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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re K.D., a Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

E.J.,

Defendant and Appellant.

B287757

(Los Angeles County
Super. Ct. No. DK14129)

APPEAL from orders of the Superior Court of Los Angeles
County, Michael E. Whitaker, Judge. Affirmed and remanded.

Valerie N. Lankford, under appointment by the Court of
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant
County Counsel, and David Michael Miller, Deputy County
Counsel, for Plaintiff and Respondent.

* * * * *

E.J. (mother) appeals from the jurisdictional findings and orders concerning her minor child, K.D. Mother makes no arguments contesting the dispositional orders. Mother contends the juvenile court erred in declaring K.D. a dependent based on a finding that her conduct placed K.D. at risk of serious harm. Mother does not challenge dependency jurisdiction based on the court's finding that father J.D.'s marijuana use placed the child at risk of serious physical harm and damage.

We affirm the jurisdictional and dispositional orders but remand for the juvenile court to comply with the Indian Child Welfare Act (ICWA; 25 U.S.C. § 1901 et seq.) inquiry and notice provisions with respect to father.

BACKGROUND

Mother was a minor dependent when her three-week-old infant, K.D., came to the attention of the Los Angeles County Department of Children and Family Services (Department) after mother went AWOL from her placement and took K.D. with her. The staff at the group home where mother had been living reported that K.D. had not received vaccinations and had not passed his hearing test, causing concern that he was not receiving adequate medical care while in mother's custody.

Six or seven weeks later, police took mother into custody after it was reported she was being held up at a motel in Los Angeles by a man who was threatening her life. According to police, the motel was a "frequent hangout for prostitutes." Police brought mother to a Department office. She told a social worker that K.D. was with his father but would not disclose his address. She told a Human Services Worker that an 18-year-old girl whom she described as "her bitch" performed oral sex for money and gave the money to mother; but that day, the girl did not turn over all the money, which is why mother's current boyfriend (whom mother described as

“pimp gangster”) threatened to harm mother. Later that day, mother again went AWOL.

After another four weeks passed, the Department received an anonymous phone call to the hotline stating that mother and father were using marijuana and methamphetamine in the presence of the child. The caller said they were “on the run,” homeless, and sometimes slept on the street with K.D.

With the family at large, the court continued the jurisdiction hearing, first for six months until early June 2016, and again for an additional six months. On June 21, 2016, mother was arrested “due to suspicion of being a sexually exploited youth,” as mother was observed by law enforcement “flagging down cars.” She was reported to have been under the influence of ecstasy and marijuana at the time of her arrest. She reported K.D. was with his father and paternal grandmother. K.D. was detained and placed in foster care at about 10 months of age.

Within three weeks of her arrest, mother was again detained by law enforcement on suspicion of being sexually exploited. She was transported to a Department office but went AWOL again. The Department found mother a couple months later at a juvenile detention center in Las Vegas. The Department returned with mother to California, whereupon mother went AWOL again.

Mother appeared in court on the date set for the jurisdiction hearing. The parties did not reach an agreement so the court set a date for a contested hearing. Mother and father were both AWOL on the date set for the contest, and neither appeared for the adjudication hearing. Mother had become an adult, and dependency jurisdiction over her had been terminated at her request.

The court sustained allegations that father’s marijuana use placed K.D. at risk of serious physical harm and damage. The court

also sustained allegations that mother had a history of runaway behavior, had run away with the infant K.D. and engaged in unsafe behaviors, was found in a motel frequented by prostitutes, and her male companion threatened to harm her because she failed to get money from pimping, all of which placed K.D. at risk of serious physical harm, damage and danger.

At the request of mother's counsel, the court continued the disposition two months for a contested hearing. Mother remained AWOL and did not attend the disposition hearing.

The disposition hearing was continued five more times and was finally heard when K.D. was two years and two months old. Neither mother nor father attended the hearing. The court found father was the presumed father but did not order reunification services for father. The court ordered reunification services for mother. Mother had rarely visited with K.D. throughout these proceedings.

DISCUSSION

Mother's sole argument on appeal is that no substantial evidence supports the finding that her conduct placed K.D. at substantial risk of serious physical harm. She contends that even if the sustained allegations were true, that she engaged in unsafe behavior by running away from her group home, staying at a motel frequented by prostitutes, and engaging in acts of pimping, that is insufficient evidence to support the finding that such behavior placed K.D. at substantial risk of serious physical harm at the time of the jurisdictional hearing.

Mother left her group home with then three-week-old K.D. in September 2015. The jurisdiction hearing was not held until January 10, 2017, due to mother's continuing to AWOL and her whereabouts being unknown for most of the time after K.D. was detained and placed in foster care.

Mother acknowledges that we may affirm the finding of dependency jurisdiction based on father's conduct without reaching the issue of whether mother is an offending parent. As a general rule, "a single jurisdictional finding supported by substantial evidence is sufficient to support jurisdiction and render moot a challenge to the other findings." (*In re M.W.* (2015) 238 Cal.App.4th 1444, 1452.) Such is the case here. Since "we cannot render any relief to [mother] that would have a practical, tangible impact on [her] position in the dependency proceeding" (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1492), we therefore decline to consider mother's argument.

The purpose of dependency law is to protect children. (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1491.) "The court asserts jurisdiction with respect to a child when one of the statutory prerequisites listed in [Welfare and Institutions Code] section 300 has been demonstrated." (*Ibid.*) When a single finding is supported by the evidence, the court may decline to consider other jurisdictional findings. (*Id.* at p. 1492.) Moreover, a "jurisdictional finding involving one parent is 'good against both. More accurately, the minor is a dependent if the actions of either parent bring [the minor] within one of the statutory definitions of a dependent.'" [Citation.]" (*Ibid.*; see also *In re Briana V.* (2015) 236 Cal.App.4th 297, 308.)

Mother makes no challenge to the jurisdictional findings against father. In addition, mother makes no challenge to the dispositional orders. As noted above, for these reasons alone we may decline to consider the jurisdictional finding that mother was an offending parent. (*In re Briana V.*, *supra*, 236 Cal.App.4th at p. 308.) "Under these circumstances, the issues . . . raise[d on appeal] are 'abstract or academic questions of law' [citation], since we cannot render any relief . . . that would have a practical, tangible impact on [the appealing parent's] position in the

dependency proceeding. Even if we found no adequate evidentiary support for the juvenile court's findings with respect to [the appealing parent's] conduct, we would not reverse the court's jurisdictional and dispositional orders nor vacate the court's assertion of personal jurisdiction over his [or her] parental rights." (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1492; see also *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 ["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."].)

Mother contends we should nonetheless review the jurisdictional findings as to her conduct. "[W]here the jurisdictional finding could have other consequences beyond jurisdiction—e.g., where the finding may exclude the parent as a placement option—the appellate court has discretion to consider the question." (*In re Christopher M.* (2014) 228 Cal.App.4th 1310, 1316; *In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763;.)

Mother contends review of the jurisdictional findings against her is warranted, because without them, there would be no basis for the dispositional order removing K.D. from her custody. Yet mother makes no attempt to show the court abused its discretion by removing K.D. from her custody. Mother also contends the findings could prejudice her in any future proceedings involving K.D. or any other child that may be born to mother in the future. The court's findings that mother's conduct created a substantial risk that K.D. would suffer serious physical harm, and that there was a risk to K.D. at the time of the jurisdiction hearing, however, will have little, if any, impact on future dependency proceedings. As the court explained in *In re I.A.*, "[a] past jurisdictional finding . . . would be entitled to no weight in establishing jurisdiction, even

assuming it was admissible for that purpose. Instead, the agency will be required to demonstrate jurisdiction by presenting evidence of then current circumstances placing the minor at risk. Other relevant dependency findings similarly would require evidence of present detriment, based on the then prevailing circumstances of parent and child.” (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1495.)

Finally, mother contends that finding her appeal to be nonjusticiable has the “undesirable result of insulating erroneous or arbitrary rulings from review.” (*In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1548.)

The courts will not entertain a nonjusticiable dependency appeal where a parent has not suggested a single specific legal or practical consequence from the jurisdictional finding either within or outside the dependency proceedings. (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1493; see also *In re J.C.* (2014) 233 Cal.App.4th 1, 3-4 [father waived any argument that his challenge to the court’s jurisdictional findings was justiciable because he did not identify any specific legal or practical consequences that may flow from those findings].)

In any event, the juvenile court’s findings were neither erroneous nor arbitrary. The facts summarized above provide substantial evidence that mother’s behavior placed K.D. at substantial risk of serious harm. We find no basis for reversal of the jurisdictional findings as to mother.

However, the Department concedes we should remand with directions that the court order the Department to complete an inquiry and notice, if appropriate, pursuant to the ICWA. On remand, if the ICWA notice provisions are triggered, and if a tribe indicates that K.D. is an Indian child, then the child, parents, or tribe may petition the juvenile court to set aside orders that did not comport with the ICWA. (25 U.S.C. § 1914; Cal. Rules of Court, rule 5.486; *In re Brooke C.* (2005) 127 Cal.App.4th 377, 385-386.)

DISPOSITION

The jurisdictional findings and orders are affirmed. The matter is remanded to the juvenile court with instructions that the court order the Department to interview father or available paternal relatives regarding possible Indian ancestry in accordance with the ICWA, and for further findings by the court upon completion of the ICWA inquiry.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.