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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re REUBEN G., A Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

DAISY G.,

Defendant and Appellant.

B257825

(Los Angeles County
Super. Ct. No. CK67583)

APPEAL from an order of the Superior Court of Los Angeles County,
Marguerite D. Downing, Judge. Dismissed as moot.

Merrill Lee Toole, under appointment by the Court of Appeal, for Defendant and
Appellant.

Office of the County Counsel, Mark J. Saladino, County Counsel,
Dawyn R. Harrison, Assistant County Counsel, and Jacklyn K. Louie, Principal Deputy
County Counsel, for Plaintiff and Respondent.

Daisy G. (mother) appeals from the juvenile court's order at a 12-month review/progress hearing continuing jurisdiction over four of her children. Mother contends that the court erred in finding that two of those children should not be returned to her custody. Mother also argues that the Department of Children and Family Services (Department) failed to comply with the notice requirements of the Indian Child Welfare Act (ICWA).

While this appeal was pending we filed an unpublished opinion addressing the juvenile court's orders at the six-month review hearing concerning mother's older children and the jurisdictional/dispositional hearing concerning her youngest child. We reversed the juvenile court's orders denying the return of mother's older children to her custody and removing her youngest child.¹ On remand, we also ordered the court to ensure the Department provide proper notice under ICWA. The Department then moved to dismiss mother's current appeal as moot. We agree with the Department and dismiss the appeal as moot.

FACTUAL AND PROCEDURAL BACKGROUND

When this case began in early 2013, mother and Reuben G. (father) had five children together: Reuben G., Jr. (Reuben), age 13; Sharon G., age 9; R. G., age 6; Ro. G., age 3; and Y. G., age 1. On March 7, 2013, the Department filed a petition alleging the children were endangered by the parents' history of domestic violence and father's abuse of alcohol and marijuana. The court detained all of the children in shelter care.

The Department then filed an amended petition adding allegations that father physically abused Ro. by striking him with a belt, and mother had a history of marijuana abuse. On April 24, 2013, the court sustained the allegations of domestic violence, father's physical abuse of Ronell, and mother's and father's substance abuse. The court removed the children from their parents' custody and allowed the parents monitored visits.

¹ We take judicial notice of our earlier opinion in *In re Reuben G.* (B255027; filed on November 20, 2014) [nonpub. opn.].

Father was shot and killed on April 29, 2013. On August 15, 2013, mother gave birth to a baby boy, Ry. G. On August 22, 2013, the Department filed a petition alleging that mother's abuse of marijuana endangered Ry.'s health and safety, and mother's failure to protect the older children from father's violent behavior and substance abuse placed Ry. at risk of harm. The court detained Ry. and the Department placed him with a relative. Mother told the Department she was a member of the Assiniboine Tribe of Montana and the court ordered the Department to give notice as required by ICWA.

On December 18, 2013, the Department reported that mother was participating in services and the Department had liberalized her visits to unmonitored. The adjudication hearing with respect to Ry. and the six-month review hearing with respect to the five older children were held on March 10, 2014. The court sustained the petition concerning Ry., found he was not an Indian child, and permitted mother to continue to have unmonitored visitation with him.² The court also found that "return of the [older] children to the physical custody of the mother would create a substantial risk of detriment to their safety, protection, physical and emotional well-being" Mother timely appealed.

While mother's appeal was pending, the juvenile court held a twelve-month review hearing concerning the older children and a progress hearing concerning Ry. on June 25, 2014. The juvenile court ordered the oldest children, Reuben and Sharon, returned to mother's custody, and continued the suitable placement order as to the four other children. Mother appealed again.

DISCUSSION

Mother contends the trial court erred at the twelve-month review/ progress hearing in declining to return R. and Ry. to her custody. Mother does not challenge the order with respect to Ro. and Y. While this appeal was pending, we reversed the juvenile court's order removing Ry. from mother's custody at the dispositional hearing

² The court did not specifically order that Ry. be removed from mother's custody, but that was implicit as the court ordered that mother be allowed to visit him.

as well as the order denying the return of the older children to her custody at the six-month review hearing. We also ordered the trial court to ensure the Department complied with ICWA's notice requirements. Our opinion was filed on November 20, 2014, and the trial court subsequently dismissed jurisdiction as to Ry., ordered all of the children placed with mother, and ordered the Department to report on the status of its compliance with ICWA.

"When no effective relief can be granted, an appeal is moot and will be dismissed." (*In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315.) Mother does not dispute that -- as R. and Ry. have been returned to her custody -- any order by this court that they be returned to her home would have no effect.

Mother does contend, however, that the Department still has failed to provide proper notice under ICWA and, therefore, this issue is not moot. In support of this argument, mother cites the December 4, 2014 and January 7, 2015 minute orders issued by the juvenile court after our earlier opinion in this case was filed.³ In the December order the court ordered the Department to file a report on the status of its compliance with ICWA, and in the January order the court noted the Department had filed a report.

Mother contends the January order establishes the court failed to ensure that the Department had complied with ICWA because the order does not indicate whether the report addressed ICWA. However, this issue is not properly before us: we cannot review the propriety of the juvenile court's actions after the order appealed from. We only can note that the juvenile court has, since the order appealed from, been ordered to ensure the ICWA notice violations are remedied. Mother retains the right to appeal from all subsequent orders in her case should the Department continue to fail to comply with its obligations under ICWA. (See Welf. & Inst. Code, § 395, subd. (a)(1).)

³ We have taken judicial notice of these orders.

DISPOSITION

The appeal is dismissed as moot.

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EGERTON, J.*

WE CONCUR:

KITCHING, Acting P. J.

ALDRICH, J.

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