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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re AARON H., a Person Coming
Under the Juvenile Court Law.

B287826

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. 17CCJP01179A)

Plaintiff and Respondent,

v.

ALEJANDRO H.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County. Julie F. Blackshaw, Judge. Dismissed.

Jamie A. Moran, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Acting Assistant County Counsel, John Savittieri, Deputy County Counsel, for Plaintiff and Respondent.

Alejandro H. (Father) appeals from the juvenile court's dispositional order removing his son, Aaron H., from his custody. During the pendency of this appeal the juvenile court terminated its jurisdiction over Aaron and granted Laura G. (Mother) sole physical and legal custody. Father has not appealed from the juvenile court's order terminating jurisdiction and it is final. We thus dismiss Father's appeal because it is moot.

FACTS

Mother and Father have three children: Aaron (born 2017), Leonardo H. (born 2016), and Aleanna H. (born 2013). At the time of these proceedings, Mother and Father lived in the same building, but in different apartments. Mother lived with the children and the maternal grandmother while Father lived with the paternal grandfather. Leonardo and Aleanna became dependents of the juvenile court after Father became intoxicated and threatened that he had a gun and wanted to kill Mother, the children, and the police in June 2017. The juvenile court sustained allegations regarding Father and Mother's long history of domestic violence.

Shortly after he was born, Aaron was also declared a dependent of the juvenile court pursuant to a petition filed under Welfare and Institutions Code section 300, subdivisions (a), (b), and (j), which alleged the same facts that brought his siblings under the jurisdiction of the court.¹ The petition alleged Mother and Father have a history of violent altercations. They often slapped, pinched, and struck one another in front of the children. Father also engaged in a violent altercation with the children's maternal grandmother. The petition further alleged Father is a current abuser of methamphetamine and alcohol, and has mental

¹ Aleanna and Leonardo are not subjects of this appeal.

health issues that prevent him from providing regular care to an infant. At the detention hearing, Aaron was removed from Father's custody and released to Mother, as his siblings had been. Father was allowed monitored visits twice a week.

In an interview with a social worker from the Los Angeles County Department of Children and Family Services (DCFS), Mother confirmed the allegations in the petition. She reported Father had been violent towards her throughout their relationship and was often jealous. On two consecutive nights in 2016, Father threatened to kill her with his gun. In January 2017, she found crystal methamphetamine in their apartment and threw it away. This led to an argument, during which Father slapped and struck her. Mother left him to stay with her godmother, but she soon reconciled with Father and the two were married that month. Mother confirmed Aleanna, who was four years old at the time, sometimes heard Father curse at Mother and saw him strike her during their fights, though the fights often started after the children had gone to bed.

DCFS further noted Mother reported to the police that Father threatened to kill her and her family in a series of text messages in May 2017. A police report also described a domestic violence incident occurring on June 16, 2017, when Father arrived at Mother's home and demanded to take Aleanna to the store. Mother refused and he began to kick at her door. When the maternal grandmother tried to call the police, he grabbed her hair and threw her phone to the ground. He then kicked the door in. He fled when Mother called the police, but slashed the maternal grandmother's tires with a knife as he left.

On June 23, 2017, Father was placed on a psychiatric hold after making threats to kill himself and others. On June 30, the police again responded to Mother's home when she reported Father was outside threatening to kill her, her family, and the police. She and the maternal aunt recalled Father stating, "Call the police, I want to go to war, I'll kill the police." The maternal grandmother turned Father's gun over to the police, stating she took it and hid it from him several months ago. Father denied making any threats. The police officers observed he was drunk.

At the December 15 jurisdiction and disposition hearing, the juvenile court sustained the petition as alleged and removed Aaron from Father's custody pursuant to Welfare and Institutions Code sections 361, subdivisions (a)(1) and (c), and 362, subdivision (a). The juvenile court found by clear and convincing evidence that it was reasonable and necessary to remove Aaron from Father's custody because there was a substantial danger to Aaron's physical health, safety, protection, or physical or emotional well-being.

By this time, Mother had filed for divorce and had moved with the children to a confidential address. The court ordered Aaron to remain with Mother under a family maintenance services plan. It continued monitored visits for Father. Father appealed from these orders.

DISCUSSION

On appeal, Father challenges the findings of detriment and the removal order made by the juvenile court on December 15, 2017. He contends the removal order and findings of detriment could support a potential future order terminating his parental rights should Mother fail to comply with her family maintenance services. Father's contention lacks merit; Mother complied with

the court's orders and was granted sole custody of the children on June 18, 2018, when the juvenile court terminated jurisdiction. Father does not appeal from the June 18 order. Accordingly, his appeal is moot.

In general, the termination of dependency jurisdiction moots an appeal of a juvenile court's jurisdictional findings and dispositional orders. (*In re Marquis H.* (2013) 212 Cal.App.4th 718, 724; *In re C.C.* (2009) 172 Cal.App.4th 1481, 1488–1489.) “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.” (*In re Yvonne W.* (2008) 165 Cal.App.4th 1394, 1404.)

Here, the juvenile court terminated jurisdiction and awarded Mother sole custody of the three children. Thus, “no direct relief can be granted even were we to find reversible error, because the juvenile court no longer has jurisdiction and we are only reviewing that court's ruling.” (*In re Michelle M.* (1992) 8 Cal.App.4th 326, 330.)

Nonetheless, Father urges us to exercise our discretion to reach the merits of his appeal, contending “[t]he challenged findings and orders will likely have a negative impact on father's ability in the future to seek custody and visitation in the family court.” Father asserts the family court will naturally defer to the findings of detriment made by the juvenile court if Father later seeks custody or increased visitation. We disagree.

Although an appeal has been rendered moot, an appellate court retains discretion to resolve an issue “where a ‘pending case poses an issue of broad public interest that is likely to recur’ [citation], or where ‘there is a likelihood of recurrence of the controversy between the same parties or others.’ [Citation.]”

(*In re N.S.* (2016) 245 Cal.App.4th 53, 59.) Further, an appeal from jurisdictional findings will not be dismissed as moot if the findings form the basis for a current order that is adverse to the appellant. (See *In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1548.) Neither will an appeal be dismissed if the purported error is of such magnitude as to infect the outcome of subsequent proceedings. (*Ibid.*; *In re J.K.* (2009) 174 Cal.App.4th 1426, 1431–1432.)

Father does not contend his appeal involves a controversy that is likely to recur or involves an issue of broad public interest. Father also does not contend the challenged findings form the basis of any *current* order that is adverse to him. Instead, he only argues the findings may affect *future* orders.

We are not persuaded that the purported error is of such magnitude as to infect the outcome of subsequent family court proceedings. Here, Father challenges the findings of detriment made by the juvenile court to support its removal order. Father also contends the juvenile court improperly applied the removal statutes to him.²

Yet, Father does not dispute the specific allegations sustained by the juvenile court: that he had violent confrontations with Mother and the maternal grandmother; that he abused methamphetamine and alcohol; and that he had mental health issues that prevented him from providing regular care to an infant. The specific sustained allegations against Father, rather than the generic detriment findings, are more

² According to Father, Aaron could not be removed from his custody under Welfare and Institutions Code sections 361 or 362 because Father was a noncustodial parent who was not seeking custody.

likely to be relevant to a family court in future proceedings. Moreover, the exit orders show supervised visitation was necessary because Father failed to complete a 12-step program with a sponsor or a psychiatric evaluation. He also failed to complete court-ordered programs for drug abuse, domestic violence, parenting, mental health counseling, and medication compliance. When compared to the exit orders or the sustained allegations, it is unlikely the juvenile court's generic findings of detriment or removal order are of such magnitude as to impede Father's ability to seek custody and visitation in the family court.

DISPOSITION

The appeal is dismissed.

BIGELOW, P.J.

We concur:

RUBIN, J.

DUNNING, J.*

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