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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re I.L., et al., a Person Coming
Under the Juvenile Court Law.

B277645
(Los Angeles County
Super. Ct. No. CK56670)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

C.L.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of the County
of Los Angeles, H.A. Stanley, Judge. Dismissed.

Tracy M. De Soto, under appointment by the Court of
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and William D. Thetford, Principal Deputy County Counsel, for Plaintiff and Respondent.

INTRODUCTION

C.L. (father), who is the father of minor children I.L. and C.L., Jr., appeals from the juvenile court's jurisdictional findings made against him under Welfare and Institutions Code section 300, subdivisions (a), and (b)¹ that I.L. and C.L., Jr. were at risk because father physically abused C.L. Jr. in 2014. Father contends that insufficient evidence supports the findings. Plaintiff and respondent Los Angeles County Department of Children and Family Services (Department) contends we should dismiss the appeal for lack of justiciability, in that there are independent bases for jurisdiction because V.A. (mother) does not challenge the jurisdictional findings made against her. For the reasons that follow, we dismiss the appeal.

BACKGROUND

Mother has five minor children: I.L., C.L. Jr., A.M., G.M., and Z.S. Father is the father of I.L, born 2002, and C.L. Jr., born 2003. D.S. is the father of Z.S., and O.M. is the father of A.M. and G.M.²

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

² Z.S., A.M., G.M., their respective fathers (D.S. and O.M), and mother are not parties to this appeal.

The Department filed a section 300 petition, alleging under subdivisions (a) and (b) that all five minor children were at risk because: (1) mother and D.S. engaged in violent physical altercations; (2) mother has mental and emotional problems, including self mutilation behavior; (3) D.S. has a history of alcohol abuse and is a current abuser of alcohol and marijuana; and (4) D.S. has mental and emotional problems. When the petition was filed, custody of I.L. and C.L. Jr. was governed by a family law order issued by the juvenile court that granted mother primary physical custody and father unmonitored weekend overnight visits. At the detention hearing, the juvenile court ordered visitation for father consistent with the family law order.

The Department subsequently filed an amended 300 petition, adding counts under subdivisions (a) and (b) alleging the children were at risk (1) because father physically abused C.L. Jr. in 2014 and (2) because father has an extensive criminal record. With respect to the abuse of CL. Jr., the petition alleged the following:

“On or about 08/27/2014, [C.L. Jr.]’s father [C.L.] physically abused the child that [*sic*] includes but may not be limited to the child’s father choked the child and struck him with his fist in chest causes [*sic*] redness on the child’s chest. Father hit the child on his left arm and the child causing the child to suffer scratches on his left arm. Further, the child’s father grabbed the child by his right wrist causing the child to suffer a noticeable bruise on his right wrist. Such physical abuse on the part of the child’s father endanger the child’s physical health and safety, create a detrimental home environment and place the children at risk of serious physical harm, damage and danger.”

During further investigation into the alleged 2014 abuse, mother stated that C.L. Jr. “came home after visiting with his father . . . and he told me that his father had hit him and choked him. I told [father] what [C.L. Jr.] had told me and I did not allow [C.L. Jr.] to visit with his dad for a while.” C.L. Jr. reported: “My dad hit me and dragged me and he scratched m[e]. I told my teacher. That was a long time [ago]. I don’t remember when it happened.” I.L. had no knowledge of father choking or hitting C.L. Jr.

Father explained the incident as follows: “[C.L. Jr.] got upset when I walked to his school with Cassandra my now girlfriend. He would not listen and he stood in the middle of the street. I grabbed him by his arm and we walked home. I spanked him by hitting him with an open hand on his buttocks. I never choked him or scratched him. [C.L. Jr.] told me that I would regret it and he went to school and told his teacher that I choked him and hit him.”

At the jurisdictional hearing, the juvenile court proceeded with a contested hearing as to father. Among other things, at father’s request, the juvenile court admitted into evidence a letter to father from the Department, dated December 3, 2014, that stated the 2014 referral regarding father’s physical abuse of C.L. Jr. was investigated and closed as inconclusive. After weighing the evidence, the juvenile court found the allegations in the counts regarding the past physical abuse were true and sustained those counts. The juvenile court dismissed the count regarding father’s criminal record.

At the jurisdictional hearing, mother and D.S. waived their rights to a hearing and pleaded no contest to the counts alleged against them. The juvenile court accepted their pleas, dismissed

one of the counts, and sustained the remaining counts with minor amendments not relevant to this appeal.

With regard to the disposition, the juvenile court ordered the children placed with mother and unmonitored visitation for father. The juvenile court also ordered father to participate in a parenting class, individual counseling, and conjoint counseling with the children if recommended.

DISCUSSION

Father argues that insufficient evidence supports the juvenile court's jurisdictional findings that I.L. and C.L., Jr. were at risk because father physically abused C.L. Jr. in 2014. He concedes that the juvenile court will retain jurisdiction over I.L. and C.L., Jr. even if his argument is successful, but asks us to exercise our discretion to consider his argument nonetheless. The Department contends we should dismiss father's appeal because there are bases for jurisdiction independent of the juvenile court's findings concerning father, namely, the jurisdictional findings against mother and D.S.

I. Justiciability in Dependency Cases

"It is a fundamental principle of appellate practice that an appeal will not be entertained unless it presents a justiciable issue." (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1489.) "An important requirement for justiciability is the availability of 'effective' relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties' conduct or legal status." (*Id.* at p. 1490.) When "issues raised in [an] appeal present no genuine challenge to the court's assumption of dependency jurisdiction[,] . . . any order we enter will have no practical

impact on the pending dependency proceeding, thereby precluding a grant of effective relief. For that reason, we find [such an] appeal to be nonjusticiable.” (*Id.* at p. 1491.)

“When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court’s jurisdiction, a reviewing court can affirm the juvenile court’s finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.’ [Citation.]” (*In re I.J.* (2013) 56 Cal.4th 766, 773; *In re I.A.*, *supra*, 201 Cal.App.4th at p. 1492 [“an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence”].)

“[I]t is necessary only for the court to find that one parent’s conduct has created circumstances triggering section 300 for the court to assert jurisdiction over [a] child. [Citations.] Once the child is found to be endangered in the manner described by one of the subdivisions of section 300—e.g., a risk of serious physical harm (subds. (a) & (b)), serious emotional damage (subd. (c)), sexual or other abuse (subds. (d) & (e)), or abandonment (subd. (g)), among others—the child comes within the court’s jurisdiction, even if the child was not in the physical custody of one or both parents at the time the jurisdictional events occurred. [Citation.] For jurisdictional purposes, it is irrelevant which parent created those circumstances. 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. [Citation.] As a result, it is commonly said that a jurisdictional finding involving one parent is “good against both. More accurately, the minor is a dependent if the actions of either parent bring [him] within one of the statutory definitions of a dependent.”” (*In re I.A.*, *supra*, 201 Cal.App.4th pp. 1491-1492.)

II. Father’s Appeal is Nonjusticiable

Because the juvenile court will continue to have jurisdiction due to the sustained allegations concerning mother, father’s appeal presents no genuine challenge to its assumption of dependency jurisdiction, and any order we enter would have no practical impact on the dependency proceedings. Thus, because there is no effective relief for us to grant, we conclude that father’s appeal is nonjusticiable. (*In re I.A.*, *supra*, 201 Cal.App.4th at pp. 1491-1492.)

Father nonetheless contends that we should exercise our discretion to reach the merits of the jurisdictional findings he challenges. We have discretion to address the merits of a challenge to a jurisdictional finding when such finding: (1) serves as the basis for dispositional orders challenged on appeal; (2) could be prejudicial to the appellant or impact current or future dependency proceedings; or (3) could have other consequences for the appellant beyond jurisdiction. (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763.)

Here, father provides no basis for us to exercise our discretion. Without developing his argument in any meaningful way, father makes the conclusory statement that the jurisdictional findings against him “*could* be prejudicial” and impact the dependency proceedings. (*Italics added.*) Without

explaining how or why this is the case for him, father merely adds that a reversal of the jurisdictional findings would make him a non-offending parent, which, according to father, is “a significant difference than an ‘offending’ parent.”

Notably, father does not challenge the dispositional order. Indeed, suffering no adverse impact from the jurisdictional finding, father received precisely what he requested at the hearing, i.e., continued visits with the children that remain unmonitored. Further, father did not seek custody of I.L. or C.L. Jr.; nor has he even hinted that he might do so. Thus, to the extent one’s status as a non-offending parent has any bearing on custody (see *In re Christopher M.* (2014) 228 Cal.App.4th 1310, 1317 [discussing whether a non-offending parent requirement exists for custody placement under § 361.2(a)]), father has failed to demonstrate any prejudice he would suffer in this regard. Lastly, father identifies no other form of prejudice or negative consequence that has resulted or will result from the juvenile court’s jurisdictional finding.

Father’s conclusory statements regarding prejudice are speculative, and his argument that we should exercise our discretion is undeveloped. As the court explained in *People v. Stanley* (1995) 10 Cal.4th 764, 793, it is not the role of a reviewing court to independently seek out support for appellant’s conclusory assertions, and such contentions may be rejected without consideration. (See also *Alvarez v. Jacmar Pacific Pizza Corp.* (2002) 100 Cal.App.4th 1190, 1206, fn. 11 [“It is not our responsibility to develop an appellant’s argument”]; *Paterno v. State of California* (1999) 74 Cal.App.4th 68, 106 [“An appellate court is not required to examine undeveloped claims, nor to make arguments for parties”].)

We therefore decline to exercise our discretion to address the merits of father's claim that the juvenile court's jurisdictional findings were unsupported by substantial evidence.

DISPOSITION

Father's appeal is dismissed.

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KIN, J.*

We concur:

TURNER, P. J.

BAKER, J.

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