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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B282050  
(Los Angeles County  
Super. Ct. No. DK19216

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

J.C.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Karin Borzakian, Commissioner. Dismissed.

Serobian Law, Liana Serobian, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis,  
Assistant County Counsel, Sally Son, Senior Associate County  
Counsel, for Plaintiff and Respondent.

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The juvenile court sustained a Welfare and Institutions  
Code section 300, subdivision (b)(1)<sup>1</sup> petition as to then 16-year-  
old A.C., finding his parents placed him at substantial risk for  
serious physical harm based on the child's uncontrolled diabetes.  
A.C. remained with his parents under the supervision of the  
Department of Children and Family Services (DCFS.) Only  
father appealed.

Dependency jurisdiction was terminated at the six-month  
review hearing. (§ 364.) We invited the parties to file  
supplemental briefs addressing whether the appeal was moot and  
to address the Supreme Court's recent decision, *In re R.T.* (2017)  
3 Cal.5th 622 (*R.T.*). DCFS asserts the appeal is moot; father  
disagrees. As a resolution on the merits would have no practical  
effect and would not afford father any effective relief, we dismiss  
the appeal. (*People v. Gregerson* (2011) 202 Cal.App.4th 306,  
321.)

## **FACTUAL AND PROCEDURAL BACKGROUND**

In 2016, A.C. lived with his mother and siblings and visited  
his father on weekends. He was diagnosed with Type I diabetes  
in 2014 or 2015.<sup>2</sup> The child was not coping well emotionally with

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<sup>1</sup> All statutory references are to the Welfare and Institutions  
Code.

<sup>2</sup> The file contains inconsistent dates. Copies of medical  
records state the diabetes was diagnosed in November 2014.

the diagnosis and did not adhere to his medication or blood glucose testing regimens. He did not regularly test his insulin levels and he missed medical appointments. At other times, his glucose testing equipment was non-operational. There were instances when A.C. went to school without insulin. A.C. required at least one hospitalization as a result of his symptoms and alarmingly high test results.

A.C. and his parents were initially provided six months of voluntary family maintenance services, including mental health counseling for A.C. When A.C.'s diabetes failed to stabilize—and in fact worsened—DCFS filed a petition alleging medical neglect under section 300, subdivision (b)(1).<sup>3</sup> A.C. was removed from the parents' homes and placed with an extended family member.

At the initial detention hearing on August 15, 2016, A.C. was released to his parents, to reside primarily in mother's home. After several continuances, the combined jurisdiction and disposition hearing was conducted on March 7, 2017. Neither parent testified, but father addressed the court. He is also a diagnosed diabetic and lived approximately 70 miles from mother's home. He added, "[n]o social worker has ever come to my home and seen what takes place when my son is there with me, so I don't appreciate being lumped in with something that I have no part of."

The juvenile court commissioner noted A.C. had been doing better medically since DCFS became involved with the family. She also remarked on the minor set-to that accompanied A.C.'s entrance into the courtroom that day. The bailiff objected to

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<sup>3</sup> A.C.'s siblings were not involved in the voluntary family maintenance plan and were not named in the section 300 juvenile dependency petition.

A.C.'s entering the courtroom until he pulled up his trousers so his underwear was no longer visible. Neither the bailiff nor the child was yielding, so the juvenile court commissioner mediated; and A.C. complied.

Having had the opportunity to observe A.C., the juvenile court commissioner noted on the record: "[A.C.] disregards and he refuses, and he finally did what the bailiff asked him to do, begrudgingly. So I understand the difficulties that mother and father deal with as well, which makes it even more imperative for social workers to be involved in order to have eyes on the family and ensure that [A.C.] understands and receives the medical care that he needs as his medical issue is something that is lethal and may cause his death. And [A.C.] needs to understand that. [¶] Father has diabetes. Father understands the consequence of diabetes and father, who is involved in [A.C.'s] life, has stepped up recently and father needs to continue stepping up with reference to the diabetes issues with [his son]."

The juvenile court sustained the section 300, subdivision (b)(1) petition and ordered A.C. to remain with his parents under DCFS supervision.

At the six-month review hearing, the juvenile court terminated jurisdiction over A.C. For the reasons that follow, we determine father's appeal is moot.

## DISCUSSION

Section 300, subdivision (b)(1) "authorizes dependency 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 his or her parent or guardian to adequately supervise or protect the child.*' (§ 300(b)(1), italics

added.)” (*R.T.*, *supra*, 3 Cal.5th at pp. 626-27.) A finding of parental fault or neglect is not necessary before the juvenile court may sustain a petition pursuant to section 300, subdivision (b)(1). (*Id.* at p. 637.) And the parent need not have created the danger that the child would be at risk of serious physical harm before a juvenile court may assert jurisdiction. (*Id.* at p. 633.) *R.T.* concluded, “when [a] child’s behavior places [him] at substantial risk of serious physical harm, and a parent is unable to protect or supervise that child, the juvenile courts assertion of jurisdiction is authorized under section 300[, subdivision] (b)(1).” (*Id.* at p. 637.)

*R.T.* recognized dependency jurisdiction under section 300, subdivision (b)(1) may be appropriate without parental blame. The juvenile court acknowledged this when it asserted jurisdiction over A.C. and permitted him to remain with his parents under the current custody orders. Then, at the six-month review, the juvenile court terminated jurisdiction, as it was statutorily required to do once it found “conditions which would justify the initial assumption of jurisdiction . . . no longer exist and are not likely to exist if supervision is withdrawn.”

*In re Drake M.* (2012) 211 Cal.App.4th 754 (*Drake M.*) explained that Courts of Appeal “generally will exercise [their] discretion and reach the merits of a challenge to any jurisdictional finding when the finding (1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citation]; or (3) ‘could have other consequences . . . beyond jurisdiction.’” (*Id.* at pp. 762-763.)

None of the *Drake M.* factors supports a merits resolution here. With the termination of jurisdiction, this court cannot make any orders to the juvenile court. Moreover, mother did not challenge the jurisdictional findings, and father has provided no authority for his assertion that his appeal encompasses any issues she might have raised.

Father's claims that he could be prejudiced in future family law proceedings and that he "is in a limbo as to his existing custody and visitation rights without this Court's review of the challenged jurisdictional findings and disposition orders" lack merit. Other than the brief out-of-home placement before the jurisdiction and disposition hearing, A.C. remained with his parents under the arrangements they had before DCFS involvement with the family. The juvenile court was not required to, nor did it, issue any custody orders, commonly known as "exit orders" upon termination of its jurisdiction. (§ 362.4; see, e.g., *In re John W.* (1996) 41 Cal.App.4th 961, 970, fn. 13.) Juvenile dependency files are confidential. An exit order, however, becomes part of any existing family law file or, if there is no existing family law proceeding, an exit order "may be used as the sole basis for opening a file." (§ 362.4.) Without an exit order, there is no potential for prejudice to either parent in any future family law proceedings.

As in *In re I.A.* (2011) 201 Cal.App.4th 1484, 1493, "Father has not suggested a single specific legal or practical consequence from this [jurisdictional] finding, either within or outside the dependency proceedings." Dismissal is appropriate.

**DISPOSITION**

The appeal is dismissed.

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DUNNING, J.\*

We concur:

KRIEGLER, Acting P. J.

BAKER, J.

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