at age 14. Minor stated the substances were "easily accessible around the home"; mother " 'sort of got [him] into using that as a way to handle my mental health,' " and that he would " 'have to get high to talk to her, it was that bad.' " Minor estimated that he last used marijuana near the end of the summer, only a few months before these proceedings began. Minor's ingestion of and exposure to drugs furnished by mother presents another basis for his ongoing substantial risk of physical harm. (*In re Lana S.*, at pp. 104–105.)

In addition, mother's undertreated mental health issues negatively impacted minor's mental health in such a way that further created a substantial risk of future physical harm. Minor reported intense anxiety

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[11] Mother's reliance on *In re N.R.*, *supra*, 15 Cal.5th at page 558, is distinguishable because there the petition charged the parent under section 300, subdivision (b)(1)(D), not subdivision (b)(1)(A).

because of his mother's behavior, stating it " 'gets to [him] a lot and [he] get[s] nervous because she is my mom.' " Minor described mother as " 'the main cause of [his] stress.' " Mother refused to utilize minor's preferred name and pronouns, telling the social worker she "doesn't support [the] gender change." Minor told the worker that her lack of support made him " 'really scared,' " and when minor was removed from the home, mother attempted to "bribe him" with an implication she would accept his gender identity if he returned. Mother appeared to have sent minor text messages as "Kevin" that threatened the death of his cat by refusing to feed it and were "designed to provoke a reaction from him" because mother " 'tells lies just to stress [him] out.' "

Substantial evidence in the record demonstrates how this behavior of mother's created a past and ongoing risk of physical harm to minor. For example, minor reported cutting himself in sixth or seventh grade, and although he denied continuing self-harm, he repeatedly was locked out of or left the home—as was reported by his neighbor and as he did the night of the October 27 call to police—sometimes staying with the families of friends. Minor presented as "tired and withdrawn," his hygiene was "bad" because his mother was "lousy" with assisting him or caring for him, and he was observed wearing baggy clothing covered in dog hair. Mother's declaration acknowledged minor's behavior changed in October 2025, exhibited in part by an unevenly shaved head and numerous new piercings that purportedly led mother to keep minor home from school to avoid humiliation. This record permits a reasonable inference of a substantial risk that minor's emotional distress caused by his mother could lead to additional self-harm or destructive and physically dangerous behavior. (*In re Albert T.*, *supra*, 144 Cal.App.4th at p. 217; *In re I.J.* (2013) 56 Cal.4th 766, 778 [" 'Some risks

may be substantial even if they carry a low degree of probability because the magnitude of the harm is potentially great' "].)

Moreover, mother's threatening and erratic actions throughout the dependency proceedings corroborate and support minor's narration of mother's conduct and the petition's allegations. Mother sent "incoherent" and "concerning" texts to multiple individuals interviewed and the worker. She threatened the worker investigating the petition and accused her of being part of a "little clique of kidnappers" and attempting "to steal our child.' " Mother refused a SAFE welfare check simply because she associated it with the Department. And mother repeatedly threatened to leave the county, consistent with her history of moving between Marin, Santa Cruz, Shasta, Humboldt, and Mendocino Counties. Her behavior throughout the proceedings demonstrates the risk to minor that was present at the time of the jurisdictional hearing.

Mother's contention that the court's determination "rested on speculation" is unpersuasive. Indeed, it is not necessary for the court to "precisely predict *what* harm will come" to minor, but it is sufficient that her mental health issues and choices "create a substantial risk of *some* serious physical harm or illness." (*Travis C.*, *supra*, 13 Cal.App.5th at p. 1227.) Substantial evidence supports the juvenile court's jurisdictional order. (*L.B.*, *supra*, 88 Cal.App.5th at p. 416.)

II. *Dispositional Order*

We next address mother's challenges to the juvenile court's dispositional order.

Before a juvenile court may order a child removed from his or her parent's physical custody, the court must find there is clear and convincing evidence that there is or would be a substantial danger to the child's physical

health, safety, protection, or physical or emotional well-being if returned home, and there are no reasonable means to protect the child without removal. (§ 361, subd. (c)(1).) "[T]he juvenile court must . . . consider[] not only the parent's past conduct, but also current circumstances, and the parent's response to the conditions that gave rise to juvenile court intervention." (*In re I.R.* (2021) 61 Cal.App.5th 510, 520.) Section 361, subdivision (e), requires the court to "make a determination as to whether reasonable efforts were made to prevent or to eliminate the need for removal of the minor from their home . . . ." " 'The 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.' " (*In re M.D.* (2023) 93 Cal.App.5th 836, 856–857.)

When reviewing a juvenile court's dispositional orders, we determine whether the record contains substantial evidence from which a reasonable trier of fact could have found removal necessary by clear and convincing evidence.[12] (*In re I.R.*, *supra*, 61 Cal.App.5th at p. 520.) We view the record in the light most favorable to the juvenile court's order and indulge in reasonable inferences that the juvenile court might have drawn from the evidence. (See *Conservatorship of O.B.* (2020) 9 Cal.5th 989, 1008–1009.)

As in the jurisdictional context, Mother argues the evidence is insufficient to warrant minor's removal from the home because there was no substantial danger to minor's physical health or safety, and "emotional harm

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[12] We note the parties appear to disagree over the appropriate standard of review. Mother contends we review the court's disposition finding for substantial evidence, whereas the Department contends disposition orders are reviewed for an abuse of discretion. We agree with mother that the appropriate standard of review is substantial evidence. (*In re I.R.*, *supra*, 61 Cal.App.5th at p. 520; *In re L.O.* (2021) 67 Cal.App.5th 227, 245.)

alone in the absence of a corresponding risk of serious physical harm does not justify removal" under section 361, subdivision (c)(1). Mother also asserts insufficient evidence supports the juvenile court's finding that there were no reasonable means by which the child's physical health could be protected without removal. We disagree.

Here, the same evidence supporting the court's jurisdiction finding provides sufficient evidence for removal even considering the higher standard of clear and convincing evidence. As previously discussed, the record contains substantial evidence of mother's consistent pattern of emotionally damaging behavior to minor related to her mental health issues, namely repeatedly threatening to kill herself and minor, her failure to accept minor's gender identity, neglect of his care, and attempts to "provoke a reaction" out of minor through text messages utilizing a pseudonym.

Mother claimed she participated in therapy with "psychologists, psychiatrists, counselors, and social workers," but did not submit to the trial court any specific evidence of the nature or duration of treatment other than describing it as "ongoing." Contrary to mother's assertions on appeal, her continued behavior throughout the proceedings permits an inference that mother is not participating in therapy as she contends—in fact, in mother's sworn declaration, she explains her failure to speak with the officers was a result of "an acute CPTSD-related response due to not being on all my medications." This statement is consistent with minor's observations of mother's "longstanding unaddressed mental health issues," for which, to his recollection, she received no services after their move to Marin County.

Mother asserts that emotional harm is insufficient to justify removal under section 361, subdivision (c)(1). We rejected a similar argument in *In re H.E.* (2008) 169 Cal.App.4th 710, 720, and explained "case law has long

construed section 361 as allowing removal where 'return of the child would create a substantial risk of detriment to the child's physical *or* emotional well-being.' " As previously discussed, minor was emotionally distressed because of his mother's mental health issues, behavior, and treatment. But also, as discussed, mother's conduct, which included her drug use and minor's encouraged ingestion, driving with minor while under the influence, physically neglecting minor, and locking him out of the house, also created a substantial risk of physical harm. (See *In re L.O.*, *supra*, 67 Cal.App.5th at p. 245 [substantial evidence supported removal of child from father's custody was necessary to protect child's physical and emotional well-being].) Together, there is no question that substantial evidence supports the court's clear and convincing determination.

Substantial evidence also supports the court's finding that there were no less restrictive alternatives to removal. (§ 361, subd. (c)(1).) Mother claims her "initial resistance to law enforcement and the Department does not establish that less restrictive means would be ineffective." But mother ignores her refusal to cooperate in the investigation or safety plan, threats to workers, and erratic text messages to minor, the Department, and other witnesses. Mother failed to confirm any visits with minor and appeared to lack insight into how her behavior was impacting her child even at the time of the disposition hearing, including minimizing her threats of self-harm. Mother cites her sister as a viable caregiver, but minor declined to go home with his aunt, and without mother's participation in the creation of a safety plan, that foreclosed that option for the court at the time of hearing. Under these circumstances, the juvenile court could reasonably conclude by clear and convincing evidence that mother had not yet demonstrated sufficient progress in eliminating the conditions that led to the dependency, and there

were no sufficiently reasonable means to protect minor other than removal. (*In re A.F.* (2016) 3 Cal.App.5th 283, 293 ["In light of mother's failure to recognize the risks to which she was exposing the minor, there was no reason to believe the conditions would not persist should the minor remain in her home"].)

Finally, mother contends minor's removal from her custody in the absence of substantial evidence violated her rights under the Fourth and Fourteenth Amendments of the United States Constitution. Because we conclude substantial evidence supports the juvenile court's determination, her argument fails.

DISPOSITION

The jurisdiction and disposition orders are affirmed.

DESAUTELS, J.

We concur:

RICHMAN, ACTING P. J.

MILLER, J.

In re I.M (A175337)