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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

In re J. J., a Person Coming Under the Juvenile Court Law.	
SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, Plaintiff and Respondent, v. J. J., Defendant and Appellant.	C059656 (Super. Ct. No. JD227355)

J. J., mother of the infant minor J. J. (the minor),[1] appeals from a dispositional order removing the minor from the mother's custody. We conclude that the mother forfeited her right to challenge this order by submitting on the recommendations of respondent Sacramento County Department of

[1]Mother and infant share both first and last initials.

Health and Human Services (the Department) at the dispositional hearing. Therefore we shall affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

On May 28, 2008, the Department filed a petition under Welfare and Institutions Code section 300,[2] alleging that the mother had failed to protect the two-month-old minor from domestic violence.

The Department's detention report alleged the mother had had parental rights terminated as to two other minors and had tested positive for codeine after the birth of the minor in the present case. The Department's jurisdictional/dispositional report recounted the mother's history of substance abuse and of Child Protective Services contacts going back to 1994, when she first became a mother at age 13. The Department recommended removing the minor from the mother's custody, placing the minor with relatives, and offering reunification services to the mother (including mandatory drug court).

At the jurisdictional/dispositional hearing on June 16, 2008, after sustaining the section 300 allegations, the juvenile court asked the mother's counsel: "Did you have any dispositional issues?" Counsel replied: "*As to the basic underlying issues, we would submit.*" (Italics added.) He

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[2] Undesignated statutory references are to the Welfare and Institutions Code.

opposed the Department's drug court recommendation, then summed up: "So that would be the only request. *Other than that, we would be submitting*." (Italics added.)

The juvenile court ordered the minor removed from the mother's custody and adopted most of the Department's other proposed findings and recommendations.

DISCUSSION

The mother contends that insufficient evidence supports the dispositional order because reasonable means exist to protect the minor from domestic abuse while in the mother's care, and her past substance abuse and contacts with the Department (not alleged in the section 300 petition) are not sufficient grounds for removing the minor. The Department replies that the mother has "waived" any objection to the dispositional order by submitting on the Department's recommendations at the jurisdictional/dispositional hearing. We conclude the mother has forfeited her objection to the dispositional order.

Submittal on the agency's recommendations at a jurisdictional/dispositional hearing "constitute[s] acquiescence in or yielding to the social worker's recommended findings and orders, as distinguished from mere submission on the report itself. This is considerably more than permitting the court to decide an issue on a limited and uncontested record . . . . The mother's submittal on the recommendation dispels any challenge

to and, in essence, endorses the court's issuance of the recommended findings and orders. [Fn.]" (*In re Richard K.* (1994) 25 Cal.App.4th 580, 589 (*Richard K.*).)

Here, except for a single recommendation not now at issue, the mother's counsel expressly submitted on "the basic underlying [dispositional] issues." Thus, aside from that recommendation, the mother "endorse[d] the court's issuance of the recommended findings and orders." (*Richard K., supra*, 25 Cal.App.4th at p. 589.)

Citing *In re Tommy E.* (1992) 7 Cal.App.4th 1234, the mother argues in her reply brief that she has not "waived" her challenge to the dispositional order. *Tommy E.* is inapposite. There, the father submitted to the juvenile court's jurisdictional determination on the agency's report, thus admitting the truth of the information in the report, but did not "waive" a challenge to the court's jurisdictional findings. (*Id.* at pp. 1236-1238.) That is fundamentally different from submitting on the agency's recommendations, as here. (*Richard K., supra*, 25 Cal.App.4th at pp. 588-589.)

Because the mother's challenge to the juvenile court's dispositional order is forfeited, we do not reach the merits of that challenge.

DISPOSITION

The judgment (order after hearing) is affirmed.

SIMS, Acting P. J.

We concur:

NICHOLSON, J.

CANTIL-SAKAUYE, J.