

Filed 4/27/17 In re Amaya D. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re AMAYA D., a Person Coming  
Under the Juvenile Court Law.

B275576  
(Los Angeles County  
Super. Ct. No. CK91038)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

H.D.,

Defendant and Appellant.

Appeal from an order of the Superior Court of Los Angeles County, Julie Fox Blackshaw, Judge. Affirmed.

David A. Hamilton, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, Peter Ferrera, Principal Deputy County Counsel, for Plaintiff and Respondent.

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H.D. (father) appeals from a March 30, 2016 order removing his daughter, Amaya D., from his custody under Welfare and Institutions Code section 361, subdivision (c). While father's appeal was pending, the dependency court terminated jurisdiction on December 8, 2016, awarding A.P. (mother)<sup>1</sup> sole legal and physical custody of Amaya and granting father monitored visitation. The order terminating jurisdiction was stayed to permit mother's counsel to file a juvenile custody order. The custody order was filed December 9, 2016, and an amended custody order was filed January 5, 2017.

On March 14, 2017, we provided the parties an opportunity to address whether we should take judicial notice of the court's order terminating jurisdiction and find father's current appeal moot. The Los Angeles County Department of Children and Family Services filed a letter brief agreeing that father's appeal was moot. Father's letter

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<sup>1</sup> Mother is not a party to this appeal.

brief argued that dismissing the appeal as moot would effectively affirm the removal order, resulting in adverse consequences for father, because he would be collaterally estopped from litigating in the family law court the question of whether his religious rights were violated by the removal order. Father also argued that the importance of the issues raised and the likelihood they might recur justifies an exercise of discretion to reach the merits of his claims on appeal.

“An appeal becomes moot when, through no fault of the respondent, the occurrence of an event renders it impossible for the appellate court to grant the appellant effective relief. [Citation.]’ (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054.)” (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.)

Father’s appeal is moot because no effective relief can be given on appeal. Father argues the court’s removal order caused him prejudice because it ultimately led to the custody order in favor of mother. But father does not explain what effective relief this court could grant on appeal. If the court’s orders granting custody to mother and monitored visitation for father violated father’s religious rights, his remedy was to appeal the orders terminating jurisdiction and entering the custody orders. (See, e.g., *In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1547–1549.) Taking judicial notice of the minute orders entered on December 8 and 9, 2016, and January 5, 2017 (Evid. Code, § 452, subd. (d)), we dismiss father’s appeal as moot.

## **DISPOSITION**

The appeal is dismissed.

KRIEGLER, Acting P.J.

We concur:

BAKER, J.

KUMAR, J.\*

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