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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

B283304

(Los Angeles County  
Super. Ct. No. DK05918)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

D.M.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County, Robin R. Kesler, Temporary Judge. (Pursuant to Cal.Const., art. VI, § 21.) Dismissed.

Joseph T. Tavano, under appointment by the Court of Appeal, for Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Aileen Wong, Deputy County Counsel, for Respondent.

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## INTRODUCTION

D.M. (mother) appeals jurisdictional and dispositional orders relating to her child M.J. Because the juvenile court has since released M.J. to mother's care and terminated jurisdiction, no relief can be granted and we dismiss the appeal as moot.

## FACTS AND DISCUSSION

Because we dismiss the appeal as moot, only a brief overview of the facts is included here. Five-year-old M.J. was detained after her father and his girlfriend were involved in a physical altercation. Mother lived in Texas and requested that M.J. be placed with her. The juvenile court expressed concern regarding mother's 2010 conviction for child abuse involving mother's nephew, and held that M.J. could not be placed with mother because of the lack of an Interstate Compact for the Placement of Children (ICPC) (Fam. Code, § 7900 et seq.) report for mother. The juvenile court therefore denied mother's request, placed M.J. with an aunt, terminated reunification services, and set a hearing to terminate parental rights. Mother filed a petition for an extraordinary writ, which we granted in January 2017. (See *D.M. v. Superior Court* (Jan. 26, 2017, B278396) [nonpub. opn.].) We ordered the court to issue a new order placing M.J. in mother's custody pursuant to Welfare and Institutions Code section 366.22.<sup>1</sup> The opinion was final upon filing on January 26, 2017.

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

The court did not place M.J. with mother. Instead, on February 21, 2017, M.J.'s counsel filed an application to commence proceedings under § 329, stating that M.J. was at risk of abuse by mother. The petition included additional details about mother's 2010 conviction in Texas, which involved severe bruising to mother's four-year-old nephew after mother struck him with a belt. Mother had been sentenced to two years in prison, and her parole had expired in 2015.

The court granted the application and ordered DCFS to file a petition addressing mother's conviction. DCFS filed a petition under section 342, subdivision (a). The petition asserted in two counts pursuant to section 300, subdivisions (a) and (b) that mother had "a history of violent conduct" involving striking the four-year-old nephew, resulting in a conviction for child abuse. The section 342 petition did not include any allegations relating to M.J.

In a last-minute information filed March 9, 2017, DCFS stated that mother had also been involved in a road-rage type incident in September 2016, in which mother hit a person with her car. Mother reported that in an altercation with another driver, mother, the other driver, and the other driver's passengers got out of their cars and argued. Mother said that she got back in her car, and someone kicked her car and one of the passengers jumped on her hood. As mother pulled away from the scene, she hit a person's leg, but there were no injuries. Mother was arrested for the incident in December 2016.

DCFS filed an amended section 342 petition on March 10, 2017. It included the same information as the previous petition regarding mother's 2010 conviction, added information about mother's December 2016 arrest, and stated that mother's actions

placed M.J. “at risk of physical abuse, harm, and damage.” On March 9 and 10, 2017, the juvenile court held that a prima facie case under section 300, subdivisions (a) and (b) had been established, and ordered that M.J. remain a dependent of the court. The court ordered mother to have monitored visitation with M.J. within Los Angeles County and video call visits.

At the adjudication hearing on the section 342 petition on March 23, 2017, the court received evidence about mother’s prior conviction and her arrest following the road rage incident. The court sustained the section 342 petition. The court ordered family reunification services and ordered mother to complete an anger management program. Mother appealed.

While this appeal was pending, DCFS requested that we take judicial notice of several juvenile court minute orders post-dating the notice of appeal. We granted that request. The minute order from October 16, 2017 showed that the court ordered M.J. to have a 29-day visit with mother in Texas. The minute order from November 28, 2017 shows that the juvenile court found that returning M.J. to mother’s care would not create a substantial risk to the safety, protection, or well-being of M.J. The court ordered that the placement order was terminated and M.J. was ordered to the home of mother.

On the court’s own motion, we take judicial notice of the juvenile court’s minute order dated April 30, 2018, pursuant to Evidence Code sections 452, subdivision (d), and 459. At that judicial review hearing, the juvenile court found that the conditions warranting jurisdiction no longer existed, and terminated jurisdiction.

Termination of juvenile court jurisdiction typically renders an appeal from a juvenile court order moot: “As a general rule,

an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot.” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488. “[T]he critical factor in considering whether a dependency appeal is moot is whether the appellate court can provide any effective relief if it finds reversible error.” (*In re N.S.* (2016) 245 Cal.App.4th 53, 60.) “[N]o direct relief can be granted” when “the juvenile court no longer has jurisdiction and we are only reviewing that court’s ruling.” (*In re Michelle M.* (1992) 8 Cal.App.4th 326, 330.)

We invited counsel for DCFS and mother to submit letter briefs as to whether the juvenile court’s termination of jurisdiction rendered this appeal moot. DCFS asserted that the appeal was moot and should be dismissed. Mother asked us to exercise our discretion to consider the appeal despite the juvenile court’s termination of jurisdiction, asserting that “the issues of the juvenile court’s erroneous jurisdictional and disposition orders are ones of public interest that are likely to recur.” Mother asserted that review was warranted because, in spite of this court’s order granting mother’s writ petition, the juvenile court ordered that M.J. not be placed with mother based on the same allegations—the 2010 conviction—that were deemed insufficient to support a finding of detriment at the time of the writ petition.

We agree with mother that the juvenile court’s apparent disregard for our order is concerning. “When an appellate court’s reversal is accompanied by directions requiring specific proceedings on remand, those directions are binding on the trial court and must be followed.” (*In re Justin S.* (2007) 150

Cal.App.4th 1426, 1434-1435.) The juvenile court did not do so here.

Nevertheless, we do not agree with mother that the issue is one of broad public interest that is likely to recur. (See, e.g., *In re M.R.* (2013) 220 Cal.App.4th 49, 56 [an appellate court has discretion to decide an otherwise moot case “when the case presents an issue of broad public interest that is likely to recur.”].) The proceedings in this case were unique to the circumstances involving M.J. and mother. Mother has not pointed to any issues of broad public interest that could be addressed by determining the issues presented in her appeal. We therefore decline to exercise our discretion to decide the case on the merits.

#### **DISPOSITION**

The appeal is moot and is therefore dismissed.

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COLLINS, J.

We concur:

WILLHITE, Acting P. J.

MANELLA, J.