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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re R.B., Jr., et al., Persons Coming
Under the Juvenile Court Law.

B285442

(Los Angeles County
Super. Ct. No. DK11922)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

R.B.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Daniel Zeke Zeidler, Judge. Appeal dismissed.

Jamie A. Moran, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Jessica S. Mitchell, Deputy County Counsel, for Plaintiff and Respondent.

The subjects of this appeal are R.B., Jr. (born January 2015) and S.R. (born December 2016). Appellant R.B. (Father) is the children’s presumed father; the children’s mother, C.R. (the mother), is not a party to this appeal. The juvenile court sustained allegations that Father and the mother engaged in domestic violence in R.B., Jr.’s presence, and declared both children dependents pursuant to Welfare and Institutions Code¹ section 300, subdivisions (a)², and (b)(1).³ Father does not challenge the court’s finding under section 300, subdivision (b)(1), that he was negligent in not protecting his children, but does challenge the finding under section 300, subdivision (a), that he intentionally harmed them. Father contends “[w]hat the evidence does not show, and something the juvenile court did not find to be true, was that either [R.B.] or [S.R.] [was] physically harmed during any domestic violence incident.”

¹ Unless otherwise indicated, further statutory references are to the Welfare and Institutions Code.

² Section 300, subdivision (a), authorizes juvenile court jurisdiction where “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted nonaccidentally upon the child by the child’s parent or guardian. For purposes of this subdivision, a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child’s siblings, or a combination of these and other actions by the parent or guardian that indicate the child is at risk of serious physical harm.”

³ Section 300, subdivision (b)(1), authorizes jurisdiction where, as applicable here, “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child.”

The Department of Children and Family Services (DCFS) has proposed that we dismiss the appeal because it is not justiciable. We agree. Because the trial court will continue to have jurisdiction over the children based on the mother's neglect as well as Father's and because Father has not demonstrated the likelihood of any significant detriment from the court's sustaining section 300, subdivision (a), he does not present a justiciable issue.⁴ We therefore dismiss Father's appeal.

DISCUSSION

Because we dismiss this appeal for lack of justiciability, we recite the facts only as necessary with respect to that issue.

“ ‘When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing court can affirm the [trial] court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.’ ” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762; accord, *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451.) Thus, even if we were to agree with

⁴ Even if Father had challenged the section 300, subdivision (b)(1) finding, the result would be the same. Indeed, Father acknowledges that, because the mother has not appealed from the orders pertaining to her, and because he does not challenge all of the findings made against him, the court's jurisdiction over the children will be unaffected even if he prevails in his appeal. This is so because a “ ‘jurisdictional finding good against one parent is good against both. More accurately, the minor is a dependent if the actions of either parent bring [him] within one of the statutory definitions of a dependent. [Citations.]’ ” (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.)

Father that substantial evidence does not support the juvenile court's finding under section 300, subdivision (a), the juvenile court would still have jurisdiction over R.B., Jr., and S.R. based on its findings under section 300, subdivision (b)(1), which neither Father nor the mother challenges.

Father acknowledges this principle, but contends that we should exercise our discretion to reach the merits of his appeal because the challenged finding will cause him detriment. He quotes language from *In re Drake M.*, *supra*, 211 Cal.App.4th 754 for the proposition that, while a single jurisdictional finding supported by substantial evidence is, as a general rule, sufficient to support jurisdiction and render nonjusticiable or moot a challenge to the other findings, an appellate court may review the merits of a parent's appeal when a challenged jurisdictional finding "(1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citations]; or (3) 'could have other consequences for [the appellant], beyond jurisdiction.'" (*Id.* at pp. 762–763.) In that case, the father challenged a single jurisdictional finding against him involving his use of medical marijuana, but neither he nor the child's mother challenged the jurisdictional findings against the mother. (*Id.* at p. 762.) The court reached the merits of the father's appeal because its outcome was "the difference between [the] father's being an 'offending' parent versus a 'non-offending' parent," a distinction that "may have far-reaching implications with respect to future dependency proceedings in this case and [the] father's parental rights." (*Id.* at p. 763.)

Here, Father contends the juvenile court's order sustaining the section 300, subdivision (a) allegation "may negatively affect [his] ability to preserve his parental relationship with his children by way of reunification services." He contends it also may result in

his being placed on the Child Abuse Central Index under the Child Abuse and Neglect Reporting Act (Pen. Code, §§ 11164-11174.3). Such a listing, he contends, “may limit [his] ability to participate in his children’s school or extra-curricular activities [and] might inhibit [his] ability to find work,” and insists that *now* is the time to correct the juvenile court’s error. We do not, however, grant relief based on “ ‘ “abstract or academic questions of law” ’ ” when “we cannot render any relief to [him] that would have a practical, tangible impact.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1492.) Father’s general reference to possible repercussions arising from the alleged trial court error is too vague to demonstrate the type of “far-reaching implications” necessary to warrant our consideration of his claim. (See *In re Drake M., supra*, 211 Cal.App.4th at p. 763.) Father’s extensive criminal background dating back to 1989, when he was 15 years old, and continuing through the present, not to mention an earlier dependency proceeding which was initiated in 2015 following Father’s arrest for driving under the influence of alcohol with R.B. in the vehicle, unrestrained, make us skeptical that the challenged finding could have any significantly more detrimental effect in his areas of concern than his history already presents.

Because Father has not identified any likely adverse consequence that could result from the jurisdictional finding under section 300, subdivision (a), we decline to exercise our discretion to review the merits of his appeal.

DISPOSITION

The appeal is dismissed.

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ROTHSCHILD, P. J.

We concur:

CHANEY, J.

BENDIX, J.