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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

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

B277722

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. DK16693)

Plaintiff and Respondent,

v.

VERONICA B.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles
County, Nichelle Blackwell, Referee. Dismissed.

Suzanne Davidson, under appointment by the Court of
Appeal, for Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis,
Assistant County Counsel, and Timothy M. O’Crowley, Deputy
County Counsel, for Respondent.

Veronica B. (Mother) appeals dependency court jurisdictional findings and orders concerning her children. We dismiss Mother's appeal because it has been rendered moot.

FACTS

Mother is the parent of three children: V.B., born in October 2006; Ge.B., born in February 2008; and Gu.B., born in October 2010.¹ The family came to the attention of the Los Angeles County Department of Children and Family Services (DCFS) most recently in late March 2016 when the agency received a referral from a caller who reported that Mother had suffered a seizure on Sunday, March 20, in the presence of her three children. Mother was transported by paramedics to a local hospital where she tested positive for cocaine and marijuana.

At the hospital, Mother initially told her doctors only that she was "using medical marijuana for pain." When questioned about her positive toxicology result for cocaine, Mother admitted she had recently used cocaine, explaining that it was "a week ago," while "she was partying with her friends, away from home and her children." When informed that cocaine would not be detectable after a week, Mother changed her story, proffering that "it must have been on Wednesday" (i.e., March 16th). Mother also was currently prescribed pain medications (Ultram and Flexiril), which she had been taking for awhile. Mother's doctor attributed her seizure to a mixture of alcohol, medications, and cocaine.

¹ The children's fathers did not live in the family home at the time the dependency court proceedings were filed, and are not involved in Mother's present appeal.

DCFS initiated an investigation. Mother admitted that she had used cocaine one time, during the mid-week of March 13-19, 2016, but otherwise denied she was using cocaine. However, on two separate occasions when she was asked to test on-demand the results “came back diluted.”

DCFS filed a petition on behalf of all three children pursuant to section 300, subdivision (b).² The social worker’s detention report explained that DCFS had decided to file a “non-detained petition” because Mother had admitted a history with the department due to a “substance abuse history.” Further, DCFS had determined that a voluntary family maintenance plan (VFM) was “not appropriate for the family [because] Mother had a VFM addressing drug use in 2012 and dependency intervention [was] the only appropriate plan to ensure the children[’s] well-being.”

The dependency court found a prima facie case for detaining the children. The court ordered DCFS to arrange random drug testing, a parenting course, counseling and family preservation services, and authorized the department to make unannounced home calls.

At a combination jurisdiction and disposition hearing, the court received into evidence the various reports prepared by DCFS. In addition to the information in DCFS’s initial detention report summarized above, the department’s report for the jurisdiction and disposition hearing showed the following. On the day of Mother’s seizure, V.B. (then nine years old) saw Mother fall on the floor. V.B. called her grandmother, then ran upstairs

² All section references are to the Welfare and Institutions Code.

to get her neighbor, who stayed with Mother and the children until paramedics arrived.

All three children reported that Mother provided for them, that they loved her and felt safe at home, and did not want to be separated from her. They denied seeing Mother abuse drugs.

The social worker reported that Mother kept the family home clean and had been “very cooperative” with DCFS. Further, Mother admitted that she made a “big mistake” using cocaine. Mother acknowledged that she used marijuana regularly for pain management and stated that she had a valid medical marijuana card. She suffered from degenerative disc disease and osteoarthritis in her lower back. According to Mother, the children did not know that she smoked medical marijuana because she smoked outside when the children were asleep and stored it in her bedroom.

On June 1, 2016, DCFS conducted an unannounced home visit, and found the children to be safe with no suspicious activity.

The children’s school principal and Mother’s landlord gave Mother good references, and expressed no concerns about Mother’s ability to care for the children. The social worker stated that Mother “appear[ed to be] emotionally stable, intelligent and able to understand her situation well.” She was “very bonded to her children,” and “managed her limited resources very well.” The children were “all healthy, sociable, bright and active,” and “showed no current signs of abuse or neglect and appear[ed] to be thriving at home with [Mother].”

After hearing arguments, the court sustained the petition, amended to read as follows:

“Mother has a history of substance abuse, including cocaine, and is a user of cocaine, which renders [her] incapable of providing regular care of the children. The children are of such a young age requiring constant care and supervision and [Mother]’s substance abuse interferes with providing regular care and supervision of the children. On March 20, 2016, and on prior occasions, [Mother] was under the influence of illicit drugs while the children were in [the mother’s] care and supervision. Such substance abuse by [Mother] endangers the children’s physical health and safety and creates a detrimental home environment for the children, placing the children at risk of serious physical harm, damage, and danger.”

With regard to disposition, the court ordered family maintenance services for Mother, including parenting courses, and random drug testing. Further, the court ordered that if any test was “missed or dirty,” then Mother would be required to complete a full rehabilitation program.

Mother filed a timely notice of appeal from the dependency court’s jurisdictional and dispositional findings and orders. Mother now argues that the court’s jurisdictional findings and orders were not supported by substantial evidence.

Meanwhile, on January 30, 2017, the dependency entered an order hearing terminating its jurisdiction over the children, and awarding sole legal and physical custody of the children to Mother.³

DISCUSSION

DCFS contends we should dismiss Mother's appeal as moot because the dependency court terminated its jurisdiction over Mother's three children. We agree.

Our decision to dismiss Mother's appeal is guided by the reasoning and result in *In re N.S.* (2016) 245 Cal.App.4th 53 (*N.S.*). As explained in *N.S.*, an appellate court may dismiss an appeal as moot when events occur while the appeal is pending which render it impossible for the court to grant effective relief to the appellant. (*Id.* at pp. 58-61, discussing *In re Michelle M.* (1992) 8 Cal.App.4th 326, 328-330, and *In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1546-1548 (*Joshua C.*).

Here, "no effective relief can be granted" to Mother. (*N.S.*, *supra*, 245 Cal.App.4th at p. 61.) The dependency court awarded Mother sole legal and physical custody of her children, and the court's jurisdictional findings and orders "are not the basis of any current order that is adverse to her." (*Ibid.*) "Mother thus has no reason to challenge the dismissal order and there is no relief to provide her . . . in her appeal from the jurisdictional findings" (*Ibid.*)

Mother argues we should address her challenge to the sufficiency of the evidence in support of the dependency court's jurisdiction findings and orders because they "could continue to adversely affect [her]." Mother cites to a series of cases, including

³ On April 14, 2017, we granted Mother's request for judicial notice of the dependency court's January 30, 2017 order.

Joshua C., *supra*, 24 Cal.App.4th 1544, *In re J.K.* (2009) 174 Cal.App.4th 1426, *In re Daisy H.* (2011) 192 Cal.App.4th 713, and *In re C.C.* (2009) 172 Cal.App.4th 1481, to support her position. In our view, *N.S.* correctly addressed the issue of a parent's concern about potential future effects from unreviewed dependency court jurisdictional proceedings. In *N.S.*, the Court of Appeal noted that mother relied on *Joshua C.* in arguing for review of jurisdictional findings, but found that reliance to be "misplaced" in examining the issue of mootness. (*N.S.*, *supra*, 245 Cal.App.4th at p. 61.) On the record before us, we agree.

N.S. acknowledged that the Court of Appeal in *Joshua C.* had expressed concern about "insulating erroneous or arbitrary rulings from review" (*N.S.*, *supra*, 245 Cal.App.4th at p. 61, quoting *Joshua C.*, *supra*, 24 Cal.App.4th at p. 1548), but correctly noted that the linchpin for the *Joshua C.* court's decision to review the jurisdictional findings was that those findings were "the foundation for visitation-and-custody orders that remained in effect." (*N.S.*, *supra*, 245 Cal.App.4th at p. 61.)

Further, *N.S.* noted that a number of cases had relied on *Joshua C.* in declining to dismiss appeals even though the appellant parents made no solid showing that jurisdictional orders continued to affect them adversely. *N.S.* rejected such cases, finding "no reason to review . . . jurisdictional findings . . . on the basis of . . . speculation or caution" about possible future effects of those findings. (*N.S.*, *supra*, 245 Cal.App.4th at p. 62.) As *N.S.* explained: "[E]ven if we were to conclude that the juvenile court's jurisdictional findings erroneously resolved a close call, there remains no effective relief we could give Mother beyond that which she has already obtained. We are mindful that parents of young children face the

prospect of possible future juvenile court intervention. . . . We are unconvinced, however, that any ruling we could issue here would have any practical effect on future dependency proceedings. . . . Because Mother has not shown any adverse effect from the jurisdictional findings, we decline to exercise our discretion to review them.” (*N.S.*, *supra*, 245 Cal.App.4th at pp. 62-63.)

On reviewing the record in Mother’s the appeal, including the order issued by the dependency court on January 30, 2017, we have the same sentiments as did the *N.S.* court. We simply do not see that any decision we could make in Mother’s appeal that would grant her any effective relief.

DISPOSITION

Mother’s appeal is dismissed.

BIGELOW, P.J.

We concur:

RUBIN, J.

GRIMES, J.