

Filed 11/25/19 In re C.J. CA2/5

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re C.J. et al., Persons  
Coming Under the Juvenile  
Court Law.

B295788  
(Los Angeles County  
Super. Ct. No.  
19CCJP00014A-B)

LOS ANGELES COUNTY  
DEPARTMENT OF  
CHILDREN AND FAMILY  
SERVICES,

Plaintiff and Respondent,

v.

T.R.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los  
Angeles County, D. Brett Bianco, Judge. Affirmed.

Elizabeth C. Alexander, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

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## **I. INTRODUCTION**

T.R. (mother) appeals from the juvenile court's order taking jurisdiction over her four-year-old son C.J. and one-year-old daughter M.S. under Welfare and Institutions Code section 300, subdivisions (a) and (b)(1) (section 300). In identical language, the subdivision (a) and subdivision (b)(1) counts in the Los Angeles County Department of Children and Family Service's (Department) section 300 petition alleged that mother and her male companion (M.S.'s father) had a history of domestic violence and of engaging in violent altercations in the children's presence; mother's male companion had struck, bitten, and scratched mother in the children's presence; and mother failed to protect the children when she allowed her male companion unlimited access to them. The juvenile court sustained both counts. On appeal, mother contends that the subdivision (a) count was not supported by substantial evidence; she does not challenge the subdivision (b)(1) count. We affirm.

## II. DISCUSSION<sup>1</sup>

Mother challenges the juvenile court's section 300, subdivision (a) jurisdiction finding arguing that the subdivision (a) count was not supported by substantial evidence. Because mother does not also challenge the juvenile court's subdivision (b)(1) jurisdiction finding and thus concedes that the juvenile court has jurisdiction over the children, we affirm.

"It is a fundamental principle of appellate practice that an appeal will not be entertained unless it presents a justiciable issue. [Citation.]" (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1489.) "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." (*Id.* at p. 1490.)

"When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court's jurisdiction, a reviewing court can affirm the juvenile court's finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence.' [Citation.]" (*In re I.J.* (2013) 56 Cal.4th 766, 773; *In re I.A.*, *supra*, 201 Cal.App.4th at p. 1492 ["an appellate court may decline to address the evidentiary support for any remaining

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<sup>1</sup> Because we hold that mother has not presented a justiciable issue, we dispense with a summary of the facts underlying her substantial evidence challenge to the section 300, subdivision (a) count.

jurisdictional findings once a single finding has been found to be supported by the evidence. [Citations.]”.)

In her appeal, mother challenges only the juvenile court’s section 300, subdivision (a) jurisdiction finding and not its subdivision (b)(1) jurisdiction finding, thus implicating the justiciability doctrine. She argues that the justiciability doctrine does not apply, however, because the subdivision (a) finding subjects her to registration on the Child Abuse Central Index (CACI) under the Child Abuse and Neglect and Reporting Act (the Act) (Pen. Code, § 11164 et seq.), an index that “may be made available to county licensing agencies and others conducting background investigations of people seeking employment or volunteer work, and to out-of-state agencies investigating prospective foster or adoptive parents.” (See *In re Drake M.* (2012) 211 Cal.App.4th 754, 763 [generally, an appellate court will exercise its discretion to reach the merits of a challenge to any jurisdiction finding if that finding “could have other consequences for [the appellant], beyond jurisdiction’ [citation]”].) Thus, apart from jurisdiction, mother contends her challenge to the juvenile court’s subdivision (a) finding involves a dispute as to which this court can grant effective relief. We disagree.

Under the Act, the Department is required to report to the Department of Justice substantiated cases of known or suspected child abuse or severe neglect.<sup>2</sup> (Pen. Code, § 11169, subd. (a).) A

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<sup>2</sup> Penal Code section 11165.6 defines “child abuse or neglect’ [as] physical injury or death inflicted by other than accidental means upon a child by another . . . .”

Penal Code section 11165.2 of the Act defines “Severe neglect’ [as] the negligent failure of a person having the care or

report is substantiated and the Department's reporting duty is triggered when, based on evidence, an investigator determines it is more likely than not that child abuse or neglect has occurred. (Pen. Code, § 11165.12, subd. (b).) The Department's reporting duty does not depend on a juvenile court sustaining a section 300 petition. The only CACI-related consequence of the juvenile court's jurisdiction finding under section 300, subdivision (a) is that mother cannot challenge her listing on the index. (Pen. Code, § 11169, subds. (d) & (e).)

We conclude that on these facts, mother has not raised a justiciable issue and we affirm the juvenile court's order taking jurisdiction over the children.

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custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. 'Severe neglect' also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care."

### **III. DISPOSITION**

The order is affirmed.

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KIM, J.

We concur:

RUBIN, P. J.

MOOR, J.