

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re SANDRA V., a Person  
Coming Under the Juvenile  
Court Law.

B278858  
(Los Angeles County  
Super. Ct. No. XK03795)

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Plaintiff and Respondent,

v.

SANDRA V.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los  
Angeles County, Robin R. Kesler, Juvenile Court Referee.  
Dismissed.

Megan Turkat Schirn, under appointment by the Court of Appeal, for Defendant and Appellant.

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

---

Sandra V., born in 1997, appeals from a juvenile court order terminating non-minor dependent jurisdiction. Since the inception of this appeal, the juvenile court has again assumed jurisdiction over Sandra. The appeal is, therefore, moot, and we are without jurisdiction to do anything other than dismiss the appeal.

### **BACKGROUND<sup>1</sup>**

Sandra was born in 1997. At some point, she became a minor dependent of the court, and an order for suitable placement was entered on October 30, 2014.<sup>2</sup> Sandra moved to Texas in 2015 to live with her grandmother, and on September

---

<sup>1</sup> There appears to be a substantial and important procedural and factual history behind this matter that is not in the record. Both parties appear to assume the record from a previous appeal (B269283), which would have provided us with much of the factual and procedural history upon which the parties' briefs rest, was incorporated into the record on this appeal. Our file contains no indication any request to incorporate that record was filed in connection with this appeal. Our review, therefore, is limited to the facts contained in the scarce record associated with this appeal only.

<sup>2</sup> Reunification services for Sandra's mother were terminated because Sandra turned 18. That reunification services existed and then were terminated leads us to conclude that Sandra must have been a dependent of the court as a minor.

24, 2015, the juvenile court referred the matter for a report on whether Sandra's living situation in Texas was approved as a Supervised Independent Living Placement (SILP), which, according to the Los Angeles County Department of Children and Family Services (DCFS) is a "flexible, non-licensed foster care placement available to non-minor dependents (NMDs) participating in the Extended Foster Care Program (ECF). It is intended to provide NMDs the opportunity for highly independent living experiences while they receive foster care payments and Supportive Transition (ST) services." (DCFS Supervised Independent Living Placement Policy 0100-560.40 at <[http://policy.dcfs.lacounty.gov/content/Supervised\\_Independent\\_L.htm](http://policy.dcfs.lacounty.gov/content/Supervised_Independent_L.htm)> [as of Feb. 5, 2018].)

The matter was continued for DCFS to provide the juvenile court with more information about out-of-state NMDs. But on November 2, 2015, the juvenile court terminated jurisdiction, citing Sandra's move to Texas, and stating that "DCFS is unable to provide services."

On June 22, 2016, Sandra, still living in Texas, filed a request to return to juvenile court jurisdiction and foster care under Welfare and Institutions Code section 388, subdivision (e).<sup>3</sup> DCFS filed a report in advance of the August 19, 2016 hearing on Sandra's request explaining that Los Angeles County's social workers could not practice social work in Texas, that Texas would not provide courtesy services, and that DCFS had not contracted or attempted to contract with any agency in Texas to provide the services necessary to support Sandra's placement in Texas.

---

<sup>3</sup> Unless otherwise noted, all statutory references are to the Welfare and Institutions Code.

Based on DCFS's report, the juvenile court again terminated jurisdiction.

Sandra timely appealed the juvenile court's order terminating jurisdiction.

Even though she was still living in Texas, after Sandra filed her notice of appeal, she filed another request to return to juvenile court jurisdiction and foster care, accompanied by a Transitional Independent Living Plan and Agreement signed by Sandra and a DCFS social worker.<sup>4</sup> The juvenile court again resumed jurisdiction, and has again ordered DCFS to assess Sandra's living situation in Texas as a SILP.

### **DISCUSSION**

Sandra's appeal is from the juvenile court's August 19, 2016 order terminating jurisdiction. Sandra contends DCFS violated its own policies when it failed to contract with a child welfare agency or provider in Texas to provide Sandra with services she was entitled to. Sandra also contends the juvenile court erred when it terminated jurisdiction without considering section 391 or California Rules of Court, rule 5.555, each of which decree certain conditions DCFS and the juvenile court must meet before terminating non-minor dependency jurisdiction. DCFS concedes that if we reach the merits of Sandra's appeal, we must reverse the juvenile court's August 19, 2016 order terminating jurisdiction.

DCFS contends, however, that Sandra's appeal is moot because the juvenile court has since resumed jurisdiction, albeit

---

<sup>4</sup> DCFS has filed two motions to take additional evidence and to take judicial notice. We granted the first, which was filed on November 20, 2017, on December 18, 2017. The second, filed on February 2, 2018, was granted on February 5, 2018.

by creating a new case number, and invoked NMD jurisdiction over Sandra based on Sandra's post-appeal request. DCFS further contends that Sandra forfeited the jurisdictional issue in the juvenile court.

Sandra argues the case is not moot, citing cases in which we have decided dependency jurisdiction questions in circumstances where an adverse jurisdictional finding could potentially harm the appellant in some future context. (Cf. *In re D.C.* (2011) 195 Cal.App.4th 1010, 1015.) If we do not decide this appeal, Sandra contends, DCFS could once again simply decide not to abide by its own policy and request that the juvenile court terminate jurisdiction because DCFS has decided to again abdicate its responsibility.

“ ‘When no effective relief can be granted, an appeal is moot and will be dismissed.’ [Citation.] ‘On a case-by-case basis, the reviewing court decides whether subsequent events in a dependency case have rendered the appeal moot and whether its decision would affect the outcome of the case in a subsequent proceeding.’ ” (*In re A.B.* (2014) 225 Cal.App.4th 1358, 1364.)

We conclude the appeal is moot. If we determine the juvenile court improperly terminated jurisdiction and remand the case for a determination on the merits of Sandra's request to return to juvenile court jurisdiction and foster care, Sandra will be in no different position in the juvenile court than she presently is; the juvenile court has already resumed jurisdiction and is purportedly considering the merits of Sandra's request. Neither would any determination of the appeal as presented necessarily apply to circumstances that might have changed for Sandra since August 19, 2016.

Moreover, Sandra and DCFS agreed to again return Sandra's matter to the juvenile court before we could resolve Sandra's appeal. We will not compete with the juvenile court to reach a determination of Sandra's case.

While we have questions about the propriety of the juvenile court essentially reversing its own jurisdictional order while that question was pending in this court after a notice of appeal and questions about DCFS's role in creating that jurisdictional conflict, those questions are not now before us. Further, DCFS's failure to abide by its own policies may very well have negatively impacted Sandra, but any opinion on that at this point would be advisory.

Because the appeal is moot, we dismiss without reaching the merits.

#### **DISPOSITION**

The appeal is dismissed.

**NOT TO BE PUBLISHED.**

CHANNEY, J.

We concur:

ROTHSCHILD, P. J.

BENDIX, J.\*

---

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