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

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

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

REINA M.,

Defendant and Appellant.

B276554

(Los Angeles County  
Super. Ct. No. DK15159)

APPEAL from an order of the Superior Court of  
Los Angeles County, Stephen Marpet, Juvenile Court Referee.  
Dismissed.

Javier Garibay, under appointment by the Court of Appeal,  
for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis,  
Assistant County Counsel, and William D. Thetford, Principal  
Deputy County Counsel, for Plaintiff and Respondent.

**INTRODUCTION**

Reina M. is the mother of 15-year-old J.R., 11-year-old B.R., 8-year-old A.T., and 3-year-old L.T. Reina appeals from the jurisdiction findings and disposition order declaring all four children dependents of the juvenile court and removing them from her custody. Because Reina does not raise a justiciable controversy in challenging the jurisdiction findings, and because the juvenile court has returned the children to her custody, rendering her challenge to the disposition order moot, we dismiss the appeal.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### *A. The Referral and Investigation*

In December 2015 the Los Angeles County Department of Children and Family Services received a report that on multiple occasions Reina discovered B.R. and A.T. engaging in sexual acts with one another. According to the report, although B.R. told Reina he learned this behavior from an older male relative, Reina continued to allow B.R. to live in a separate household with that relative and to allow B.R. to visit the home where Reina and her husband, Juan T., lived with J.R., A.T., and L.T.<sup>1</sup>

When the Department investigated, Reina confirmed the substance of the report. In addition, A.T. told Department social workers that Juan spanked him, J.R., and B.R. “really hard” using a belt and a wooden spoon; Juan drank every day; when Juan drank, he “act[ed] really crazy” and called A.T. and Reina “stupid” and “bitch”; and Juan hit Reina. J.R. told the social workers that Juan got drunk every day; when Juan drank, he

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<sup>1</sup> Juan is the father of A.T. and L.T.

cursed at and fought with Reina; she (J.R.) did not feel safe at home because of Juan's drinking; and she feared Juan might hurt A.T.

J.R. also told the social workers and a police officer that Juan sexually abused her twice, and she provided details of the incidents. After initially denying knowledge of those incidents, Reina admitted to the social workers and a police officer that J.R. had told her about the abuse by Juan. Reina also said she had no reason to doubt J.R. was telling the truth. Reina said she now slept in the same bedroom with the children to make sure they were safe.

B. *The Petition, Jurisdiction Findings, and Disposition Order*

After detaining the children, the Department filed a petition pursuant to Welfare and Institutions Code section 300,<sup>2</sup> alleging, among other things, that Juan's hitting the children with spoons and belts, Reina's failure to protect them from Juan's conduct, and Juan and Reina's history of engaging in violent altercations in the presence of the children put the children at substantial risk of serious physical harm. The Department also alleged that Juan's sexual molestation of J.R. put her and her siblings at substantial risk of serious physical harm and sexual abuse. At the detention hearing, the juvenile court released J.R. and B.R. to their father, Edwin R., and ordered that A.T. and L.T. remain with their maternal grandmother.

In June 2016, at the jurisdiction and disposition hearing, the juvenile court sustained the petition under section 300,

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<sup>2</sup> Statutory references are to the Welfare and Institutions Code.

subdivisions (a), (b), (d), and (j). The court removed the children from Reina and Juan, placed J.R. and B.R. with Edwin, and placed A.T. and L.T. with the Department for suitable placement with a relative. The court ordered family maintenance services for Edwin, reunification services for Reina and Juan, visitation for Reina with all four children, and visitation for Juan with A.T. and L.T. Reina timely appealed.

## DISCUSSION

### A. *Reina's Appeal from the Jurisdiction Findings Does Not Raise a Justiciable Controversy*

Reina challenges some of the juvenile court's jurisdiction findings, but not all of them. Concerning the juvenile court's finding, for example, that the children were at substantial risk of serious physical harm within the meaning of section 300, subdivision (a), as a result of Juan's hitting them with spoons and belts, Reina argues only that "this allegation has nothing to do with" her. Even if true, however, jurisdiction was proper based on Juan's conduct. (See *In re Briana V.* (2015) 236 Cal.App.4th 297, 308 [jurisdiction finding involving one parent "is good against both" or, "[m]ore accurately, the minor is a dependent if the actions of either parent bring [the minor] within one of the statutory definitions of a dependent"]; *In re I.A.* (2011) 201 Cal.App.4th 1484, 1491 ["it 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"].) Therefore, Reina's challenges to the juvenile court's jurisdiction findings do not raise a justiciable controversy because any decision we might render on the allegations involving her "will

not result in a reversal of the court's order asserting jurisdiction.” (*In re Briana V.*, at pp. 308-311; *In re I.A.*, at pp. 1491-1492.)<sup>3</sup>

B. *Reina's Appeal from the Disposition Order Is Moot*

Reina also challenges the juvenile court's disposition order removing the children from her custody. She argues substantial evidence does not support a finding that, at the time of the disposition hearing, the children were at substantial risk of physical or emotional harm if returned to her. While this appeal was pending, however, the juvenile court held an 18-month review hearing under section 366.22, at which the court found that returning the children to Reina's custody would no longer create a substantial risk to their physical or emotional safety. The juvenile court therefore vacated its previous placement orders and returned all four children to Reina.

An appeal is moot if the reviewing court cannot grant effective relief. (*In re A.B.* (2014) 225 Cal.App.4th 1358, 1364; *In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054; see *In re N.S.*

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<sup>3</sup> Where jurisdiction is proper based on one parent's offending conduct, “we *may* exercise our discretion” to consider the other parent's challenge to findings concerning his or her conduct “in three situations: (1) the jurisdictional finding serves as the basis for dispositional orders that are also challenged on appeal; (2) the findings could be prejudicial to the appellant or could impact the current or any future dependency proceedings; and (3) the finding could have consequences for the appellant beyond jurisdiction.” (*In re J.C.* (2014) 233 Cal.App.4th 1, 4.) Reina does not argue that one of these three situations applies, nor does she otherwise ask us to exercise our discretion to consider her challenges. Therefore, we do not.

(2016) 245 Cal.App.4th 53, 60 [“the critical factor in considering whether a dependency appeal is moot is whether the appellate court can provide any effective relief if it finds reversible error”]; *In re E.T.* (2013) 217 Cal.App.4th 426, 436 [“[a]n appeal may become moot where subsequent events, including orders by the juvenile court, render it impossible for the reviewing court to grant effective relief”].) Because Reina seeks reversal of the juvenile court’s order removing the children from her custody, and the juvenile court has now returned the children to her custody, there is no effective relief we can give Reina “beyond that which she has already obtained.” (*In re N.S.*, at p. 62.) Therefore, her appeal from the disposition order is moot.

### **DISPOSITION**

The appeal is dismissed.

SEGAL, J.

We concur:

PERLUSS, P. J.

ZELON, J.