

Filed 5/19/17 In re A.S. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re A.S. et al., Persons Coming  
Under the Juvenile Court Law.

B278533  
(Los Angeles County  
Super. Ct. No. CK66948)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

CRISTINA S.,

Objector and Appellant.

APPEAL from orders of the Superior Court of Los  
Angeles County, Lisa R. Jaskol, Judge. Dismissed.

Suzanne Davidson, under appointment by the Court of Appeal, for Objector and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, Brian Mahler, Deputy County Counsel, for Plaintiff and Respondent.

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Cristina S. (mother) appeals from the jurisdictional findings and dispositional orders declaring her children, A.S. and E.S., dependents of the court under Welfare and Institutions Code section 300, subdivision (b).<sup>1</sup> Mother contends the jurisdictional findings were erroneous because there was insufficient evidence her drug use and mental health issues placed the children at risk of suffering serious harm. She argues in the alternative that even if substantial evidence existed to support the jurisdictional findings, the dependency court abused its discretion by declaring the children dependents of the court because “no evidence showed the children suffered any physical harm as a result of mother’s drug use and mental health issues.”

On March 1, 2017 (after mother’s opening brief on appeal was filed), the dependency court entered (and stayed) an order terminating jurisdiction pending the receipt of a juvenile court order giving the mother and father (Erik S.)<sup>2</sup>

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<sup>1</sup> Further statutory references are to the Welfare and Institutions Code unless otherwise noted.

<sup>2</sup> Father is not a party to this appeal.

joint legal custody of the children, with sole physical custody to mother. On March 3, 2017, the dependency court, after receiving the custody order, lifted the stay and terminated jurisdiction.

On March 14, 2017, the Department of Children and Family Services (the Department) filed a motion to dismiss the appeal on the ground that the orders terminating jurisdiction rendered the appeal moot.<sup>3</sup> Mother filed an opposition to the motion on March 29, 2017. We grant the Department's motion to dismiss.

“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 (C.C.)) “[N]o direct relief can be granted even were we to find reversible error, [if] the juvenile court no longer has jurisdiction and we are only reviewing that court's ruling.” (*In re Michelle M.* (1992) 8 Cal.App.4th 326, 330 (*Michelle M.*)) “However, dismissal for mootness in such circumstances is not automatic, but ‘must be decided on a case-by-case basis.’ [Citations.]” (C.C., *supra*, at p. 1488.)

The termination of dependency court jurisdiction rendered mother's appellate issues moot. We can give no effective relief to mother because there is no ongoing proceeding in the dependency court. (*Michelle M.*, *supra*, 8

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<sup>3</sup> On March 23, 2017, we granted a motion filed by the Department for judicial notice of the orders terminating jurisdiction.

Cal.App.4th at p. 329.) Moreover, there are no extraordinary circumstances that compel us to resolve mother's claims. The question of the whether there was sufficient evidence to support the dependency court's finding pursuant to section 300, subdivision (b), or whether the dependency court abused its discretion by declaring the children dependents of the court, are not of public importance or capable of repetition yet evading review. (*In re Yvonne W.* (2008) 165 Cal.App.4th 1394, 1404 [court has discretion to review only if issue is "of continuing public importance and is a question capable of repetition, yet evading review"].)

Although mother was ultimately awarded sole physical (and joint legal) custody upon termination of jurisdiction, she is concerned the dependency court's jurisdictional findings and orders could impact future dependency proceedings. Such a scenario is too speculative to persuade us that her appellate claims should be decided. (See *Michelle. M.*, *supra*, 8 Cal.App.4th at p. 329.)

## DISPOSITION

The appeal is dismissed.

KRIEGLER, Acting P.J.

We concur:

BAKER, J.

LANDIN, J.\*

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