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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re N.J., A Person Coming Under the  
Juvenile Court Law.

B295422

(Los Angeles County  
Super. Ct. No. 18CCJP03420D)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

CHRISTOPHER J.,  
Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Martha Matthews, Judge. Dismissed.

Daniel G. Rooney, under appointment by the Court of Appeal, for Appellant Christopher J.

No appearance by Respondent Los Angeles County Department of Children and Family Services.

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Christopher J. (Father), the father of minor N.J., appeals from the juvenile court's disposition order, removing N.J. from her mother's custody and placing the child in the home of Father subject to the jurisdiction of the court. Father asserts the court erred when it denied his request to terminate jurisdiction with a family law exit order granting him full custody of N.J. Because the juvenile court terminated its jurisdiction during the pendency of Father's appeal, we dismiss the appeal as moot.

## **FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

Father and Desiree Garcia (Mother) are the parents of N.J., a girl born in November 2018. Mother also has six older children from previous relationships, and each child has been the subject of prior dependency proceedings. On November 26, 2018, shortly after N.J.'s birth, the Department of Children and Family Services (DCFS) filed a petition pursuant to Welfare and Institutions Code, section 300, subdivisions (a), (b), and (j).<sup>1</sup> The petition alleged that N.J. was at substantial risk of serious physical harm based on Mother's physical abuse of N.J.'s half-siblings and failure to protect the half-siblings from physical abuse by the maternal grandmother. The petition did not contain any allegations concerning Father. At a detention hearing held on November 27, 2018, the juvenile court ordered N.J. detained from Mother and released to Father pending an adjudication hearing.

At the jurisdiction and disposition hearing held on January 23, 2019, the juvenile court sustained the counts alleged in the

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<sup>1</sup> Unless otherwise stated, all further statutory references are to the Welfare and Institutions Code.

section 300 petition under subdivision (j), and dismissed the counts alleged under subdivisions (a) and (b). With respect to disposition, Mother's counsel requested N.J. be released to the home of both parents. The DCFS recommended the juvenile court terminate its jurisdiction with a family law order granting joint legal custody of N.J. to the parents, sole physical custody of the child to Father, and monitored visitation to Mother. Father's counsel and minor's counsel joined the DCFS in requesting that jurisdiction be terminated. Father's counsel also requested that the custody order grant Father sole legal and physical custody of N.J. with monitored visitation for Mother.

The juvenile court ordered N.J. removed from Mother's custody and placed in the home of Father subject to the jurisdiction of the court. In declining to termination its jurisdiction, the court stated that there were four siblings who were current dependents of the court, and that "sending one sibling off on a separate track in a separate court is not an example of judicial efficiency." The court also noted that Mother was engaged "in a serious effort to learn to parent her children differently," and that it was "in the best interest of this very small baby, if possible, to have two healthy parents who share custody with each other."

On January 29, 2019, Father filed an appeal from the January 23, 2019 disposition order. On July 24, 2019, while Father's appeal was pending, the juvenile court issued an order terminating its jurisdiction over N.J. and staying the termination of jurisdiction pending receipt of a custody order. On August 30, 2019, the juvenile court lifted the stay terminating jurisdiction, and issued a custody order granting sole physical custody of N.J. to Father, joint legal custody to the parents, and visitation to

Mother. The custody order attached a mediated agreement between Mother and Father reflecting the terms of their parenting plan, including Mother’s visitation.<sup>2</sup> In light of the juvenile court’s order terminating its jurisdiction over N.J., we invited the parties to submit supplemental briefs addressing whether Father’s appeal should be dismissed as moot. No supplemental briefs were submitted.

## DISCUSSION

“As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot. [Citation.] However, dismissal for mootness in such circumstances is not automatic, but “must be decided on a case-by-case basis.’ [Citations.]” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488; see also *In re A.B.* (2014) 225 Cal.App.4th 1358, 1364 [“[o]n a case-by-case basis, the reviewing court decides whether subsequent events in a dependency case have rendered the appeal moot”].) An appellate court ordinarily will not dismiss as moot a parent’s challenge to a juvenile court’s finding or order if the purported error “could have severe and unfair consequences to [the parent] in future family law or dependency proceedings” (*In re Daisy H.* (2011) 192 Cal.App.4th 713, 716), or the parent “raise[s] a statutory interpretation issue that could arise again and evade review” (*In re Marquis H.* (2013) 212 Cal.App.4th 718, 724). On the other hand, where the parent fails to identify any “specific legal or practical consequence from

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<sup>2</sup> On this court’s own motion, we take judicial notice of the juvenile court’s July 24, 2019 minute order, its August 30, 2019 minute order, and its August 30, 2019 custody order. (Evid. Code §§ 452, subd. (d), 459, subd. (a).)

[the challenged] finding, either within or outside the dependency proceedings,” the appellate court may, in its discretion, decide that no effective relief can be granted and dismiss the appeal as moot. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1493.)

In his appeal from the January 23, 2019 disposition order, Father argues the juvenile court abused its discretion when it denied his request to terminate jurisdiction with an order granting full custody of N.J. to Father and monitored visitation to Mother. However, since Father filed his appeal, the juvenile court has terminated its jurisdiction over N.J., and issued a custody order granting sole physical custody of the child to Father, joint legal custody to the parents, and visitation to Mother pursuant to the parents’ mediated agreement.

Accordingly, the issue of whether the court erred when it refused to terminate its jurisdiction at the January 23, 2019 disposition hearing has been rendered moot. Additionally, the only difference between the relief requested by Father at the disposition hearing and the juvenile court’s August 30, 2019 orders is that Father sought sole legal and physical custody of N.J. whereas the court granted the parents joint legal custody. Father has not, however, identified any adverse consequence that could result from the prior disposition order, either within or outside the dependency proceedings, or shown what effective relief, if any, could be granted by this court. (*In re N.S.* (2016) 245 Cal.App.4th 53, 62 [mother’s appeal from jurisdictional findings was moot where juvenile court subsequently awarded her custody of child and terminated jurisdiction because “there remains no effective relief we could give [m]other beyond that which she has already obtained”].) Under these circumstances, Father’s appeal is moot.

**DISPOSITION**

Father's appeal is dismissed.

ZELON, J.

We concur:

PERLUSS, P. J.

FEUER, J.