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

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

B284660

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Los Angeles County  
Super. Ct. No. DK21643

Plaintiff and Respondent,

v.

JOSE R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Kristen H. Byrdsong, Commissioner. Dismissed.

Jesse F. Rodriguez, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis,  
Assistant County Counsel, and Jessica S. Mitchell, Deputy  
County Counsel, for Plaintiff and Respondent.

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## INTRODUCTION

In this dependency case, the juvenile court found jurisdiction over the minor, C.R., based upon five separate counts under Welfare and Institutions Code section 300, subdivisions (a), (b) and (c). The court ordered C.R. to remain in mother's custody with monitored visitation for father. During the pendency of this appeal, the court terminated jurisdiction over C.R. and awarded mother sole legal and physical custody of C.R., with monitored visitation for father.<sup>1</sup> The Department of Children and Family Services (Department) contends father's appeal is moot.<sup>2</sup> We agree and dismiss the appeal.

## DISCUSSION

C.R.'s father Jose R. (father) challenges only one of the five jurisdictional findings made by the dependency court in this case. He does not seek to alter the current custody arrangement, nor does he contest the imposition of monitored visitation. Father

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<sup>1</sup> The Department requested that we take judicial notice of the court's December 15, 2017 order terminating jurisdiction. We note father neither opposed the Department's request nor raised any objection in his appellant's reply brief, which he filed two weeks after the Department filed its request for judicial notice. The request for judicial notice filed on December 21, 2017 is granted. (Evid. Code, §§ 452, 459.)

<sup>2</sup> The Department filed its motion to dismiss concurrently with its respondent's brief on December 21, 2017.

nevertheless asks us to exercise our discretion to review the following jurisdictional finding:

“[Father] has a history of substance abuse and is a current abuser of methamphetamine and amphetamine, which renders the father incapable of providing regular care of the child. On December 23, 2016, the father had a positive toxicology screen for methamphetamine and amphetamine. On December 21, 2016, the father was under the influence of illicit drugs while the child was in the father’s care and supervision. The father’s substance abuse endangers the child’s physical health and safety and places the child at risk of serious physical harm, damage and danger.”

It appears father’s goal in prosecuting this appeal is not to challenge the court’s assertion of jurisdiction over C.R., but rather to eliminate the obligation to submit to random drug testing and to enroll in a full drug rehabilitation program if he misses any required drug tests—conditions which the court imposed on father in its dispositional order. There are two significant problems with father’s position.

First, after father appealed, the court terminated jurisdiction over C.R. and issued a new custody and visitation order. Generally, an appeal from a juvenile dependency order that has been superseded by subsequent events is moot. (See *In re A.B.* (2014) 225 Cal.App.4th 1358, 1364 [“ ‘[w]hen no effective relief can be granted, an appeal is moot and will be dismissed’ ”]; *In re Dani R.* (2001) 89 Cal.App.4th 402, 404 [“ ‘[A]n action that originally was based on a justiciable controversy cannot be maintained on appeal if all the questions have become moot by subsequent acts or events. A reversal in such a case would be

without practical effect, and the appeal will therefore be dismissed’ ”].) And here, whatever ongoing obligation father has to submit to drug testing or enroll in a drug treatment program is contained in the court’s exit order, which is not the subject of this appeal.

Second, although we may exercise our discretion to reach the merits of a challenge to a jurisdictional finding when it serves as the basis for disposition orders that are also challenged on appeal (see *In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763), we would not relieve father from the obligation to submit to drug testing and/or to enroll in a drug treatment program in this case. Even in the absence of a specific jurisdictional finding of drug abuse, the court would have been well within its discretion to impose drug testing requirements on father. (*In re Briana V.* (2015) 236 Cal.App.4th 297, 311 [“The problem that the juvenile court seeks to address need not be described in the sustained section 300 petition. [Citation.] In fact, there need not be a jurisdictional finding as to the particular parent upon whom the court imposes a dispositional order”]; *In re I.A.* (2011) 201 Cal.App.4th 1484, 1492 [“[a] jurisdictional finding involving the conduct of a particular parent is not necessary for the court to enter orders binding on that parent, once dependency jurisdiction has been established”]; see generally Welf. & Inst. Code, § 362, subd. (a) [the juvenile court “may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child”].) In particular, notwithstanding the absence of a jurisdictional finding involving a parent’s substance abuse, the juvenile court may order an admitted drug user with young children to participate in drug testing and treatment. (See *In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006–1008; cf.

*In re Carmen M.* (2006) 141 Cal.App.4th 478, 486–487 [juvenile court is authorized to order dependent child to participate in drug testing if reasonably related to protecting the child’s safety or well-being].) Accordingly, even if the appeal were not moot, we would not reach father’s argument on the merits.

The Department’s motion to dismiss the appeal is granted.

**DISPOSITION**

The appeal is dismissed.

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LAVIN, J.

WE CONCUR:

EDMON, P. J.

EGERTON, J.