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

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

B293477

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Los Angeles County  
Super. Ct. No.  
18CCJP05672A

Plaintiff and Respondent,

v.

JOHN M.,

Defendant and Appellant.

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

Emery El Habiby, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,  
Assistant County Counsel, and John C. Savittieri, Deputy County  
Counsel, for Plaintiff and Respondent.

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## INTRODUCTION

In this dependency case, the juvenile court found jurisdiction over the minor, V.M., on three separate counts under Welfare and Institutions Code<sup>1</sup> section 300, subdivisions (a), (b), and (c). The court ordered the minor to remain in mother's custody with monitored visitation for the minor's presumed father, John M. (father). Father does not challenge the disposition but contends the jurisdictional finding under section 300, subdivision (c), is not supported by substantial evidence.

Because the jurisdictional findings under section 300, subdivisions (a) and (b) are unchallenged, our decision would have no impact on the court's ongoing jurisdiction over the minor. We conclude, therefore, that father's appeal does not present a justiciable controversy and dismiss the appeal.

## FACTS

Father and mother were never married and had ended their relationship prior to these proceedings. With respect to custody of the minor, father and mother had an informal arrangement in which father sometimes spent time with the minor on weekends. But in June 2018, father picked up the minor, who was then 10 years old, from school on the last day of the school year and refused to return the minor to mother for

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

more than a month. After mother and father were unable to reach an agreement, mother filed a custody petition in the San Bernardino County Family Law Court (family court) and in July 2018, she was awarded full custody of the minor. The family court order notwithstanding, father refused to release the minor to mother, requiring mother to obtain assistance from law enforcement to regain custody of the minor.

During the time the minor was with father, mother only saw her once, under father's supervision. Although father allowed mother to speak to the minor by telephone, he monitored those calls as well. Mother advised the Department of Children and Family Services (Department) that the minor was afraid of her father and was suffering from a number of adverse side effects, such as separation anxiety, difficulty sleeping, and fear that father would be angry at her. The minor also disclosed that while in father's custody, she witnessed father and his live-in girlfriend engage in domestic violence on multiple occasions.

In September 2018, the Department filed a petition under section 300. Under subdivisions (a) and (b), the Department alleged: "In June 2018, the child[s] father, ... and the father's female companion, ... engaged in a violent physical altercation in the presence of the child. The father struck the female companion in the face with the father's hand. The child's half-sibling ... was struck in the head during the physical altercation. On a prior occasion, the father engaged in physical violence with the father's female companion. Such violent conduct by the child's father endangers the child's physical health and safety and places the child at risk of serious physical harm, damage, danger, and physical abuse."

And under subdivision (c), the Department alleged: “The child[’s] father, ..., emotionally abused the child in that from June 19th to June 7th, [sic] the child’s father kept the child in the father’s home and failed to return the child to the care of the child’s mother, ... causing the child feelings of anxiety, sadness, fearfulness, loss of appetite, loss of sleep, stomach pain, hyper vigilan[ce], constant crying, feeling worried, and stress. The child has disclosed feelings of fear that the father will show up at the child’s school and/or home and remove the child from the care of the child’s mother. The child was recently diagnosed with Adjustment Disorder. Such emotional abuse on the part of the father places the child at substantial risk of suffering serious emotional damage as evidenced by severe anxiety, depression, withdrawal, and aggressive behavior towards self and others.”

The court sustained the jurisdictional allegations as pled, removed the minor from father’s custody, and released the minor to mother. Father timely appeals.

## **DISCUSSION**

Father does not challenge the court’s jurisdictional findings under section 300, subdivisions (a) and (b), nor does he challenge the court’s disposition giving him limited, monitored visitation with the minor. Instead, father contends the jurisdictional finding under section 300, subdivision (c), is not supported by substantial evidence because the emotional harm inflicted on the minor during her prolonged stay with father was, in his view, not sufficiently severe. Father argues this jurisdictional finding is prejudicial because it may “adversely affect a future dependency or family law proceeding in which [father] might be involved, particularly with his other minor children ... .” We conclude father’s appeal does not present a justiciable issue.

## 1. Justiciability

It is a fundamental principle of appellate practice that an appeal will not be entertained unless it presents a justiciable issue. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1489–1490.) “ ‘A judicial tribunal ordinarily may consider and determine only an existing controversy, and not a moot question or abstract proposition. ... [A]s a general rule it is not within the function of the court to act upon or decide a moot question or speculative, theoretical or abstract question or proposition, or a purely academic question, or to give an advisory opinion on such a question or proposition. ...’ ” (*Wilson v. L.A. County Civil Service Com.* (1952) 112 Cal.App.2d 450, 452–453; *In re I.A.*, at p. 1490.) An important requirement for justiciability is the availability of “effective” relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties’ conduct or legal status. This court must decide actual controversies by a judgment which can be carried into effect, and not give opinions upon moot questions or abstract propositions or declare principles or rules of law which cannot affect the matter in issue in the case before us. (*Costa Serena Owners Coalition v. Costa Serena Architectural Com.* (2009) 175 Cal.App.4th 1175, 1205–1206; see also *In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498 [a case is moot when it is “ ‘impossible for the appellate court to grant the appellant effective relief’ ”]; *Simi Corp. v. Garamendi* (2003) 109 Cal.App.4th 1496, 1503 [“A case becomes moot when a court ruling can have no practical impact or cannot provide the parties with effective relief”].) When the court cannot grant effective relief to the parties to an appeal, the appeal must be dismissed. (*Costa Serena*, at p. 1206; *In re I.A.*, at p. 1490.)

**2. Father's appeal does not present a justiciable controversy.**

“It is commonly said that the juvenile court takes jurisdiction over children, not parents.” (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1491.) And it is settled that if the court finds one parent's conduct has created circumstances triggering section 300, the court may assert jurisdiction over the child. (*In re P.A.* (2007) 155 Cal.App.4th 1197, 1212; *In re Alexis H.* (2005) 132 Cal.App.4th 11, 16.) Here, father does not challenge the jurisdictional findings relating to domestic violence in his home. Accordingly, the court's order finding jurisdiction under section 300, subdivisions (a) and (b), is final and supports the court's jurisdiction over the minor. As a result, even if we were to conclude the court's jurisdictional finding under section 300, subdivision (c), relating to emotional abuse is not supported by substantial evidence, our decision would have no impact on the court's ongoing jurisdiction over the minor. In this circumstance, an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence. (E.g., *In re I.A.*, at p. 1495; *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 [addressing remaining findings only “[f]or [f]ather's benefit”]; *In re Joshua G.* (2005) 129 Cal.App.4th 189, 202 [when a jurisdictional allegation involving one parent is found supported, it is “irrelevant” whether remaining allegations are supported]; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 330 [declining to address remaining allegations after one allegation found supported]; *Randi R. v. Superior Court* (1998) 64 Cal.App.4th 67, 72 [same].)

Nevertheless, father asks this court to exercise its jurisdiction to hear his appeal on the merits. “ ‘[W]e may ... exercise our discretion to reach the merits of a challenge to any jurisdictional finding when the finding may be prejudicial to the appellant. ... ’ [Citation.]” (*In re A.F.* (2016) 3 Cal.App.5th 283, 289–290.) In other words, we may reach the merits if we can provide some practical, effective relief. Here, we cannot do so.

### **DISPOSITION**

The appeal is dismissed.

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LAVIN, J.

WE CONCUR:

EDMON, P. J.

DHANIDINA, J.