

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(a). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115(a).

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

In re THOMAS G. et. al., Persons
Coming Under the Juvenile
Court Law.

B283995

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Los Angeles County
Super. Ct. No. CK26652

Plaintiff and Respondent,

v.

L.G.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County, Karin Borzakian, Juvenile Court Referee. Appeal dismissed.

Jamie A. Moran, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel and Sarah Vesecky, Deputy County Counsel, for Plaintiff and Respondent.

INTRODUCTION

L.G. (father) appeals from the juvenile court's disposition orders declaring his three children, C.G., T.G., and S.G., dependents of the court and removing them from their parents' physical custody. Father argues: (1) the court abused its discretion when, without providing father prior notice, it amended the dependency petition at the jurisdiction hearing to allege father abused another drug, methamphetamine, while his children's dependency case was pending; (2) insufficient evidence supports the court's jurisdiction findings under Welfare and Institutions Code¹ section 300, subdivisions (a), (b), and (j); and (3) insufficient evidence supports the court's order removing the children from father's custody. Because the juvenile court has terminated jurisdiction over the children and returned them to their parents' custody, we dismiss father's appeal as moot.

FACTUAL AND PROCEDURAL BACKGROUND

1. The Dependency Petition

Father and K.B. are the parents of six-year-olds C.G. and T.G., and four-year-old S.G. This case came to the attention of the Los Angeles County Department of Children and Family Services (Department) in early August 2016, after a caller alleged father had punched mother in the face in the children's presence.

Shortly after the incident, mother reported to the police that father had punched her in the face. She and father later told the Department, however, that father had only pushed mother to prevent her from being hit by a moving car. A video recording of

¹ All undesignated statutory references are to the Welfare and Institutions Code.

the incident that the juvenile court later viewed contradicted the description of the incident the parents gave to the Department. According to the court, the video showed mother arguing with father outside a 7-Eleven convenience store. Mother was upset and pointed a finger in father's face, at which point father "moved his right arm in a mid-swing with sufficient speed and made contact with mother's body ... somewhere on the upper body close to her face and in her face ... [causing mother] to reel back from some type of contact."

About a week after the Department interviewed the family, mother and father were drug tested. Mother tested positive for amphetamines, methamphetamine, and cannabinoids, and father tested positive for cannabinoids and opiates (specifically, Hydrocodone). Father, however, had a medical-use cannabis card and a prescription for Hydrocodone.

On August 24, 2016, after detaining the children, the Department filed a dependency petition on their behalf. The Department alleged: (1) mother's and father's August 2016 domestic violence incident placed the children at risk of serious physical harm (§ 300, subds. (a), (b), & (j); "a-1," "b-3," and "j-2" allegations); (2) father's history of substance abuse and his current abuse of prescription medication, marijuana, and opiates, placed the children at risk of serious physical harm (§ 300, subd. (b); "b-2" allegation); and (3) mother's history of abusing cocaine, methamphetamine, and marijuana, and her current abuse of methamphetamine and marijuana, placed the children at risk of suffering serious physical harm (§ 300, subds. (b) & (j); "b-1" and "j-1" allegations). At the detention hearing, the court ordered that the children remain detained from mother's and father's custody and awarded the parents monitored visitation.

2. The Jurisdiction Findings and Disposition Orders

Shortly after the dependency petition was filed, mother and father began participating in voluntary services. Mother enrolled in an inpatient drug treatment program, regularly submitted drug test samples, and attended counseling, parenting classes, and “AA and NA” meetings. For his part, father enrolled in a 12-week parenting course and a 52-week domestic violence course, and he attended parent support group meetings and about two “NA/AA” meetings per day.

As of early November 2016, father had submitted four clean drug test samples. However, on November 20, 2016, he was arrested for being under the influence of a controlled substance, methamphetamine. Father had called the police to report that an armed man was hiding in the attic or basement of father’s house. When the police arrived, they discovered father’s house did not have an attic or a basement, and they observed that father appeared to be under the influence of a stimulant. After the officers arrested father, he admitted he had “ ‘snorted two lines [of] ... Meth’ ” about 45 minutes before the officers arrived. Between late November 2016 and February 2017, father submitted six clean drug test samples, two of which were diluted, and he failed to appear for one drug test.

On February 3, 2017, the court commenced the jurisdiction hearing. Mother pled no contest to the allegations in the petition. The court sustained the b-1 and b-3 allegations against mother, and it dismissed the j-1 allegation. The court continued the jurisdiction hearing for a contested hearing on the allegations against father.

The court resumed the jurisdiction hearing on March 24, 2017. Father testified over two days. He denied punching mother

in the face during the August 2016 domestic violence incident. He claimed mother was under the influence of drugs and that he had only grabbed her hands and a set of keys that were in her hands because a “car was coming to park in a stall” near the family’s car. Father also described his drug use and criminal history, and he testified about some of the programs and services he had participated in since the children’s dependency proceedings had been initiated.

After father finished testifying, the Department asked the court to amend the b-2 allegation against father to include language that he also abused methamphetamine, based on his November 20, 2016 arrest for being under the influence of a controlled substance. Father objected to the Department’s request to amend the petition to conform to proof. Father’s counsel argued, “I am objecting to the Department all of a sudden, in closing arguments, adding methamphetamine. Since there was no notice.” The court granted the Department’s request over father’s objection and amended the b-2 allegation to allege father abused methamphetamine on November 20, 2016. The court struck from that allegation language that father was “a current abuser of prescription medication, opiates and marijuana.”

The court concluded the jurisdiction hearing on April 5, 2017. The court sustained the a-1, b-2, b-3, and j-2 allegations against father. The court then declared the children dependents of the court, removed them from their parents’ physical custody, and ordered that they remain placed in a foster home. The court ordered family reunification services for mother and father and awarded them unmonitored visits with the children “in the community” until the parents submitted 12 consecutive clean

drug test samples, at which point they would be allowed to have unmonitored overnight visits with the children.

At the six-month review hearing held on October 4, 2017, the court found mother and father had made substantial progress with their reunification services and ordered the children returned to their custody. On April 4, 2018, the court held a 12-month review hearing, at which it terminated jurisdiction over the children.²

Father filed a timely appeal from the court's April 5, 2017 disposition order.

DISCUSSION

1. Father's challenge to the court's jurisdiction findings does not raise a justiciable controversy.

The court sustained five jurisdiction findings in this case. Three of those findings were based on mother's and father's conduct during the August 2016 domestic violence incident, one of them was based on father's use of methamphetamine in November 2016, and the other was based on mother's drug use. Father challenges only the findings concerning his conduct, as well as the court's decision to amend the b-2 allegation at the jurisdiction hearing to include language that father abused methamphetamine. Importantly, father does not challenge the finding that mother's substance abuse placed the children at risk of physical harm.

² On June 19, 2018, we granted the Department's request to take judicial notice of the juvenile court's October 4, 2017 and April 4, 2018 minute orders.

A single jurisdiction finding against one parent is sufficient to maintain dependency jurisdiction over a child. (*In re Alysha S.* (1996) 51 Cal.App.4th 393, 397; *In re Alexis H.* (2005) 132 Cal.App.4th 11, 16.) Thus, a juvenile court will maintain jurisdiction over the child as long as the court has sustained at least one valid jurisdiction finding against either parent, even if only one parent is offending or if a different jurisdiction finding against the appealing parent is invalid. (See *In re I.A.* (2011) 201 Cal.App.4th 1484, 1491 (*I.A.*); *In re Briana V.* (2015) 236 Cal.App.4th 297, 308–311 (*Briana V.*).)

Because father does not challenge *all* the findings establishing jurisdiction over the children, his challenge to the jurisdiction findings against him does not raise a justiciable controversy. That is, any decision we might render on the findings involving him “ ‘will not result in a reversal of the court’s order asserting jurisdiction.’ ” (*Briana V.*, *supra*, 236 Cal.App.4th at p. 308; *I.A.*, *supra*, 201 Cal.App.4th at pp. 1491–1492.) Father’s challenge to the court’s jurisdiction findings involving allegations against him is also moot because the court terminated jurisdiction over the children and returned them to father’s and mother’s custody. (See *In re C.C.* (2009) 172 Cal.App.4th 1481, 1488 [“As a general rule, an order terminating juvenile court jurisdiction renders an appeal from a previous order in the dependency proceedings moot.”].)

Although father acknowledges the juvenile court’s exercise of jurisdiction over the children would not be affected even if we were to reverse the findings against him, he asks us to reach the merits of his arguments for three reasons: (1) he challenges the disposition orders that are based on the jurisdiction findings at issue in this appeal; (2) the jurisdiction findings influenced the

type of services the court included in father's case plan, and those services could make it unnecessarily difficult for him to reunify with his children; and (3) as a result of the jurisdiction finding that he and mother engaged in domestic violence in front of the children, the Department may submit a report of child abuse to the Child Abuse Central Index (CACI), which could prevent father from finding work or volunteering at functions that involve children.³ (See *In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763.)

We are not persuaded by father's arguments. First, as we explain in more detail below, father's challenge to the court's removal order is moot because the court has returned the children to mother's and father's custody and terminated jurisdiction over the children.

Second, the potential adverse consequences father cites are speculative. Because the court has returned the children to their parents' custody and terminated dependency jurisdiction, there no longer exists the possibility that father could fail to reunify with his children or that the court in this case could remove the children from their parents' custody a second time. And, any future order removing the children from their parents' custody would have to be issued in a new dependency proceeding and be based on new jurisdiction findings that show the children face a then-current risk of harm.

³ The Department of Justice is the repository of reports of suspected child abuse and severe neglect to be maintained in CACI. (Pen. Code, § 11170.) Upon request, the Department of Justice shall make available to certain persons and agencies information contained in CACI. (*Ibid.*)

Third, nothing in the record shows that anyone submitted a report to the Department of Justice for inclusion in CACI based on the jurisdiction findings against father. Nor is there anything in the record showing how such a report could affect father's future employment opportunities.

Because father does not challenge all the jurisdiction findings and he has not identified any specific adverse consequences that could result from the jurisdiction findings against him, we decline to reach the merits of his challenge to those findings.

2. Father's challenge to the removal orders is moot.

As we discussed before, father also challenges the court's disposition orders removing the children from his custody. He argues substantial evidence does not support the court's finding that, at the time of the disposition hearing, the children faced a substantial risk of physical or emotional harm if they were returned to his custody. Specifically, he asserts there was no risk of harm in returning the children to his custody because he had regularly attended "AA/NA" meetings to address his issues with drug use, he had made "good progress" in voluntary services, and he had not engaged in any domestic violence while the children's case was pending.

An appeal is moot when the reviewing court can no longer offer the appealing party effective relief. (*In re A.B.* (2014) 225 Cal.App.4th 1358, 1364.) " 'On a case-by-case basis, the reviewing court decides whether subsequent events in a dependency case have rendered the appeal moot and whether its decision would affect the outcome of the case in a subsequent proceeding.' [Citation.]" (*Ibid.*)

In this case, we can offer father no effective relief from the court's disposition orders removing the children from their parents' custody. Father has already obtained the relief he seeks—return of his children to his custody—through the juvenile court's order at the six-month review hearing. Additionally, there no longer exists the possibility that the court in this case could remove the children from father's custody again since the court no longer has jurisdiction over the children.

In sum, father's challenge to the removal orders is moot.

DISPOSITION

The appeal is dismissed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

LAVIN, Acting P. J.

WE CONCUR:

EGERTON, J.

DHANIDINA, J.