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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

In re S.B., a Person Coming Under
the Juvenile Court Law.

B282182
(Los Angeles County
Super. Ct. No. DK18627)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

W.B.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of
Los Angeles County, Frank J. Menetrez, Judge. Dismissed.

John P. McCurley, under appointment by the Court of
Appeal, for Defendant and Appellant.

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

INTRODUCTION

W.B., mother of 17-year-old S.B., appeals from the juvenile court's February 23, 2017 jurisdiction findings and disposition order declaring S.B. a dependent of the court pursuant to Welfare and Institutions Code section 300, subdivision (b)(1).¹ W.B. contends substantial evidence did not support the juvenile court's findings she failed to protect S.B. when she knew other relatives in the home physically abused her. Because additional, unchallenged allegations supported juvenile court jurisdiction and because the juvenile court has terminated jurisdiction, we dismiss the appeal as moot.

FACTUAL AND PROCEDURAL BACKGROUND

In February 2016 the Los Angeles County Department of Children and Family Services received a report that W.B., who was hospitalized in December 2015 with long-term health problems, had left S.B. in the care of S.B.'s adult sibling, Rita C., and that Rita and another adult sibling, Joy B., were physically abusing S.B.² According to the report, S.B. disclosed a recent incident in which Rita put S.B. in a headlock and Joy "socked" S.B. in the jaw.

¹ Undesignated statutory references are to the Welfare and Institutions Code.

² W.B. adopted S.B. when S.B. was one year old. W.B. has three other, adult daughters: Rita, Joy, and Lisa. Although S.B. apparently considered Rita, Joy, and Lisa her siblings, Rita was in fact S.B.'s adoptive co-parent.

After detaining S.B., the Department filed a petition asserting S.B. came within the jurisdiction of the juvenile court under section 300, subdivisions (a), (b)(1), and (c). At the jurisdiction hearing on February 23, 2017, the juvenile court sustained three counts under section 300, subdivision (b)(1), and dismissed all other counts.

The first count the juvenile court sustained alleged that “[o]n or about 2/15/2016, [Rita] physically abused [S.B.] by placing [Rita’s] arm around [S.B.’s] neck in the course of a physical altercation with [S.B.]. [Rita] grabbed [S.B.’s] shirt, causing [S.B.] to fall and strike [S.B.’s] head on the ground. . . . On prior occasions, [Rita] struck [S.B.]. Such physical abuse was excessive and caused [S.B.] unreasonable pain and suffering. [W.B.] failed to protect [S.B.] when she knew of [Rita’s] physical abuse of [S.B.]. Such physical abuse of [S.B.] by [Rita], and [W.B.’s] failure to protect [S.B.], endangers [S.B.’s] physical health and safety, and places [S.B.] at risk of serious physical harm, damage, danger, physical abuse and failure to protect.”

The second sustained count alleged that “[o]n or about 02/15/2016, [Joy] physically abused [S.B.] by striking [S.B.’s] face with [Joy’s] fists, inflicting swelling and bruising to [S.B.’s] jaw. . . . On prior occasions, [Joy] struck [S.B.]. Such physical abuse was excessive and caused [S.B.] unreasonable pain and suffering. [W.B.] and [Rita] failed to protect [S.B.] when they knew of [Joy’s] physical abuse of [S.B.]. Such physical abuse of [S.B.] by [Joy], and [W.B.’s] and [Rita’s] failure to protect [S.B.], endangers [S.B.’s] physical health and safety, and places [S.B.] at risk of serious physical harm, damage, danger, physical abuse and failure to protect.”

The third sustained count alleged that “[W.B.] is unable to provide [S.B.] with ongoing care and supervision due [to W.B.’s] medical condition and long term hospitalization. Such inability to provide care and supervision for [S.B.] on the part of [W.B.] endangers [S.B.’s] physical health, safety and well being, and places [S.B.] at risk of serious physical harm and damage.”

At disposition the juvenile court ordered home placement under Department supervision and family maintenance services. W.B. timely appealed, contending the juvenile court erred in sustaining the first and second counts under section 300, subdivision (b)(1), because substantial evidence did not support the court’s findings she failed to protect S.B. when she knew Rita and Joy physically abused her.

DISCUSSION

W.B.’s appeal is moot for at least two reasons. First, W.B. challenges only the juvenile court’s findings she failed to protect S.B. when she knew Rita and Joy physically abused her. W.B. does not challenge the juvenile court’s findings that Rita and Joy physically abused S.B. and that Rita failed to protect S.B. from Joy’s physical abuse. Nor does W.B. contend the court erred in sustaining the third count against her. As W.B. acknowledges, we generally do not review jurisdiction findings when unchallenged allegations justify juvenile court jurisdiction over the child. (See *In re Briana V.* (2015) 236 Cal.App.4th 297, 308; *In re Drake M.* (2012) 211 Cal.App.4th 754, 762; *In re I.A.* (2011) 201 Cal.App.4th 1484, 1492.)

Second, while this appeal was pending, the juvenile court terminated jurisdiction over S.B. and released her to her parents.³ Although “dismissal for mootness in such circumstances is not automatic” and “must be decided on a case-by-case basis,” “[a]s 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; see *In re N.S.* (2016) 245 Cal.App.4th 53, 63.)

W.B. argues we should reach the merits of her appeal because the challenged findings may prejudice her in future proceedings and otherwise adversely affect her. (See *In re Drake M.*, *supra*, 211 Cal.App.4th at pp. 762-763 [“we generally will exercise our discretion and reach the merits of a challenge to any jurisdictional finding when the finding . . . could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings . . . or . . . ‘could have other consequences for [the appellant], beyond jurisdiction”]; *In re C.C.*, *supra*, 172 Cal.App.4th at pp. 1488-1489 [“[a]n issue is not moot if the purported error infects the outcome of subsequent proceedings”].) In particular, she cites *In re Drake M.* and argues that the findings she challenges “mean the difference between her being an offending versus non-offending parent,” which could adversely affect her in future dependency proceedings. (See *In re Drake M.*, at p. 763.) *In re Drake M.* is distinguishable. Unlike the juvenile court in *In re Drake M.*, the juvenile court in this case has terminated jurisdiction. (See *id.* at p. 764.) Future dependency proceedings are speculative.

³ The parties subsequently filed letter briefs on whether that order mooted the appeal.

W.B. also argues the challenged findings may cause the Department of Justice to include her on its Child Abuse Central Index (CACI) (see Pen. Code, §§ 11164-11174.3),⁴ for which the definition of “child abuse” includes “the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in [Penal Code] Section 11165.3” (*id.*, § 11165.6). Penal Code section 11165.3 defines “the willful harming or injuring of a child or the endangering of the person or health of a child” to mean “a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.”

This argument is unpersuasive. The Department, not the juvenile court, has the duty to report known or suspected cases of child abuse to the Department of Justice for inclusion on the CACI (Pen. Code, § 11169, subd. (a)). The Department’s duty is

⁴ “The CACI consists of an index of all reports of child abuse and severe neglect submitted to the DOJ pursuant to the [Child Abuse and Neglect Reporting Act] under Penal Code section 11169.” (*Saraswati v. County of San Diego* (2011) 202 Cal.App.4th 917, 921, fn. 1; accord, *In re C.F.* (2011) 198 Cal.App.4th 454, 462-463.) “Reports . . . and the names of persons making them are deemed confidential.” (*In re C.F.*, at p. 462; see Pen. Code, §§ 11167, 11167.5.) However, the Department of Justice makes the CACI lists available to county agencies and others conducting background investigations of people seeking employment or volunteer work and to out-of-state agencies investigating prospective foster or adoptive parents. (See Pen. Code, § 11170, subds. (b)(4) & (8), (e)(1).)

triggered by an investigator's determination that more likely than not child abuse has occurred, not by a juvenile court order sustaining a section 300 petition (see Pen. Code, § 11165.12, subd. (b); *Gonzalez v. Santa Clara County Dept. of Social Services* (2014) 223 Cal.App.4th 72, 85). The only CACI-related consequence of a jurisdiction finding by a juvenile court that child abuse has occurred is that the reported abuser loses his or her right to a review hearing before the reporting agency to challenge his or her inclusion on the CACI. (Pen. Code, § 11169, subd. (e).) Nothing in the record indicates the Department has reported W.B. to the Department of Justice. (See *In re C.F.* (2011) 198 Cal.App.4th 454, 462 [reporting agency must notify the known or suspected child abuser that the agency has reported him or her for listing on the CACI].) Nor does W.B. explain how inclusion on the CACI might adversely affect her, when that information is confidential and its disclosure limited. (See Pen. Code, §§ 11167, 11167.5, 11170, subds. (b)(4) & (8), (e)(1); *In re C.F.*, at p. 462.) Thus, any adverse CACI-related consequences from the challenged jurisdiction findings remain speculative.

DISPOSITION

The appeal is dismissed.

SEGAL, J.

We concur:

PERLUSS, P. J.

ZELON, J.