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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re JOEL R., a Person Coming Under the
Juvenile Court Law.

B251105
(Los Angeles County
Super. Ct. No. CK82281)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Plaintiff and Respondent,

v.

SALVADOR R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Stephen Marpet, Juvenile Court Referee. Dismissed.

Tyna Thall Orren, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, and Sarah Vesecky, Deputy County Counsel, for Plaintiff and Respondent.

Salvador R., the presumed father in this dependency case (father), appeals from the juvenile court's order under Welfare and Institutions Code section 387,¹ removing his son Joel R. from his custody and requiring that his visitation be monitored. Father had allowed the child's mother (not a party to this appeal), whose visitation with Joel R. was ordered monitored by someone other than father, to spend the night at father's home with Joel R. present. During the pendency of father's appeal, however, the juvenile court terminated the order and returned Joel R. to father's care under the supervision of the Los Angeles Department of Children and Family Services (DCFS). DCFS moved to dismiss father's appeal on the ground that it is moot, and father filed a response stating that he would not oppose the motion. We dismiss the appeal as moot.

The case began when Joel R. was one month old, after DCFS received a referral on September 24, 2012, alleging that Joel R.'s mother had tested positive for methamphetamine and amphetamine a week earlier, and had admitted to smoking marijuana. DCFS filed a petition under section 300, subdivision (b). On the day of the detention hearing, DCFS submitted a last minute information stating that it learned father's identity when he appeared in court, explaining that mother had called him to tell him about the hearing. Father had learned that Joel R. was his child a few months before the birth, and he had cared for Joel R. since his discharge from the hospital. He had no ongoing relationship with mother. The juvenile court found father to be Joel R.'s presumed father, detained Joel R. from mother, and released Joel R. to father. Mother was awarded monitored visitation, with father not allowed to monitor her visits.

DCFS subsequently filed an amended petition against mother without naming father in the petition, adding additional allegations under section 300, subdivisions (b) and (j) (abuse of sibling). On the day of the jurisdiction/disposition hearing, DCFS provided last minute information that father and mother were observed being physically affectionate in a DCFS office, although father denied that they were in a romantic

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

relationship, and mother had missed four of 10 drug tests. The court sustained the first amended petition and declared Joel R. a dependent. Mother's visits with Joel R. were to be monitored, but not by father.

On May 28, 2012, DCFS filed a section 387 petition alleging that father allowed Joel R.'s mother to spend the night in the home with father and Joel R., in violation of the court's prior order. DCFS had made an unannounced visit to father's home on May 22, and mother answered the door. Father was at work, and Joel R. was at the babysitter's. Mother explained that she needed a place to stay after a fight with her boyfriend, and she had called father, who picked her up. When contacted, father at first denied mother was there, and then stated that she had knocked on the door the evening before, and had asked to spend the night. She had slept in father's bed, and he knew he had made a mistake by allowing her to stay.

At a hearing on July 23, 2013, father submitted to the allegations, which were sustained. After a contested disposition hearing at which father testified, the court terminated the order placing Joel R. in father's home, and ordered suitable placement with monitored visitation and reunification services for father. Father filed a timely notice of appeal. Father argued that the juvenile court had prejudged his case and made other errors in removing Joel R. from father's custody.

On April 3, 2014, after briefing was complete, the juvenile court terminated the suitable placement order and ordered Joel R. to be placed with father under DCFS supervision, with supervised visitation (by someone other than father) for mother, who was not to visit Joel R. at father's home or spend the night. We granted DCFS's April 7, 2014 request for judicial notice of these orders. At the same time, DCFS moved to dismiss father's appeal as moot, and father filed a response stating that he would not oppose dismissal.

"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.) No effective relief can be granted in this case. Any order by this court will have no effect, as father no longer

needs the relief he requested, which was the termination of the suitable placement order and the return of Joel R. to his home. We therefore dismiss the appeal as moot.

DISPOSITION

The appeal is dismissed as moot.

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JOHNSON, J.

We concur:

ROTHSCHILD, Acting P. J.

CHANEY, J.