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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

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

B293787
(Los Angeles County
Super. Ct. Juvenile No.
18CCJP05510)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

REYNA H. et al.,

Defendants and Appellants.

APPEAL from an order of the Superior Court of Los
Angeles County, D. Brett Bianco, Judge. Dismissed.

Anne E. Fragasso, under appointment by the Court of
Appeal, for Defendant and Appellant Reyna H.

Julie E. Braden, under appointment by the Court of Appeal, for Defendant and Appellant Isaiah M. L.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, Tracey F. Dodds, Principal Deputy County Counsel, for Plaintiff and Respondent.

Reyna H. (mother), herself a minor (17 years old), and her son, Isaiah M. L. (child) (born in January 2017), appeal the juvenile court's October 22, 2018 jurisdictional finding that child was a person described by Welfare and Institutions Code section 300, subdivision (b)(1) (failure to protect).¹ Appellants contend the finding was not supported by substantial evidence. Because the juvenile court has terminated jurisdiction with an order returning child to mother, we dismiss the appeal as moot. Since we dispose of the appeal on procedural grounds, we do not review the court's ruling for substantial evidence.

BACKGROUND

A. Precipitating Event; Petition

Child was detained by the Los Angeles County Department of Children and Family Services (DCFS) after mother was arrested and taken into custody on August 26, 2018. On August 28, 2018, DCFS filed a petition pursuant to section 300, subdivision (b)(1) alleging mother had placed child at risk of serious physical harm after she was arrested because she had failed to make a plan for child's ongoing care and supervision (count b-1).

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

B. Initial Detention Hearing; Placement With Mother

At the August 29, 2018 detention hearing, the court found a prima facie showing that child was a person described by section 300. The court placed child with mother on the condition that she reside at St. Anne's Maternity Home — a residential therapeutic program where mother had been living with child after he was born — and continue to cooperate with all St. Anne's terms and conditions, including not leaving the premises without permission. The court also gave DCFS the discretion to detain child if mother failed to comply.

C. First Amended Petition; Father's Detention Hearing

On October 4, 2018, DCFS amended the petition, adding allegations under section 300, subdivision (b) that child's parents were incapable of providing regular care and supervision due to (1) father's substance abuse (count b-2), and (2) mother's mental and emotional problems (count b-3).

On October 5, 2018, the court ordered child detained from father, and continued child's placement with mother under the same conditions imposed at the August 29, 2018 detention hearing.

D. Jurisdiction/Disposition Hearing

At the jurisdiction/disposition hearing on October 22, 2018, the court sustained count b-3 (neglect due to mother's mental and emotional problems) in the amended petition and found child to be a person described by section 300.

The court declared child a dependent of the court and maintained his placement with mother at St. Anne's on the condition that mother fulfill all conditions of the placement, comply with all pertinent court orders, and not leave St. Anne's

without permission. The court also maintained DCFS's discretion to detain child if mother violated any conditions.

Mother and child timely appealed.

E. Termination of Juvenile Court Jurisdiction

The juvenile court subsequently terminated its jurisdiction based on findings that the conditions which originally justified jurisdiction over child no longer existed and were not likely to exist if the court terminated jurisdiction. The court awarded mother sole legal and physical custody of child with unmonitored weekly visitation by father, and required only that the parents comply with any active stay-away order.

DISCUSSION

Mother and child contend that substantial evidence does not support the juvenile court's true finding on count b-3 and consequent jurisdictional finding, and ask that we reverse the court's jurisdictional and dispositional orders. DCFS counters that the appeal should be dismissed because mother's challenge to the jurisdictional findings became moot once the court terminated dependency jurisdiction and granted mother full legal and physical custody of child. Mother argues that her appeal should be considered on the merits because the errors could infect the outcome of subsequent proceedings. We agree with DCFS.

A. Pertinent Law

Courts "ordinarily may consider and determine only an existing controversy, and not a moot question" (*In re Madison S.* (2017) 15 Cal.App.5th 308, 328.) Thus, we may dismiss an appeal if it fails to present a justiciable claim, that is, a present, concrete, and genuine dispute as to which the court can grant effective relief. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1489 (*I.A.*).)

“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.) Dismissal in such circumstances, however, is not inevitable. (*Ibid.*) We have discretion to consider the adequacy of a juvenile court’s jurisdictional finding despite mootness, for example, when the challenged finding “(1) serves as the basis for [the juvenile court’s] 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 [citations]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction.’” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763.)

We determine on a case-by-case basis whether an appeal is moot and, if so, whether we should nevertheless review the merits of a claim of error. (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1055.) The party seeking discretionary merits review must identify specific legal or practical negative consequences arising from a dependency court’s jurisdictional findings that might justify such review. (*I.A., supra*, 201 Cal.App.4th at p. 1493.)

B. Analysis

Here, we find no basis to reach the merits of mother’s appeal. Mother contends the court’s jurisdictional findings might impact unspecified future dependency or family law proceedings, but points to nothing in the record suggesting she is currently or may in the future be involved in any other dependency or family law proceeding. Mother’s speculative contention that removal of the findings from her record “would position her more favorably in any subsequent family court or juvenile court proceeding that

might address custody or visitation,” without more, does not justify merits review in this appeal. (*I.A., supra*, 201 Cal.App.4th at pp. 1494-1495.)

Mother having identified no specific legal or practical adverse impact the challenged jurisdictional findings might have on any future proceeding, we find the appeal to be moot and dismiss without reaching the merits.

DISPOSITION

The appeal is dismissed.

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CHANEY, J.

We concur:

ROTHSCHILD, P. J.

BENDIX, J.