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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re N.G., A Person Coming
Under the Juvenile Court Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

P.G.,

Defendant and Appellant.

B286499

(Los Angeles County
Super. Ct. No. DK23346)

APPEAL from orders of the Superior Court of Los Angeles County, Robert S. Wada, Judge. Affirmed.

Konrad S. Lee, under appointment by the Court of Appeal, for Defendant and Appellant.

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

INTRODUCTION

The juvenile court found jurisdiction over father's child, sustaining two counts under Welfare and Institutions Code section 300.¹ In the first sustained count, the Department of Children and Family Services (DCFS) alleged that father's domestic violence endangered the child. The second sustained count alleged that mother's mental health problems and unsanitary home endangered the child. Father appeals the court's finding true the first count regarding his domestic violence toward mother. Father's appeal is nonjusticiable because he does not challenge all bases for jurisdiction and has not provided this court sufficient reason to exercise our discretion to address his appeal on the merits.

FACTS AND PROCEDURAL BACKGROUND

1. Events Leading to DCFS Involvement

Mother and father have a son, born in early 2017. At the inception of this dependency case, the infant and mother lived together with the maternal grandmother. Father often spent the night at their home. The home was filthy and unsanitary, with a cockroach infestation. In June 2017, father argued with mother about the state of the home, in front of their infant child. During the argument, father pushed mother.

This incident precipitated DCFS's investigation of the family. DCFS discovered that mother had a history of mental health problems and suicidal ideation, and showed frustration toward the baby. It also appeared that the parents had a history of engaging in domestic violence.

¹ All subsequent statutory references are to the Welfare and Institutions Code.

During the investigation mother disclosed that father punched her in 2015, causing bruising to her arm and thigh. Mother also asserted that father forced himself on her sexually. Mother admitted to having a history of mental health issues and to living in unsanitary conditions since before the birth of her child. Father denied the domestic violence and sexual assault.

2. Removal of Child and Section 300 Petition

On June 16, 2017, DCFS detained the child from mother and released him to father. On June 19, 2017, DCFS filed a section 300 petition alleging several grounds for jurisdiction over the baby: domestic violence between the parents, specifically referencing the incident where father pushed mother; mother's mental health issues; and the filthy and unsanitary home conditions. That same day, the juvenile court conducted the detention hearing, detained the baby from mother, and ordered mother's visits to be monitored. The child remained released to father.

3. Adjudication

The juvenile court conducted the jurisdiction hearing on August 28, 2017. Mother pleaded no contest to the petition as it was amended by the court. The court proceeded to adjudicate the claims against father. The court admitted DCFS's reports into evidence without objection.

DCFS called mother as a witness. Mother testified about the June 2017 argument and how father pushed her during it. Mother also testified to father punching her in June 2015. Mother stated there had not been any other incidents in which father had been physical with her.

Father testified that he did not intentionally push mother in July 2017, instead he had accidentally bumped into her when

he was retrieving the baby during their argument. Father denied hitting mother in June 2015 and having ever forced her to have sex with him. Father testified that he was engaged in parenting and domestic violence programs and individual counseling. The court admitted into evidence letters from father's programs and therapist into evidence.

Both DCFS and the child's counsel encouraged the court to sustain the domestic violence allegations against father. Father's counsel argued that there was insufficient evidence that any violent conduct by father placed the child at risk of harm. Counsel also asserted that mother was not credible and that father's testimony showed he did not commit domestic violence.

The court sustained jurisdiction over the child, finding true the allegations under section 300 subdivision (b) of father's domestic violence toward mother (the pushing incident) and mother's mental health issues and unsanitary living conditions. At mother's counsel's request, the juvenile court continued the disposition hearing to October 2017.

4. Premature Appeal and Subsequent Disposition

On August 28, 2017, father filed a premature notice of appeal challenging the jurisdictional findings.² On October 12, 2017, the juvenile court conducted the disposition hearing. The court declared the child a dependent of the court, removed him from mother's custody, ordered him into father's custody, and gave mother monitored visitation. The court further ordered the parents to participate in services. Father's court-ordered case plan consisted of a 52-week domestic violence program, a

² We treat this notice of appeal as having been filed after the juvenile court rendered its October 2017 disposition order, pursuant to Rule of Court, rule 8.406(d).

developmentally appropriate parenting program, and individual counseling to address case issues.

DISCUSSION

“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.) In dependency cases, because the court takes jurisdiction over the child and not over the individual parents, a jurisdictional finding good against one parent is good against both. (*In re X.S.* (2010) 190 Cal.App.4th 1154, 1161.) Thus, as a general rule, “a single jurisdictional finding supported by substantial evidence is sufficient to support jurisdiction and render moot a challenge to the other findings.” (*In re M.W.* (2015) 238 Cal.App.4th 1444, 1452). This is because the appellate court “cannot render any relief to [the parent] that would have a practical, tangible impact on his position in the dependency proceeding.” (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1492.)

Here, father contests only one of the two jurisdictional findings. Even if we reversed those findings, we are unable to render father any relief as the uncontested jurisdictional finding about mother’s mental health problems and filthy home still stands. Nonetheless, father urges this court to exercise its discretion to consider the merits of his appeal because “the jurisdictional allegations against [father] serve as a basis for the disposition orders and may have other adverse consequences for him, in this, or future proceedings.”

While father asserts he *may* face negative consequences from the jurisdictional finding, these consequences are belied by the disposition order. Father was given custody of his son. Any future custody concerns are speculative. To the extent father

asserts the jurisdiction finding would impact the nature of the services he would have to complete as part of the reunification plan, father has not challenged the court's disposition order. Moreover, the "juvenile court has broad discretion to determine what would best serve and protect the child's interest and to fashion a dispositional order in accordance with this discretion. [Citations.]'" (*In re Corrine W.* (2009) 45 Cal.4th 522, 532; § 362, subd. (a) ["If a child is adjudged a dependent child of the court . . . , the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child."].) As long as the court has jurisdiction over the child and some evidence of the domestic violence, the court does not need a jurisdictional finding against father to order him to engage in services to address domestic violence issues. Father's appeal is not justiciable because we are unable to render father any relief at this juncture.

DISPOSITION

The jurisdictional and disposition orders are affirmed.

RUBIN, J.

WE CONCUR:

BIGELOW, P.J.

GOODMAN, J.*

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