

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

| |
|---|
| California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115. |
|---|

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re C.K., et al., Persons
Coming Under the Juvenile
Court Law.

2d Juv. No. B276807
(Super. Ct. Nos. 1461156 &
1461157)
(Santa Barbara County)

SANTA BARBARA COUNTY
CHILD WELFARE SERVICES,

Plaintiff and Respondent,

v.

R.K.,

Defendant and Appellant.

At the six-month review hearing (Welf. & Inst. Code,¹
§ 366.21, subd. (e)), the juvenile court found that Santa Barbara
County Child Welfare Services (the County) failed to provide R.K.

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

with reasonable family reunification services. At the 12-month permanency hearing held just two weeks later (§ 366.21, subd. (f)), the court found that the County had provided R.K. with reasonable services. R.K. appeals from the latter finding, and requests an additional six months of services. Because he has now received those services, we dismiss the appeal as moot.

BACKGROUND

In May 2015, the County took R.K.'s daughters, C.K. and S.K., into protective custody. The juvenile court conducted a contested dispositional hearing that November, and declared C.K. and S.K. dependents of the court.

The court held a six-month review hearing in June 2016, and determined that R.K. had not received reasonable reunification services. It ordered services continued.

The court held a 12-month permanency hearing in July, just two weeks after the six-month review hearing. It found that the County had offered R.K. reasonable services during the preceding two weeks. It ordered services continued for another six months, and set the matter for an 18-month permanency review hearing.

The court held an 18-month permanency review hearing in January 2017. At that hearing it found that the County had provided R.K. with reasonable services and that returning his daughters to him would create a substantial risk of detriment. It ordered cessation of services and set the matter for a hearing to terminate R.K.'s paternal rights.

DISCUSSION

R.K. challenges the juvenile court's finding that he received reasonable reunification services during the two weeks between the six-month review hearing and the 12-month

permanency hearing, and requests an additional six months of services. Assuming, without deciding, that this challenge is properly before us (see *Melinda K. v. Superior Court* (2004) 116 Cal.App.4th 1147, 1152-1157 [juvenile court's finding that mother received reasonable services not appealable]), we decline to decide it on the merits.

A child “enters” foster care on the date of the initial jurisdictional hearing, or 60 days after removal from his or her parent’s custody, whichever is earlier. (§ 361.49.) The juvenile court must conduct a review hearing six months after the jurisdictional hearing, or “no later than 12 months after the date the child entered foster care” (§ 366.21, subd. (e)(1).) If a permanency hearing is required, it must be held “no later than 12 months after the date the child entered foster care” (*Id.*, subd. (f)(1).) At that hearing the court must determine whether the parent has received reasonable services (*id.*, subd. (f)(1)(A)), considering only the period between the review hearing and the permanency hearing, even if that period is less than six months (*Tonya M. v. Superior Court* (2007) 42 Cal.4th 836, 846 (*Tonya M.*)).

The County removed C.K. and S.K. from R.K.’s custody in May 2015, but the jurisdictional hearing did not occur until November. C.K. and S.K. thus “entered” foster care in July. The juvenile court held the review hearing in June 2016, more than six months after the jurisdictional hearing but within 12 months of the children’s entrance into foster care. The timing of the hearing thus complied with section 366.21. The court held a permanency hearing two weeks later, one year after C.K. and S.K. entered foster care. The timing of that hearing also complied with section 366.21. The court determined that R.K.

had received reasonable services over the previous two weeks. That determination was proper under *Tonya M.*, *supra*, 42 Cal.4th 836, 846.

But even if it were not, this court could not provide R.K. the relief he seeks. An appellate court only decides actual controversies. (*In re Joel H.* (1993) 19 Cal.App.4th 1185, 1193.) When subsequent events render the questions raised on appeal moot, there is no longer an actual controversy between the parties. (*In re Christina A.* (2001) 91 Cal.App.4th 1153, 1158.) In such cases, relief cannot be granted, and the appeal will be dismissed. (*In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315.)

In *In re Pablo D.* (1998) 67 Cal.App.4th 759, 760, the minor appealed the juvenile court's order extending reunification services to the 18-month permanency review hearing. At the 12-month review hearing, the court terminated services for Pablo's siblings, but declined to terminate services for him. (*Ibid.*) It instead found a substantial probability that Pablo would be returned to his parents at the end of the 18 months, and ordered services continued. (*Ibid.*) Pablo appealed, arguing that the court should have reached the same result for him as it did for his siblings. (*Id.* at pp. 760-761.) But by the time the case was decided on appeal, Pablo had already received the additional services ordered by the juvenile court. (*Id.* at p. 761.) Because the Court of Appeal could not rescind those services, it dismissed the appeal as moot. (*Ibid.*)

An analogous situation occurred here. Despite its reasonable services finding at the 12-month permanency hearing, the juvenile court ordered R.K.'s reunification services continued

for six months. That is the same relief R.K. seeks in this appeal.
The case is moot.²

DISPOSITION

The appeal is dismissed.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

² In a separate opinion (B280024), we deny R.K.'s writ petition challenging the juvenile court's January 2017 order that declined his request to extend reunification services beyond 18 months.

Arthur A. Garcia, Judge

Superior Court County of Santa Barbara

Roni Keller, under appointment by the Court of
Appeal, for Defendant and Appellant.

Michael C. Ghizzoni, County Counsel, Toni Lorien,
Senior Deputy County Counsel, for Plaintiff and Respondent.