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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION EIGHT

In re D.R. et al., Persons Coming  
Under the Juvenile Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

RANDY R.,

Defendant and Appellant.

B295341

(Los Angeles County  
Super. Ct. No. 18LJJP00102B-D)

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

Janette Freeman Cochran, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Aileen Wong, Senior Deputy County Counsel, for Plaintiff and Respondent.

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Father Randy R. appeals from jurisdictional and dispositional findings concerning his three young children, and contends the investigation under the Indian Child Welfare Act (ICWA; 25 U.S.C. § 1901 et seq.) was inadequate. The Los Angeles County Department of Children and Family Services (Department) has moved for partial dismissal of father's appeal to the jurisdictional order and challenge under ICWA. We find father's jurisdictional challenge is nonjusticiable because the children's mother, Y.M., did not appeal the jurisdictional findings concerning her conduct. Father did not object in the juvenile court to the dispositional orders he challenges on appeal and has forfeited the right to appellate review of those orders. We take judicial notice of the juvenile court's subsequent order returning the children to their mother's custody, and find father's ICWA challenge to be moot. We partially dismiss the appeal, and otherwise affirm the orders below.

### **DISCUSSION**

On August 23, 2018, mother plead no contest to the petition allegations that she left the children home alone without adult supervision for extended periods of time. Father, who has an extensive criminal history dating back to 1994, was in prison and had not seen the children in four years. On January 17, 2019, the court sustained the petition allegations that father's criminal history and conduct endangered the children and rendered him unable to provide for the children. Given our disposition of this appeal, it is unnecessary to further discuss the factual background that brought this family to the attention of the Department.

#### **1. The Jurisdictional Challenge**

Father contends there is insufficient evidence in support of the court's jurisdictional findings. Father does not contest the jurisdictional findings regarding mother.

The focus of dependency proceedings is on the protection of minor children. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491-1492.) To acquire jurisdiction over a child, a juvenile court need only “find that one parent’s conduct has created circumstances triggering [Welfare and Institutions Code] section 300.” (*Id.* at p. 1491.) “[I]t is commonly said that a jurisdictional finding involving one parent is ‘“good against both. More accurately, the minor is a dependent if the actions of either parent bring [the minor] within one of the statutory definitions of a dependent.”’ [Citation.]” (*Id.* at p. 1492.) ““This accords with the purpose of a dependency proceeding, which is to protect the child, rather than prosecute the parent.’ [Citation.]” (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.) As a result, “an 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 I.A.*, at p. 1492.)

Even if we considered reversing the jurisdictional findings as to father, the juvenile court would retain jurisdiction over the children based on the sustained, and unchallenged, allegations against mother. Therefore, father’s attack on the jurisdictional findings relative to his conduct alone is nonjusticiable, and must be dismissed. (*In re I.A.*, *supra*, 201 Cal.App.4th at pp. 1490-1491; *id.* at p. 1490 [“An important requirement for justiciability is the availability of ‘effective’ relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties’ conduct or legal status.”].)

Father asks us to exercise discretion to consider his challenge to the jurisdictional findings concerning him because the outcome of the appeal is the difference between father being offending or nonoffending. We decline to address father’s contentions, because he has failed to suggest that the jurisdictional findings could have

other specific consequences beyond jurisdiction. (*In re Christopher M.* (2014) 228 Cal.App.4th 1310, 1316.)

## **2. The Dispositional Challenge**

Father contends the juvenile court cited the wrong statutory basis for the order removing the children from his custody, and failed to make the required detriment finding when it denied him reunification services under Welfare and Institutions Code section 361.5, subdivision (e)(1).

The court relied on Welfare and Institutions Code section 361, subdivision (c) when it removed the children from father, and father contends it should have applied section 361.2 because he was a noncustodial parent. Father did not object in the juvenile court or ask the juvenile court to apply section 361.2, nor did he object and ask the juvenile court to make findings of detriment before denying reunification services.

By failing to object, father forfeited his appeal of the dispositional orders. (*In re John M.* (2013) 217 Cal.App.4th 410, 419; see also *In re A.A.* (2012) 203 Cal.App.4th 597, 605; *In re Lorenzo C.* (1997) 54 Cal.App.4th 1330, 1338.) Absent objection, the juvenile court believed both sides agreed to the bases for the orders. Conversely, an objection would have alerted the court to an important issue demanding attention, at the time of the hearing. Addressing the issues on the spot is more efficient and sensible than delaying the challenge for the months and years the appellate process can consume, during which the children's lives remain unstable.

## **3. The ICWA Challenge**

Father contends the Department failed to conduct an adequate inquiry into whether the children may be Indian children under ICWA. In opposition to the Department's motion for partial dismissal of this appeal, father concedes his challenge is moot

because the children have been returned to their mother. We agree. ICWA applies to proceedings placing children in foster care, or terminating parental rights. (25 U.S.C. §§ 1903(1), 1912(a); see also Welf. & Inst. Code, § 224.1, subd. (d).) However, “ICWA and its attendant notice requirements do not apply to a proceeding in which a dependent child is removed from one parent and placed with another.” (*In re M.R.* (2017) 7 Cal.App.5th 886, 904.) Because the children have been placed with mother, father’s present challenge to ICWA notice and inquiry is now moot, and we make no findings concerning the court’s and Department’s compliance with ICWA.

#### **DISPOSITION**

The challenge to the jurisdictional findings and ICWA compliance are dismissed. In all other respects, the orders are affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.