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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re J.M. et al., Persons Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES

Plaintiff and Respondent,

v.

V.M.,

Defendant and Appellant.

B268030

(Los Angeles County
Super. Ct. No. CK67028)

APPEAL from orders of the Superior Court of Los Angeles County, Philip L. Soto, Judge. Affirmed.

Judy Weissberg-Ortiz, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Keith Davis, Acting Assistant County Counsel and Julia Roberson, Deputy County Counsel for Plaintiff and Respondent.

Helen Yee for the Minors.

I. INTRODUCTION

The father, V.M., appeals from the September 9, 2015 jurisdictional and dispositional orders. He contends there is insufficient evidence to support the jurisdictional findings under Welfare and Institutions Code¹ section 300, subdivision (b). In addition, the father challenges the dispositional order removing the children from his custody. The father also contests the dispositional order denying him reunification services. We affirm the jurisdictional findings and removal order. We dismiss the appeal of the order denying reunification services as moot.

II. PROCEDURAL HISTORY

On August 10, 2015, the Los Angeles County Department of Children and Family Services (department) filed a section 300 petition. The petition was filed on behalf of the parents' one-month-old twins, Jada M. and Jayden M. The petition alleges the father had a history of domestic and substance abuse and was a current user of marijuana and alcohol. At the August 10, 2015 detention hearing, the children were released to the parents provided the mother resided with the paternal grandmother.

On September 1, 2015, the department filed a first amended petition on behalf of the twins. The first amended petition added an allegation concerning a fight between the parents in the children's presence on August 20, 2015. The fight occurred after the initial August 10, 2105 detention hearing. At the detention hearing on the first amended

¹ Further statutory references are to the Welfare and Institutions Code.

petition, the juvenile court detained the children from parents and placed them with the paternal grandmother. The parents were not allowed to live or have visits at the paternal grandmother's home. The parents were granted monitored visits with a department-approved monitor in a neutral setting.

At the September 9, 2015 jurisdiction and disposition hearing, the mother pled no contest to count b-1 in the first amended petition. The father requested dismissal of counts b-1 and b-2 as it related to him. He argued there was no corroborating evidence to support the allegation that he threatened and intimidated the mother on July 20, 2015. In addition, the father contended the allegations concerning domestic violence in 2013 and 2014 were vague and not recent incidents. Concerning the August 20, 2015 incident, the father asserted he was not arrested and there was no evidence he hit the mother. As to the count b-2 in the first amended petition, the father stated he had a medical marijuana card because of his headaches. The father argued his use of marijuana and social drinking did not pose a substantial risk of serious harm to the twins.

After oral argument, the juvenile court sustained counts b-1 and b-2 in the first amended petition. Count b-1 states: "The . . . father . . . has a history of violent and assaultive behaviors. On 7/20/2015, the father threatened and intimidated the mother On a prior occasion in 2014, the father threatened to strike a woman in the mouth. In 2013, the father engaged in a violent altercation in the home of the children's half-sibling, [T.M.]. Juvenile Court [o]rdered services fail to resolve the father's violent

behaviors in that the father continues to engage in violent altercations. The violent conduct by the father and the father's inability to mitigate those behaviors endangers the children's physical health and safety, creates a detrimental home environment, and places the children at risk of serious physical harm, damage and danger. [¶] Then on 08/20/2015, the father engaged in a violent altercation with the mother During the altercation, the father hit the mother in the face and broke her phone. The mother retaliated by throwing a rock and shattering the father's rear car window. The children were present during this altercation. The violent conduct by the father; the father's inability to mitigate those behaviors; the mother's inability to adequately protect the minors from the exposure to the domestic violence with the father; and engaging in domestic violence with the father with the children present, endangers the children's physical health and safety, creates a detrimental home environment, and places the children at risk of serious physical harm, damage, and danger."

Count b-2 alleges: "The . . . father . . . has a history of substance abuse and illicit drug use, and is a current user of marijuana and an abuser of alcohol, which renders the father incapable of providing regular care and supervision of the children. On 04/14/2015, the father had [a] positive toxicology screen for alcohol. On 04/23/2015 and 05/11/2015, the father had positive toxicology screens for marijuana. The children are of such young age requiring constant care and supervision and the father's substance abuse and illicit drug use interferes with providing regular care and supervision of the children. The

father's substance abuse and illicit drug use endangers the [children's] physical health and safety and places the [children] at risk of serious physical harm, damage and danger."

The father filed a notice of appeal on September 9, 2015. On February 5, 2016, the father filed a section 388 petition requesting reunification services. On February 9, 2016, while this appeal was pending, the juvenile court set a hearing on the father's section 388 petition. On March 9, 2016, the juvenile court granted reunification services for the father. The juvenile court ordered the father to participate in: a full drug and alcohol program with aftercare; random or on demand drug and alcohol testing; a 26-week domestic violence program; and an anger management course. In addition, the department was ordered to provide the father with transportation assistance.

III. EVIDENCE

A. August 10, 2015 Detention Report

On July 20, 2015, children's social worker Vanessa McWherter received a referral alleging general neglect of the twins. The mother had given birth to the children by caesarean section two days earlier. A nurse stated the mother was being treated for low blood pressure and fever at the hospital. The nurse observed an argument between the parent about the naming of the children. The nurse said it sounded as if the father was angry and bullying the mother.

When Ms. McWherter informed the parents of the referral, the father became angry. The father stated there

was no reason for the department to be involved with the babies. Further, when Ms. McWherter requested to speak privately with the mother, the father angrily stated, “Why can’t I hear what you guys talk about?”

After the father left the hospital room, Ms. McWherter interviewed the mother. The mother stated although the father had a temper, no acts of domestic violence had occurred. She did not feel she was controlled by the father. The mother said the parents had a minor disagreement because she wanted to hyphenate the children’s last names and the father disagreed. The mother understood the department was involved because of her prior child welfare history. The report indicated the mother had failed to reunify with four other biological children.

The parents had one daughter, T.M., who was cared for by paternal grandmother. In October 2011, the juvenile court found T.M. was a dependent of the court because of the mother’s neglectful conduct. The department expressed concerns about the father because he had been imprisoned for a 2010 burglary, theft and vandalism. The victims, the father’s ex-wife and two children he shared with her, were granted a restraining order barring contact by him. The juvenile court granted the father’s section 388 petition for reunification services and ordered him to complete anger management and parenting classes. The father completed the classes but indicated he was not in a position to care for T.M. With the father’s agreement, the juvenile court granted the legal guardianship of T.M. to the parental grandmother with unmonitored visits for him.

The father also had an open August 2015 dependency case involving another child, J.M. The child was a half-sibling to the twins. The juvenile court found the father emotionally abused J.M.

The detention report indicated the father had a criminal history. He had previously sustained three misdemeanor convictions and a felony burglary conviction. In addition, the father had numerous arrests for: burglary; grand theft; false imprisonment with violence; deadly weapon possession; inflicting corporal injury on a spouse/cohabitant; vandalism; and violation of a court order to prevent domestic violence.

B. September 1, 2015 Detention Report

The September 1, 2015 detention report was authored by children's services worker Vanessa McWherter. On August 20, 2015, children's social worker LaToya Gonzalez received a frantic call from paternal grandmother. The paternal grandmother said the parents had a "big fight" at her house. The paternal grandmother stated the mother wanted to leave the residence with the one-month-old twins to go to a friend's house. The father became upset and said the people at the friend's house were drug users. The parents started arguing and yelling after the father tried to stop the mother from leaving with the children. The paternal grandmother said the mother became upset, ran outside and threw a brick at the father's car. The mother then left the paternal grandmother's house with the children. Ms. Gonzalez, one of the social workers, interviewed the mother. Ms. Gonzalez explained

to Ms. McWherter, who prepared the detention report, “The mother [said] . . . she could no longer stay with the [parental grandmother] because ‘she always takes her son’s side.’” Ms. Gonzalez explained to Ms. McWherter, “[The paternal grandmother] state[s] that she ended up leaving the home because she did not want to be part of the drama . . . [and the mother] was no longer allowed to reside in her home.”

The mother said she and the father got into an argument at the paternal grandmother’s house. While the father was visiting the twins, the mother confronted him about his relationship with another woman and they began to argue. The mother stated the children were in the stroller parked close to the paternal grandmother’s house. The mother said the father did not allow her to leave because he thought she would cheat on him. The mother denied the incident became physical.

In a subsequent phone call, the mother was asked whether she threw a brick at the father’s car. In response, she laughed and stated: “It wasn’t a brick. I threw a rock and broke his car window. I won’t tell you what he did before I did that because I don’t want to get him in trouble.” Later, the mother admitted: “[A]lright, he broke my phone and socked me in the face.” The mother said she felt dizzy when the father punched her in the face. She sat down and the father grabbed her and continued to argue with her. Then the father threw the mother’s cell phone on the ground, breaking it into pieces. The father began walking towards the mother and she feared he was going to hit her again. The mother stated she threw a rock towards

him in self-defense but the rock accidentally hit his back car window and broke it. The mother walked down the street and asked a neighbor to call the sheriff's department. When the Los Angeles County sheriff's deputies arrived, the mother told them she did not want to press charges against the father. The father was not arrested and the mother was not issued an emergency protective order. The mother did not know if she would continue her relationship with the father. The mother did not believe she needed a restraining order, stating, "I'm not scared of him." She was not concerned the father would harm the children, saying "No, he's a good dad."

The mother denied the existence of any prior domestic violence between her and the father. She was aware the father had engaged in domestic violence in a prior relationship. The mother said the father smokes marijuana and has a medical marijuana card.

The paternal grandmother called Ms. Gonzalez on August 21, 2015. The paternal grandmother stated she spoke with the father about the August 20, 2015 incident. The father told the paternal grandmother he was not arrested because he had bruises while the mother did not have any bruises. The sheriff deputies told him he could press charges against the mother but he declined to do so. The paternal grandmother shortly left in her car after the parents argued. She stated: "[The mother] had already packed [the children] up and was leaving the house. I left because I did not want to hear it. They argue over stupid things and I am not going to be a part of that drama." The paternal grandmother also had to pick up T.M. from school.

In addition, the paternal grandmother wanted to get away from the parent's argument.

Ms. McWherter, the author of the detention report, was unable to speak with the father until August 26, 2015. The father stated he did not think the incident should be reported to the juvenile court because it had nothing to do with the children's safety. The father accused Ms. McWherter of being heartless with no morals or conscience. He complained she had not kept him informed of developments in the dependency case. Ms. McWherter told the father she left several messages on his voicemail. The father responded, "[W]ell you didn't say why you wanted me to call you back."

C. Jurisdiction and Disposition Report

The September 9, 2015 jurisdiction and disposition report indicated the one-month-old twins were residing with the paternal grandmother. The mother was interviewed by Ms. Gonzalez on September 2, 2015. The mother indicated she had not seen the father use marijuana. She stated, "[I]f he does use marijuana, he is not around me or the children."

The mother said she and the father had a disagreement in the hospital on July 20, 2015 about naming the children. The mother said the father was stern but was not yelling during the conversation. The mother did not have information concerning the father's conduct with other women in 2013 and 2014.

Concerning the August 20, 2015 incident, the mother stated the parents got into argument after she looked

through the father's phone. The mother saw a picture of another woman with their four-year-old daughter. During the course of the argument, the mother tried to leave with the twins but the father blocked her from leaving the home. Both the children were in the stroller. The mother pushed the stroller into a bedroom and returned to the living room. The parents continued their argument. Then the father punched the mother on the left side of the face with a closed fist. The mother became dizzy and sat down. The mother then telephoned an unidentified friend. The mother said during the telephone call she was on her way. The father snatched the phone from the mother and broke the phone by throwing it on the ground. Next, he picked up the phone and went outside. The father threw the phone in the middle of the street where it smashed into small pieces. The father picked up the pieces of the phone and threw them into a nearby trash can. The mother tried to leave again with the children. The father took the children away from the mother by rolling the stroller into a shady area of the yard. The mother was angry so she picked up a rock in the front yard and threw it at the father's car. The sheriff's deputies came to the home and put the father into the backseat of a patrol car. The sheriff's deputies allowed the mother to leave with the children.

Ms. Gonzalez interviewed the father on September 3, 2015. The father denied he ever threatened or intimidated the mother. The father stated on July 20, 2015, he had a conversation with the mother about the children's last name. The father stated he was not sure why people thought he was being aggressive when he spoke his mind.

The father claimed he did not even raise his voice so he did not understand why someone said he intimidated the mother. The father denied any acts of domestic violence with other women occurred in 2013 or 2014.

The father stated on August 20, 2015, he received a text message and telephone call from the mother. The mother was upset with the father because he was talking to another woman. The father drove to the paternal grandmother's home to talk with the mother. When the father arrived, he saw the mother walking down the street pushing the children in the stroller. According to the father, the temperature was over 100 degrees outside so he did not want the children outside. The father stated, "[E]verything got blown out of proportion because mother wanted to take the children to her friend's house because she was upset and it went 0 to 100." The father said something to the mother that angered her. Then the father got back in his car to leave. As he was driving away, the mother threw a rock at his car window. Thereafter, sheriff's deputies arrived. The father was initially placed in the back of the sheriff's patrol car. However, after speaking to witnesses, the deputies released the father. The deputies also asked the father if he wanted to press charges against the mother for breaking his car window. The father denied he punched the mother or broke her phone.

The father stated he had a medical marijuana card showing a diagnosis for massive migraines. He claimed he was a social drinker. The father stated he might have a

beer every other day at the end of the day. The father denied having an issue with alcohol or drugs.

Ms. Gonzalez interviewed the paternal grandmother on September 2, 2015. The paternal grandmother stated the parents argued over “stupid things” but she had not seen any physical altercation between them. The paternal grandmother said the August 20, 2015 incident was a “lover’s quarrel.” She told the parents, “Take that somewhere else, I don’t want to hear it.” Then the paternal grandmother left to pick up her four-year-old granddaughter from school and to run some errands.

D. Stipulated Testimony at Jurisdiction and Disposition Hearing

The parties stipulated the paternal grandmother would testify to never having observed the father hit the mother. Further, the paternal grandmother did not see any injuries on the mother on August 20, 2015. In addition, the paternal grandmother never saw the father to be under the influence or smoke marijuana. Also, the paternal grandmother had not seen the father to be under the influence of any intoxicant around the twins.

The parties further stipulated that the father, if called, would testify that there was no criminal charge associated with the August 20, 2015 incident. The father was a full-time student at Antelope Valley College. He also worked part-time as a mechanic. The father did not use marijuana or alcohol around the children.

IV. DISCUSSION

A. Standard of Review

We review the juvenile court's jurisdictional findings for substantial evidence. (*In re R.C.* (2012) 210 Cal.App.4th 930, 940; *In re E.B.* (2010) 184 Cal.App.4th 568, 574-575.) We review a removal order for substantial evidence in the light most favorable to the juvenile court's order to determine whether sufficient evidence supports the court's findings by clear and convincing evidence. (*In re T.V.* (2013) 217 Cal.App.4th 126, 135; *In re Miguel C.* (2011) 198 Cal.App.4th 965, 969.) Substantial evidence is relevant evidence which adequately supports a conclusion. It is evidence which is reasonable in nature, credible and of solid value. (*In re R.C.*, *supra*, 210 Cal.App.4th at pp. 940-941; *In re E.B.*, *supra*, 184 Cal.App.4th at p. 575.) We draw all reasonable inferences from the evidence to support the juvenile court's findings and orders. We also adhere to the principle that issues of fact, weight of the evidence and witness credibility are the juvenile court's province. (*In re R.C.*, *supra*, 210 Cal.App.4th at p. 941; *In re Savannah M.* (2005) 131 Cal.App.4th 1387, 1393.)

B. Jurisdictional Findings

Section 355, subdivision (a) provides: "At the jurisdictional hearing, the court shall first consider only the question whether the minor is a person described by Section 300. Any legally admissible evidence that is relevant to the circumstances or acts that are alleged to bring the minor within the jurisdiction of the juvenile court is admissible and may be received in evidence. Proof by a

preponderance of evidence must be adduced to support a finding that the minor is a person described by Section 300. . . .” (See *In re N.S.* (2016) 245 Cal.App.4th 53, 62.) Section 300, subdivision (b) states: “A child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court:

[¶] . . . [¶] (b) (1) 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 or guardian to adequately supervise or protect the child,” To establish jurisdiction under section 300, subdivision (b), the department must prove by a preponderance of the evidence that: there was neglectful conduct by the parent in one of the specified forms; causation; and “serious physical harm or illness” to the child or “substantial risk” of such harm or illness. (*In re B.T.* (2011) 193 Cal.App.4th 685, 692; *In re Ricardo L.* (2003) 109 Cal.App.4th 552, 567.)

The father argues there is insufficient evidence to support the juvenile court’s jurisdiction under section 300, subdivision (b). He claims there is no evidence he had a prior child welfare case or had a criminal conviction involving domestic violence. The father contends there is no evidence he threatened to strike a woman in the mouth in 2014 or that he engaged in a violent altercation in the home of a half-sibling, T.M. In addition, the father challenges the domestic violence finding because both he and the paternal grandmother denied any violent

altercation occurred on August 20, 2015. The father's sufficiency of the evidence arguments are meritless.

As we stated in *In re R.C.*, *supra*, 210 Cal.App.4th at page 941, "Exposure to domestic violence may serve as the basis of a jurisdictional finding under section 300, subdivision (b)." (See *In re Jesus M.* (2015) 235 Cal.App.4th 104, 112-113.) Substantial evidence supports the finding that the parents engaged in a violent altercation in the presence of the one-month-old twins on August 20, 2015. The mother said the father punched her in the face with a closed fist. The mother felt dizzy and sat down. The father grabbed her and continued to argue with her. Then the father threw the mother's cell phone on the ground, breaking it into pieces. In response, the mother threw a rock at the father, which "accidentally" hit and broke his car window.

The father claims the mother recited several versions of the August 20, 2015 incident, suggesting that her statements are not credible. The mother initially denied the August 20, 2015 incident became physical. But the mother did not want to tell the social worker what the father had done. This reluctance to do so was because the mother did not want "to get him in trouble." Then, the mother later consistently stated she was punched in the face by the father. The juvenile court credited the mother's statements finding, "I believe that it's the father who hit the mother" On appeal, we do not reweigh the evidence, evaluate the credibility of witnesses or resolve evidentiary conflicts. (*In re I.J.* (2013) 56 Cal.4th 766, 773; *In re M.M.* (2015) 240 Cal.App.4th 703, 721, *In re R.C.*,

supra, 210 Cal.App.4th at p. 941.) The mother's statements, credited by the juvenile court, provide substantial evidence of domestic violence between the parents in the presence of the children. Given the standard of review, the father's arguments are frivolous.

Moreover, contrary to the father's contention, the evidence shows he has a history of domestic violence. The August 10, 2015 detention report stated the father was imprisoned for a 2010 burglary, theft and vandalism. The victims were the father's ex-wife and the two children he shared with her. The ex-wife and two children were granted a restraining order barring contact by the father. In addition, the father has been arrested for inflicting corporal injury on a spouse/cohabitant in 2004 and violation of a court order to prevent domestic violence in 2010. Further, the mother stated she was aware the father had engaged in domestic violence in a prior relationship. Past violent behavior in a relationship can be a predictor of future violence. (*In re R.C.*, *supra*, 210 Cal.App.4th at p. 942; *In re E.B.*, *supra*, 184 Cal.App.4th at p. 576.) The father's past violent behavior combined with the August 20, 2015 physical altercation in the presence of the infant twins place the children at risk of serious physical harm. The jurisdictional findings under section 300, subdivision (b) in count b-1 are supported by substantial evidence.

The father also challenges the juvenile court's jurisdictional finding that his marijuana use and alcohol abuse endangered the children and placed them at risk of serious physical harm. He argues his use of medical marijuana and social drinking is not a sufficient basis for

dependency jurisdiction under section 300, subdivision (b). We decline to consider the jurisdictional finding based on substance abuse in count b-2 because substantial evidence supports dependency jurisdiction based on domestic violence in count b-1. Our Supreme Court in *In re I.J.*, *supra*, 56 Cal.4th at page 773 explained: “When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court’s jurisdiction, a reviewing court can affirm the juvenile court’s finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.” (Accord, *In re I.A.* (2011) 201 Cal.App.4th 1484, 1492 “[A]n appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence.”]; *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451.)

C. Removal Order

Section 361, subdivision (c)(1) provides: “A dependent child may not be taken from the physical custody of his or her parents or guardian or guardians with whom the child resides at the time the petition was initiated, unless the juvenile court finds clear and convincing evidence of any of the following circumstances . . . : [¶] (1) There is or would be a substantial danger to the physical health, safety,

protection, or physical or emotional well-being of the minor if the minor were returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parent's or guardian's physical custody. . . ." (See *In re Francisco D.* (2014) 230 Cal.App.4th 73, 82-83.) Section 361, subdivision (d) states: "The court shall make a determination as to whether reasonable efforts were made to prevent or eliminate the need for removal of the minor from his or her home The court shall state the facts on which the decision to remove the minor is based." (*In re T.W.* (2013) 214 Cal.App.4th 1154, 1163-1164.) The purpose of section 361 is to avert harm to the child. The parent need not be dangerous nor the child actually harmed before removal is appropriate. (*In re T.V., supra*, 217 Cal.App.4th at pp. 135-136; *In re Cole C.* (2009) 174 Cal.App.4th 900, 917.) The juvenile court may consider both the parent's past conduct and the present circumstances. (*In re Cole C., supra*, 174 Cal.App.4th at p. 917; *In re S. O.* (2002) 103 Cal.App.4th 453, 461.)

The father argues there was insufficient evidence to support removal of the children from his custody. But he did not object to the removal order at the dispositional hearing. The father has thus forfeited the right to challenge the removal order by failing to object to it below. (*In re S.B.* (2004) 32 Cal.4th 1287, 1293 ["[A] reviewing court ordinarily will not consider a challenge to a ruling if an objection could have been but was not made in trial court."]; *In re Aaron S.* (2015) 235 Cal.App.4th 507, 521; *In re Alexandria P.* (2014) 228 Cal.App.4th 1322, 1346.)

Even if the issue is not forfeited, substantial evidence supports the removal order. The father has a history of domestic violence. The father was convicted for burglary in 2011. According to the August 10, 2015 detention report, the father committed burglary, theft and vandalism against his ex-wife and their two children. The ex-wife and two children were granted a restraining order against the father. Further, the father has been arrested for inflicting corporal injury on a spouse/cohabitant in 2004 and violation of a court order to prevent domestic violence in 2010. More recently, the father was involved in a fight with the mother in the presence of the one-month-old infants on August 20, 2015. But the father denies any domestic violence occurred in his relationship with the mother or other women. And although the father completed anger management and domestic violence courses in connection with T.M.'s dependency case, the foregoing constitutes substantial evidence these issues remain unresolved. The father also argues there were reasonable means of protecting the twins without removing them from his custody. He contends the juvenile court failed to consider alternatives to out-of-home placement, including unannounced home visits and in-house counseling. There is no evidence the juvenile court failed to consider these matters.

Substantial evidence supports the juvenile court's implied finding that no reasonable means existed to protect the children absent removal. The department initially filed a non-detained petition on August 10, 2015. A fight between the parents occurred on August 20, 2015, while the

mother and twins resided with the paternal grandmother. As a result of the domestic violence incident, the twins were detained from the parents and placed with the paternal grandmother on September 1, 2015. The father denied any domestic violence occurred. And the father failed to acknowledge the risk of harm to the infant children resulting from the parents' fighting. And the fight occurred even while the children had an open dependency case. Thus, the juvenile court reasonably concluded no reasonable means existed to protect the twins absent removing them from the father's custody.

D. Reunification Services

The father argues the trial court erred by denying him reunification services. But the issue is moot because the juvenile court has granted reunification services to the father. After the appeal was commenced, the father filed a section 388 petition requesting reunification services on February 5, 2016. The juvenile court granted reunification services for the father on March 9, 2016. An appeal is moot where there is neither any actual controversy upon which a judgment could operate nor effective relief which could be granted to any party. (*Paul v. Milk Depots, Inc.* (1964) 62 Cal.2d 129, 132; *In re Dani R.* (2001) 89 Cal.App.4th 402, 406 [mother's appeal of dispositional order denying reunification services dismissed as moot where she was granted such services during the pendency of the appeal]). We dismiss the father's appeal of the dispositional order denying him reunification services.

V. DISPOSITION

The jurisdictional and dispositional orders are affirmed. The father's appeal of the order denying reunification services is dismissed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

TURNER, P. J.

We concur:

BAKER, J.

KUMAR, J.*

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