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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re SHARON C.-G., et al., Persons Coming Under the Juvenile Court Law.
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B294334

LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES,
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(Los Angeles County  
Super. Ct. No. 18CCJP03455)

Plaintiff and Respondent,
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v.
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C.G.,
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Defendant and Appellant.
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APPEAL from a judgment of the Superior Court of Los Angeles County, Marguerite D. Downing, Judge. Dismissed.

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

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Jacklyn K. Louie, Principal Deputy County Counsel for Plaintiff and Respondent.

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C.G. (Mother) appeals from the juvenile court's determination that her daughters, Sharon C.-G. and Aubrey C.-G. (Minors), were dependents of the juvenile court under Welfare and Institutions Code<sup>1</sup> section 300, subdivision (a). We dismiss Mother's appeal as nonjusticiable.

### **FACTUAL AND PROCEDURAL BACKGROUND**

The Department of Children and Family Services filed a petition alleging that Minors came within the jurisdiction of the juvenile court under section 300, subdivisions (a) (serious physical harm) and (b) (failure to protect). Under both subdivisions (a) and (b), DCFS alleged that Mother and F.C. (Father) "have a history of engaging in violent altercations, in the children's presence. On 12/31/2017, the father grabbed the mother's face, inflicting a scratch mark to the mother's face. The father threw an object in the children's home. The child Sharon and the children's adult sibling, Pamela C[.], intervened during the violent altercation between the mother and the father. On prior occasions, the father threatened to kill the mother. The mother failed to protect the children by allowing the father to have unlimited access to the children. Such violent conduct on the part of the father against the mother and the mother's failure to protect the children endanger the children's physical health and safety and place the children at risk of serious physical harm, damage, danger and failure to protect." Additionally, under section 300, subdivision (b), DCFS alleged that Father's alcohol abuse rendered him incapable of providing regular care

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

and supervision to the children, endangered their safety, and placed them at risk of serious physical harm and damage.

The juvenile court sustained the allegations of the petition and declared the children dependents of the juvenile court. Mother appeals.

### **DISCUSSION**

When “issues raised in [an] appeal present no genuine challenge to the court’s assumption of dependency jurisdiction[,] . . . any order we enter will have no practical impact on the pending dependency proceeding, thereby precluding a grant of effective relief. For that reason, we find [such an] appeal to be nonjusticiable.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1490-1491.) Here, Mother challenges only the juvenile court’s jurisdictional finding under section 300, subdivision (a). She does not contest the jurisdictional findings under section 300, subdivision (b), or the disposition order. As a result, we cannot grant Mother any effective relief and must dismiss her appeal.

Mother acknowledges that even if the allegation under section 300, subdivision (a) were reversed, the court would retain jurisdiction over the children because it sustained the identical allegation under section 300, subdivision (b) and the allegation under subdivision (b) related to Father’s alcohol abuse. She contends, however, that this court should exercise its discretion to reach the merits of the appeal nonetheless. An appellate court may exercise its discretion to review a juvenile court finding that is not essential for jurisdiction over a dependent child when the challenged finding “(1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the

current or future dependency proceedings [citations]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction’ [citation].” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763.)

Mother argues that we should review the true finding under section 300, subdivision (a) because it subjects her to registration on the Child Abuse Central Index (CACI). She notes that CACI lists “may be made available to county licensing agencies and others conducting background investigations of people seeking employment or volunteer work, and to out-of-state agencies investigating prospective foster or adoptive parents.” The underlying conduct, not the statutory basis for the dependency findings, determines whether a report is made to the Child Abuse Central Index. (Pen. Code, §§ 11165.2, 11165.3, 11165.6, 11169.) Therefore, to the extent the finding under section 300, subdivision (a) provides a basis for reporting Mother to the Department of Justice for possible inclusion in the CACI, so does the identical finding under section 300, subdivision (b).

As the factual finding that Mother and Father engaged in violent altercations that placed their children at serious risk of physical harm would remain unchanged under section 300, subdivision (b) even if we were to review the finding under subdivision (a), Mother has not demonstrated prejudice sufficient to warrant a discretionary review of the jurisdictional finding under section 300, subdivision (a). (See, e.g., *In re Drake M.*, *supra*, 211 Cal.App.4th at p. 763.) We therefore dismiss Mother’s appeal as nonjusticiable.

**DISPOSITION**

The appeal is dismissed.

ZELON, Acting P. J.

We concur:

SEGAL, J.

FEUER, J.