

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(a). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115(a).

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION THREE

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

B284073

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Los Angeles County  
Super. Ct. No. DK20085

Plaintiff and Respondent,

v.

GARY H.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Natalie P. Stone, Judge. Dismissed.

Jacques Alexander Love, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis,  
Assistant County Counsel, and Tracy F. Dodds, Deputy County  
Counsel, for Plaintiff and Respondent.

---

## INTRODUCTION

In this dependency case, the juvenile court found jurisdiction over the minor, R.C., based upon two separate counts under Welfare and Institutions Code<sup>1</sup> section 300, subdivision (b), relating to the parents' use of methamphetamine. The court ordered the minor to remain in mother's custody while she participated in a drug rehabilitation program with monitored visitation for the minor's presumed father, Gary H. Mother, Kristina W., does not appeal. Father does not challenge the disposition but contends the jurisdictional finding relating to his substance abuse is not supported by substantial evidence. Father hopes to avoid the court's case plan, which requires him to participate in a full drug rehabilitation program and submit to random drug testing.

Because the jurisdictional finding regarding mother's substance abuse is unchallenged, our decision would have no impact on the court's ongoing jurisdiction over the minor. Further, even in the absence of a specific jurisdictional finding regarding father's substance abuse, the court would have been well within its discretion, on the facts of this case, to require father to participate in a drug rehabilitation program and submit to random drug testing. Thus, the remedy father seeks is

---

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

unavailable in any event. We conclude, therefore, that father's appeal does not present a justiciable controversy and dismiss the appeal.

## **FACTS**

The minor came to the attention of the Department of Children and Family Services (Department) on October 11, 2016, after law enforcement responded to an anonymous tip that the minor, who was then 21 months old, was alone in the passenger seat of a parked van. When officers arrived on the scene, they discovered mother, mother's boyfriend Donald, and another woman in the back of the van. Mother was in possession of a glass pipe used for smoking methamphetamine.

While the minor's birth certificate indicates Donald is the minor's father, mother informed the Department that the minor's birth father is Gary H. (father). A paternity test revealed that father is not the minor's biological father, but he sought and the court found presumed father status.

Mother gave a variety of conflicting statements to the Department concerning her drug use, relationships with Donald and father, and their drug use. Ultimately, mother told the Department she started using methamphetamine six years earlier and used the drug daily, including during the first six months of her pregnancy. And although mother stopped using drugs for a while, she relapsed when the minor was nine months old. With respect to father, mother said she had known him for a few years and that he does use methamphetamine. In particular, she said they had most recently used methamphetamine together the day before mother entered a residential drug treatment program in 2016.

The court sustained the following jurisdictional allegations under section 300, subdivision (b)(1):

“The child [R.C.]’s mother, ... has a seven year history of illicit drug use and is a current user of methamphetamines, which renders the mother incapable of providing regular care and supervision of the child. The mother abused illicit drugs during the mother’s pregnancy with the child. On prior occasions, the mother possessed, used, and was under the influence of illicit drugs while the child [was] in the mother’s care and supervision. The mother has a criminal history of convictions of Possession Controlled Substance. The child is of such young age requiring constant care and supervision and the mother’s illicit drug use interferes with providing regular care and supervision of the child. The mother’s illicit drug use endangers the child’s physical health and safety and places the child at risk of serious physical harm, damage and danger.”

“The child [R.C.]’s father, ... has a history of illicit drug use and is a current user of methamphetamines, which renders the father incapable of providing regular care and supervision of the child. The father has a criminal history of convictions of Possession Controlled Substance. The child is of such young age requiring constant care and supervision and the father’s illicit drug use interferes with providing regular care and supervision of the child. The father’s illicit drug use endangers the child’s physical health and safety and places the child at risk of serious physical harm, damage and danger.”

The court placed the minor with mother, conditioned on mother’s continued participation in an inpatient drug rehabilitation program. The court found placement with father would be detrimental to the minor and ordered monitored

visitation. The court-ordered case plan requires father, among other things, to participate in a full drug and alcohol rehabilitation program with aftercare, and to comply with random drug testing.

Father timely appeals.

## DISCUSSION

Although father appeals the court's dispositional order, he does not directly challenge any portion of that order. Father does not seek to alter the current custody arrangement, nor does he contest the imposition of monitored visitation. Instead, father argues the jurisdictional finding made by the dependency court related to his substance abuse is unsupported by substantial evidence and, therefore, the court's case plan (which requires him to complete a full-time drug rehabilitation program and submit to random drug testing) is invalid. We conclude father's appeal does not present a justiciable issue.

### 1. Justiciability

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, 1489–1490.) “ ‘A judicial tribunal ordinarily may consider and determine only an existing controversy, and not a moot question or abstract proposition. ... [A]s a general rule it is not within the function of the court to act upon or decide a moot question or speculative, theoretical or abstract question or proposition, or a purely academic question, or to give an advisory opinion on such a question or proposition. ...’ ” (*Wilson v. L.A. County Civil Service Com.* (1952) 112 Cal.App.2d 450, 452–453; *In re I.A.*, at p. 1490.) An important requirement for justiciability is the availability of

“effective” relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties’ conduct or legal status. This court must decide actual controversies by a judgment which can be carried into effect, and not give opinions upon moot questions or abstract propositions, or declare principles or rules of law which cannot affect the matter in issue in the case before us. (*Costa Serena Owners Coalition v. Costa Serena Architectural Com.* (2009) 175 Cal.App.4th 1175, 1205–1206 (*Costa Serena*); see also *In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498 [a case is moot when it is “ ‘impossible for the appellate court to grant the appellant effective relief’ ”]; *Simi Corp. v. Garamendi* (2003) 109 Cal.App.4th 1496, 1503 [“A case becomes moot when a court ruling can have no practical impact or cannot provide the parties with effective relief”].) When the court cannot grant effective relief to the parties to an appeal, the appeal must be dismissed. (*Costa Serena*, at p. 1206; *In re I.A.*, at p. 1490.)

**2. Father’s appeal does not present a justiciable controversy.**

“It is commonly said that the juvenile court takes jurisdiction over children, not parents.” (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1491.) And it is settled that if the court finds one parent’s conduct has created circumstances triggering section 300, the court may assert jurisdiction over the child. (*In re P.A.* (2007) 155 Cal.App.4th 1197, 1212; *In re Alexis H.* (2005) 132 Cal.App.4th 11, 16.) Here, because father does not challenge the jurisdictional finding involving mother’s conduct, it is final and adequately supports the court’s jurisdiction over the minor. Accordingly, even if we were to conclude the court’s jurisdictional finding relating to father’s conduct is not supported by substantial evidence, our decision would have no impact on the

court's ongoing jurisdiction over the minor. In this circumstance, an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence. (E.g., *In re I.A.*, at p. 1495; *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451 [addressing remaining findings only "[f]or [f]ather's benefit"]; *In re Joshua G.* (2005) 129 Cal.App.4th 189, 202 [when a jurisdictional allegation involving one parent is found supported, it is "irrelevant" whether remaining allegations are supported]; *In re Shelley J.* (1998) 68 Cal.App.4th 322, 330 [declining to address remaining allegations after one allegation found supported]; *Randi R. v. Superior Court* (1998) 64 Cal.App.4th 67, 72 [same].)

Nevertheless, father asks this court to exercise its jurisdiction to hear his appeal on the merits. " "[W]e may ... exercise our discretion to reach the merits of a challenge to any jurisdictional finding when the finding may be prejudicial to the appellant. ..." ' [Citation.]" (*In re A.F.* (2016) 3 Cal.App.5th 283, 289.) In other words, we may reach the merits if we can provide some practical, effective relief. Here, we cannot do so. According to father, the challenged jurisdictional finding is prejudicial because it serves as the sole basis for the court's case plan and its requirements relating to substance abuse. This is not the case. The court could require father to submit to drug testing and/or to enroll in a drug treatment program in this case even in the absence of a specific jurisdictional finding of drug abuse. (*In re I.A.*, *supra*, 201 Cal.App.4th at p. 1491 [noting dependency court asserts personal jurisdiction over parents, which allows court to enter orders affecting parental conduct].) And in light of its finding that father and mother used methamphetamine together,

the court acted within its discretion in imposing drug testing and rehabilitation requirements on father. (*In re Briana V.* (2015) 236 Cal.App.4th 297, 311 [“The problem that the juvenile court seeks to address need not be described in the sustained section 300 petition. [Citation.] In fact, there need not be a jurisdictional finding as to the particular parent upon whom the court imposes a dispositional order.”]; *In re I.A.*, at p. 1492 [“[a] jurisdictional finding involving the conduct of a particular parent is not necessary for the court to enter orders binding on that parent, once dependency jurisdiction has been established”]; see generally § 362, subd. (a) [the juvenile court “may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child”].) Indeed, several courts have held the juvenile court may order an admitted drug user with young children to participate in drug testing and treatment, notwithstanding the absence of a jurisdictional finding involving a parent’s substance abuse. (See *In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006–1008; cf. *In re Carmen M.* (2006) 141 Cal.App.4th 478, 486–487 [juvenile court is authorized to order dependent child to participate in drug testing if reasonably related to protecting the child’s safety or well-being].) In short, even if we concluded the jurisdictional finding related to father’s conduct was erroneous, we could not grant the requested relief because the court’s case plan is adequately supported. For these reasons, father’s appeal does not present a justiciable controversy.

In any event, were we to reach the merits of father’s appeal, we would affirm the challenged jurisdictional finding. As we have said, mother reported to the Department that father had a history of drug use and that she and father used



methamphetamine together the night before she entered an in-patient drug rehabilitation program. Based on its assessment of mother's credibility and father's prior extensive history of substance abuse, the court determined father was actively using methamphetamine and that his drug use posed a significant risk to the minor. "Issues of fact and credibility are questions for the trial court and not the reviewing court. The power of the appellate court begins and ends with a determination as to whether there is any substantial evidence, contradicted or uncontradicted, which will support the conclusion reached by the trier of fact." (*In re Christina T.* (1986) 184 Cal.App.3d 630, 638–639.) Mother's statements to the Department sufficiently support the court's jurisdictional finding. (Cf. *People v. Valenti* (2016) 243 Cal.App.4th 1140, 1157–1158 ["The testimony of a single witness can be sufficient to uphold a conviction—even when there is significant countervailing evidence, or the testimony is subject to justifiable suspicion"].)

## **DISPOSITION**

The appeal is dismissed.

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

LAVIN, J.

WE CONCUR:

EDMON, P. J.

GOODMAN, J.\*

---

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