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

In re JONATHAN L., a Person Coming  
Under the Juvenile Court Law.

B268903  
(Los Angeles County  
Super. Ct. No. CK53217)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

PABLO R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County. Emma Castro, Commissioner. Appeal dismissed.

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

Lori Siegel, under appointment by the Court of Appeal, for Respondent minor Jonathan L.

No appearance for Plaintiff and Respondent Los Angeles County Department of Children and Family Services.

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Pablo R., appellant and father (Father) of eight-year-old Jonathan L. appeals from a disposition order removing the minor from Father's custody under Welfare and Institutions Code section 361, subdivision (c).<sup>1</sup> While this appeal was pending, the juvenile dependency court vacated the dispositional findings and order it made with respect to Father, which renders this appeal moot. Therefore, we dismiss.

### **FACTUAL AND PROCEDURAL BACKGROUND**

Jonathan L. lived with his mother, Argelia L. (Mother). In June 2015, after Mother experienced drug-induced psychosis, the Department of Children and Family Services (DCFS) filed a section 300 petition seeking jurisdiction over Jonathan based on allegations that Mother's history of substance abuse rendered her incapable of caring for him and placed him at risk of harm. The court ordered Jonathan detained and placed him with his maternal aunt. The court also found that Father, who had limited contact with Mother and visited the minor occasionally, was the child's biological father. On September 21, 2015, the court sustained the section 300 petition.

The disposition report disclosed that Father had acknowledged that he could not take custody of Jonathan because he did not have suitable living arrangements for the child.

At the October 23, 2015 disposition hearing, the parties discussed the appropriate disposition as to Father. Father argued that section 361, subdivision (c) did not authorize an order removing the minor from his custody because he was a nonoffending, noncustodial parent. In addition, Father pointed out that he was not seeking custody of Jonathan, and therefore a section 361.2 finding of detriment was unwarranted. The court acknowledged Father's status as a noncustodial, nonoffending parent and recognized that he was not seeking custody. The court believed, however, that it was required to make removal findings as to him, and ordered Jonathan removed from Father's custody pursuant to section 361, subdivision (c)(2). The court then added "[i]f further

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<sup>1</sup> All statutory references are to the Welfare and Institutions Code unless otherwise indicated.

research . . . results in the court believing that it has made an error in its dispositional orders, I will have this matter back on calendar to correct my error.”

On October 29, 2015, appellant filed a notice of appeal of the dispositional order. On November 13, 2015, the juvenile court, on its own motion, vacated the section 361, subdivision (c) findings and dispositional order as to Father.<sup>2</sup>

### **DISCUSSION**

“ ‘[A]n action that originally was based on a justiciable controversy cannot be maintained on appeal if all the questions have become moot by subsequent acts or events. A reversal in such a case would be without practical effect, and the appeal will therefore be dismissed.’ [Citation.]” (*In re Dani R.* (2001) 89 Cal.App.4th 402, 404.) Here, Father challenges only the dispositional order removing Jonathan from his custody. During this appeal, however, the juvenile court vacated that dispositional order, and as a result, our reversal of the order will have no “practical, tangible impact on the parties’ conduct or legal status.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1490.) Under such circumstances, the appeal is moot and should be dismissed. (*Ibid.*)

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<sup>2</sup> On April 15, 2016, this court granted DCFS’s request to take judicial notice of the juvenile dependency court’s minute order vacating the October 23, 2015 disposition order.

**DISPOSITION**

The appeal is dismissed.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

LUI, J.