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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

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

LOS ANGELES COUNTY DEPARTMENT  
OF CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

P.T.,

Defendant,

A.G. et al.,

Objectors and Appellants.

B260483

(Los Angeles County  
Super. Ct. No. CK63791)

APPEAL from an order of the Superior Court of Los Angeles County,  
Debra Losnick, Commissioner. Affirmed.

Merrill Lee Toole, under appointment by the Court of Appeal, for Objectors and  
Appellants A.G. and I.T.

Mark J. Saladino, County Counsel, Dawyn R. Harrison, Assistant County Counsel,  
and Melinda A. Green, Deputy County Counsel, for Plaintiff and Respondent.

After appellants A.G. and I.T. were found to be dependent minors under Welfare and Institutions Code section 300,<sup>1</sup> the juvenile court allowed them to move to Kentucky with their legal guardian and maternal great-grandmother, Ms. D. Seven years later, the Los Angeles County Department of Children's and Family Services (Department) moved to close the dependency case. The motion was granted, and the children appealed. Finding no abuse of discretion, we affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

In June 2006, the Department filed a section 300 petition on behalf of A.G., then age seven, and his half-brother, I.T., then age two. The petition alleged the children's mother, P.T. (Mother), had left them with unrelated adults for an extended period of time, and they had been physically abused by at least one of the adults. (§ 300, subd. (b) [failure to protect].) The juvenile court sustained a modified petition, granted reunification services to Mother, and placed the children with Ms. D. When Mother did not reunify with the children, her reunification services were terminated. Six months later, the court issued legal guardianship papers to Ms. D.

In October 2007, the Department supported Ms. D.'s request to move to Kentucky with the children in order to be near relatives. Ms. D. had found a two-bedroom furnished apartment that she thought would be affordable even without financial aid from the State of Kentucky. The court granted her request, and she moved with the children to Kentucky later that year or early the following year.

The juvenile court kept the dependency case open while the family was supervised by a local social services agency in Kentucky under the Interstate Compact on the Placement of Children. The Kentucky agency gave the Department periodic updates on the family, and the Department provided financial assistance to the children.

Over the years, Ms. D. was repeatedly advised to take foster parent classes in order to obtain a foster parent license, which was a prerequisite to receiving federal

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<sup>1</sup> All further undesignated statutory references are to the Welfare and Institutions Code.

funding in Kentucky under the Adoption and Safe Families Act (ASFA). Ms. D. also was advised that funding was available under Kentucky's Temporary Assistance to Needy Families (TANF) Program. However, she did not obtain a foster parent license or seek local funding under TANF.

In April 2014, the Kentucky agency unilaterally terminated its supervision of the dependency case. Ms. D., who was not receiving federal or local funding for the children, was concerned the Department would cease paying financial aid for the children. Ms. D. was receiving disability payments (\$700), food stamps (\$115), and \$1,400 from the Department.

In September 2014, the Department sent a children's social worker (CSW) to meet with Ms. D. and the children in Kentucky. The children were happy living with Ms. D. and were doing well in school. A.G. was receiving B's in 10th grade English, Biology, Humanities, and Visual Arts. I.T. was receiving B's in Writing, Science, and Math, and C's in Reading and Social Studies. Ms. D.'s primary concern was funding. The CSW explained that federal funding was unavailable in Kentucky unless she obtained a foster care license. Ms. D. indicated that although she was determined to keep the children, she was not interested in becoming a licensed foster parent. She said she was interested in "Kinship," but was told that kinship was not an option.<sup>2</sup>

In November 2014, the Department moved to close the dependency case. It informed the juvenile court that the Kentucky agency had ceased supervising the case, and that Ms. D. was eligible for funding through Kentucky's TANF Program or the Kentucky Transitional Assistance Program. Because Ms. D. was receiving food stamps, she should be able to apply for financial aid in her existing public assistance case. Under the circumstances, keeping the dependency case open was unwise because it could interfere with the State of Kentucky's efforts to acquire jurisdiction over the children if Ms. D. could not care for them.

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<sup>2</sup>This is an apparent reference to Kin-GAP, or "Kinship Guardianship Assistance Payments."

On November 13, 2014, the court terminated jurisdiction over the objection of the children's attorney. The children filed a timely notice of appeal.

## **DISCUSSION**

The children contend the juvenile court abused its discretion in terminating jurisdiction, which was not in their best interests because it deprived them of funding from the Department. The Department argues that termination of jurisdiction was unavoidable under the circumstances. The Department is incapable of supervising the case remotely, and financial aid is available in Kentucky.

“When legal guardianship is granted, the court may continue dependency jurisdiction if it is in the best interest of the child, or the court may terminate dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship.” (Cal. Rules of Court, rule 5.740(a)(3).) The juvenile court has discretion to retain jurisdiction until the dependent child attains the age of 21. (§ 303, subd. (a).)

We see no indication that the juvenile court abused its discretion. The evidence supports the inferences that every reasonable effort was made by the Department to provide financial and other assistance to the children for as long as possible, and that once the Department stops providing financial aid to the children, Ms. D. is eligible to obtain financial aid for the children from the State of Kentucky. The evidence supports the inference that the Kentucky agency's unilateral withdrawal of services made the Department's continued supervision of the case infeasible. And the prolongation of the California dependency case was an obstacle to the State of Kentucky in acquiring jurisdiction over the children if Ms. D. was unable to care for them. For these reasons, we conclude that termination of jurisdiction was not only in the children's best interest, but the only logical result.<sup>3</sup>

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<sup>3</sup>In their respective briefs, the parties cite an intermediate appellate court decision that was reversed by the California Supreme Court. (*In re Joshua S.* (2007) 41 Cal.4th 261.) The parties suggest that although the appellate court decision was reversed, it remains good law. They are mistaken. The rule is that “a grant of review by the

**DISPOSITION**

The order is affirmed.

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EPSTEIN, P.J.

We concur:

MANELLA, J.

COLLINS, J.

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Supreme Court nullifies the opinion and causes it to no longer exist. [Citations.]”  
(*Farmers Ins. Exchange v. Superior Court* (2013) 218 Cal.App.4th 96, 109.)