

Filed 11/6/17 In re Ariel R. CA2/1

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IN THE COURT OF APPEAL OF THE STATE OF  
CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re ARIEL R., a Person Coming  
Under the Juvenile Court Law.

B280415  
(Los Angeles County  
Super. Ct. No. CK73541)

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LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

IGNACIO S.,

Defendant and Appellant.

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APPEAL from an order of the Superior Court of Los Angeles County, Theresa T. Sullivan, Judge. Dismissed.

Landon Charles Villavaso, under appointment by the Court of Appeal, for Defendant and Appellant.

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

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Ignacio S. (father) appeals from the disposition order finding dependency jurisdiction over his daughter. We dismiss.

### **BACKGROUND**

In an amended petition filed August 29, 2016, the Los Angeles Department of Children and Family Services (DCFS) alleged under Welfare and Institutions Code section 300, subdivision (b)(1)<sup>1</sup> that mother's substance abuse and failure to comply with juvenile court orders, and father's criminal conduct including a felony conviction for assault with a firearm for which he was currently serving a 14-year sentence, endangered four-year-old Ariel R.'s health and safety. On October 11, 2016, the juvenile court sustained the allegations against both mother and father, concluding that mother's history of substance abuse and failure to obey court orders, and the violent nature of father's crime, were each sufficient to support dependency

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

jurisdiction. On November 2, 2016, the court declared Ariel a dependent based on both parents' conduct, removed her from parental custody, and ordered reunification services for mother only, denying services to father under section 361.5, subdivision (e). Father filed a timely appeal. Mother is not a party.

### DISCUSSION

Father does not challenge the disposition orders, nor does he argue that mother's drug abuse was not substantial evidence for asserting jurisdiction over Ariel. He argues only that his criminal history, including his incarceration on a 14-year sentence for assault with a firearm, was not substantial evidence to establish jurisdiction over Ariel under section 300, subdivision (b)(1).

“[I]t is necessary only for the court to find that one parent's conduct has created circumstances triggering section 300 for the court to assert jurisdiction over the child.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1491.) “[A] jurisdictional finding regarding 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.” ’ ” (*Id.* at p. 1492.) “Father asks us to review the evidentiary support only for the juvenile court's jurisdictional findings involving *his* conduct. Because he does not challenge the jurisdictional findings involving Mother's drug abuse, however, any decision we might render on the allegations involving Father will not result in a reversal of the court's order asserting

jurisdiction.” (*Ibid.*) The juvenile court would still have jurisdiction over Ariel, and would be permitted to adjudicate father’s parental rights “since that jurisdiction is derivative of the court’s jurisdiction over the minor and is unrelated to Father’s role in creating the conditions justifying the court’s assertion of dependency jurisdiction.” (*Ibid.*) We cannot grant effective relief, as vacating the finding as to father “would have neither legal nor practical consequence.” (*Id.* at p. 1493.) Further, father has not identified any legal or practical consequence from the court’s findings. (*Ibid.*) His conviction of a violent felony and his incarceration on a lengthy sentence are well-documented outside of the dependency proceedings, and Ariel is placed with the paternal aunt, as father claims he intended. We therefore decline to exercise our discretion to review the jurisdictional finding as to father. (*Id.* at p. 1495.)

#### **DISPOSITION**

The appeal is dismissed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.