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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B294932

(Los Angeles County
Super. Ct. No. 18CCJP05673)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

C.L.,

Defendant and Appellant.

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

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

Office of the County Counsel, Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Sally Son, Deputy County Counsel, for Plaintiff and Respondent.

Cecillia L. (Mother) and Rene D. (Father) are the parents of six children, R.D., M.D., F.D., S.D., E.D., and J.D. (Minors). The Department of Children and Family Services (Department) instituted dependency proceedings following an incident in which Father struck F.D. with a belt. The Department further alleged Mother and Father engaged in domestic violence in the presence of some of the Minors. Father submitted on an allegation that he physically abused F.D., but both Father and Mother contested the domestic violence allegations. The juvenile court sustained the petition on both alleged grounds, assumed jurisdiction over the Minors, and placed them with their parents. Mother appealed; Father did not. And in the time since Mother filed her appeal, the juvenile court has terminated its jurisdiction over the Minors with an order leaving the Minors in Mother and Father's custody. The Department has moved to dismiss the appeal as moot and we agree it should be dismissed.

I. BACKGROUND

The Department's investigation in this matter was prompted by a referral alleging Father had hit F.D.'s lower back with a belt, and the paternal grandmother and Father had a physical altercation that led to their arrest. After beginning its investigation, the Department obtained a removal order, detained the Minors, and placed them with their maternal grandmother.

In September 2018, the Department filed an eleven-count petition alleging the Minors were persons described by Welfare and Institutions Code section 300, subdivisions (a), (b), and (j). The juvenile court released the Minors to their parents under the

condition that the Minors reside at the paternal grandmother's home.¹

At an adjudication and disposition hearing in November of the same year, Father did not contest the allegations regarding his physical abuse of F.D. The Department consented to having the court consider striking the counts related to alleged physical abuse of S.D., and Minors' counsel submitted on striking those counts.

The juvenile court sustained the counts Father did not contest, as well as a count alleging Mother and Father engaged in violent physical altercations in the presence of the Minors. It struck the counts relating to physical abuse of S.D. The juvenile court declared the Minors dependents of the court under Welfare and Institutions Code section 300, gave physical custody of the children to both parents, and ordered family maintenance services for both parents.

Mother appealed the juvenile court's jurisdiction finding. While the appeal was pending, the juvenile court terminated jurisdiction over the Minors with an order that they were to remain in Mother and Father's custody.² The Department filed a motion to dismiss the appeal, which Mother opposed.

¹ R.D., M.D., and F.D. stated they were not comfortable in the home of maternal relatives, and Mother and Father had expressed concern about the Minors continuing to reside with maternal relatives.

² We granted the Department's request to take judicial notice of the orders terminating dependency jurisdiction and ordering the Minors to remain in Mother and Father's custody. (Evid. Code, §§ 452, subd. (d), 459.)

II. DISCUSSION

“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. [Citations.]’ (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054[].)” (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.) “As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot.” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.) “[D]ismissal for mootness in such circumstances is not automatic, [however,] but ‘must be decided on a case-by-case basis.’” (*Ibid.*; see also *In re N.S.* (2016) 245 Cal.App.4th 53, 60 “[T]he 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”].)

The juvenile court’s order terminating jurisdiction withdrew the Department’s supervision of the family and any further court involvement. Because there is no further relief we could grant Mother in this appeal, the appeal is moot. Mother’s argument to the contrary (that “it is entirely possible the factual findings will be used against her in future proceedings”) is speculative and insufficient to defeat application of settled mootness doctrine. (See, e.g., *In re N.S.*, *supra*, 245 Cal.App.4th at pp. 62-63 [“We see no reason to review the juvenile court’s jurisdictional findings here on the basis of such speculation or caution. [¶] . . . [¶] [And w]e are unconvinced . . . that any ruling we could issue here would have any practical effect on future dependency proceedings”]; *In re I.A.* (2011) 201 Cal.App.4th 1484, 1494-1495.)

DISPOSITION

The appeal is dismissed.

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BAKER, J.

We concur:

RUBIN, P. J.

MOOR, J.