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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re Melanie K. et al., Persons
Coming Under the Juvenile Court
Law.

B277834
(Los Angeles County
Super. Ct. No. CK77718)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

NATALIA K.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los
Angeles County, Julie Fox Blackshaw, Judge. Dismissed.
Michael D. Randall, for Defendant and Appellant.

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

Natalia K. (mother) appeals from a May 19, 2016 order summarily denying her May 11, 2016 petition to change court orders under Welfare and Institutions Code section 388.¹ As explained below, mother's appeal is moot because in a related appeal (B278288), this court affirmed an order terminating mother's parental rights, and there is no effective relief that can be granted in this appeal.

While the current appeal was pending, the dependency court terminated mother's parental rights at a hearing under section 366.26 on October 4, 2016.² Mother appealed the October 4, 2016 orders, challenging the dependency court's denial of a different section 388 petition and arguing the court could not find the children were likely to be adopted without first requiring compliance with the Hague Intercountry Adoption Convention (the Convention). Mother sought to consolidate the two appeals in March 2017, pointing out that they "arise from the same facts, same

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

² We take judicial notice of the lower court's subsequent orders as well as our opinion disposing of mother's appeal. (Evid. Code, § 452, subds. (a) & (d).)

issues, same parties and similar appellate records.”
Mother’s motion was denied. (*In re Melanie K.* (Mar. 22, 2017, B278288) [nonpub. order].)

On April 11, 2017, we provided the parties an opportunity to address whether we should take judicial notice of the order terminating mother’s parental rights and find mother’s current appeal moot. Mother’s letter brief argued that because mother had appealed the parental rights termination order, she had preserved the issues raised in the current appeal. (See *In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315-1317 (*Jessica K.*)) The letter brief filed by the Los Angeles County Department of Children and Family Services (Department) argues the issues raised in mother’s current appeal are moot because they were subsumed under mother’s later appeal. Mother’s current appeal challenges the court’s decision to deny her section 388 petition without a hearing. Later hearings, however, considered the same issues mother raises in this appeal. The court also rejected mother’s argument about compliance with the Convention at the October 4, 2016 hearing. On June 5, 2017, this court issued an unpublished opinion affirming the dependency court’s October 4, 2016 orders. (*In re Melanie K.* (Jun. 5, 2017, B278288 [nonpub. opn.]³)

A controversy becomes moot when a final judgment is subsequently rendered in a related proceeding that determines all the issues. (See, e.g., *Guardianship of*

³ We also denied mother’s petition for rehearing.

Thomas (1954) 125 Cal.App.2d 135 [appeal from denial of guardianship to grandmother rendered moot by intervening grant of permanent custody to father by Texas court]; *Keefer v. Keefer* (1939) 31 Cal.App.2d 335, 337 [appeal from denial of change of venue in annulment proceeding rendered moot by subsequent judgment in dissolution action].) An appeal is also moot when the appellate court is unable to grant the appellant any effective relief. (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.)

Mother initially preserved the issues raised in the current appeal when she appealed the court's subsequent parental rights termination order. (*Jessica K., supra*, 79 Cal.App.4th at p. 1317.) However, that termination order has now become final as well. (Cal. Rules of Court, rules 8.264(b)(1) [Court of Appeal decision final 30 days after filing], 8.470 [making rules 8.252-8.272 applicable to juvenile appeals].) Once the parental rights termination order becomes final, we lack jurisdiction to vacate it. (*Jessica K., supra*, 79 Cal.App.4th at pp. 1316-1317.) In addition, this court has already considered the same arguments in our earlier opinion and rejected them. Mother's appeal must be dismissed as moot.

DISPOSITION

Mother's appeal is dismissed.

KRIEGLER, Acting P.J.

BAKER, J.

LANDIN, J.*

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