

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.
---

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B295349

(Los Angeles County  
Super. Ct. No. 18CCJP00625)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

MARK M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Jana Seng, Judge. Dismissed.

Landon C. Villavaso, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the County Counsel, Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Aileen

Wong, Senior Deputy County Counsel, for Plaintiff and  
Respondent.

A Los Angeles County juvenile court assumed dependency jurisdiction over minor M.M. At a January 24, 2019, adjudication and disposition hearing, the attorney for M.M.’s mother and counsel for the Los Angeles County Department of Children and Family Services (the Department) indicated they planned to move to transfer the matter from Los Angeles County to San Bernardino County, where M.M.’s mother (Mother) was then living. M.M. and her father (Father) objected. The juvenile court remarked it was inclined to grant a motion to transfer but emphasized the issue was “not before [the court] now.” Father noticed an appeal from the January 24, 2019, hearing challenging what he calls the “transfer order” the juvenile court purportedly made at that hearing. We consider whether Father’s notice of appeal is taken from an appealable order.

## I. BACKGROUND

M.M. was born in 2011. In January 2018, she and her half-siblings came to the Department’s attention when the two youngest half-siblings were born premature and Mother tested positive for marijuana. The Department filed a dependency petition alleging Mother’s history of substance abuse and current use of marijuana rendered her incapable of caring for the children.

The juvenile court found M.M. to be a person described by Welfare and Institutions Code section 300, subdivision (b)(1) and ordered M.M. released to Mother and Father subject to voluntary Department supervision. Mother moved M.M. and her half-siblings to San Bernardino and Father visited weekly.

After several months of clean drug tests, Mother tested positive for amphetamine and methamphetamine. Based on this

test result, the Department obtained a removal warrant and filed a new dependency petition. M.M. was placed in Father's care.

On January 24, 2019, the juvenile court held an adjudication and disposition hearing on the new petition. Mother did not dispute her most recent positive drug test and the juvenile court again found the children to be described by section 300, subdivision (b). Father asked the juvenile court to terminate jurisdiction over M.M. and issue a family law order granting him full legal and physical custody. The juvenile court declined to terminate jurisdiction.

At the close of the hearing, Mother's counsel requested that the case be transferred to San Bernardino County, where Mother was then living. The Department's attorney indicated she "was going to raise that [issue] too" and said "we need to file a motion." Father's counsel said he "would object" because San Bernardino County "would be far out of [Father's] way regarding caring for [M.M.]" The juvenile court said it understood Father's desire "to keep this matter closer to home," but emphasized "there's a lot at stake here for Mother, and since she and the children . . . are in San Bernardino, we—it's probably in the best interest of the children to transfer this matter to San Bernardino. So, I am going to—it's not before me now, but I'm just letting you know that's what is the court's inclination to do, because, again, Mother is the one who is going to be required to participate in all of these services, and she needs to be available to do that and not have any physical barriers or any issues with getting to these programs, given her distance from these programs." The juvenile court set a future date for "submission of the [motion for] transfer of jurisdiction in this matter" and ordered the parents to return

in six months “unless [they] hear otherwise that this case has been transferred to San Bernardino.”

Father filed a notice of appeal from “all orders” issued at the January 24, 2019, hearing. The only issue raised in his opening brief is whether the juvenile court’s “transfer order” should be reversed because it “failed to assess whether the transfer of [M.M.’s] case was in her best interest.”

## II. DISCUSSION

After the parties’ principal briefing was complete, we invited the parties to brief whether this appeal should be dismissed because there was no appealable order made on January 24, 2019. The Department correctly observes that although a transfer order is an appealable order (*In re Nia A.* (2016) 246 Cal.App.4th 1241, 1247), the juvenile court made no such order on January 24, 2019.

Father—citing the definition of “court order” in the Wolters Kluwer Bouvier Law Dictionary—argues this appeal is taken from an appealable order because the court “formed the basis for its order of transfer” at the hearing on January 24, 2019. This is not a winning argument. At the hearing from which Father appeals, the juvenile court merely invited the Department to file a motion to transfer the case while emphasizing the issue was not then before it. That is not an order from which an appeal lies (at least one predicated on the sole contention raised in Father’s opening brief).

Father also filed a motion that we take judicial notice of certain orders the juvenile court made after the hearing from which this appeal is taken. We deny the motion. (*In re Zeth S.*

(2003) 31 Cal.4th 396, 405; *Haworth v. Superior Court* (2010) 50 Cal.4th 372, 379, fn. 2.)

DISPOSITION

Father's appeal is dismissed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, J.

We concur:

RUBIN, P. J.

MOOR, J.