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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re C.P., a Person Coming
Under the Juvenile Court Law.

B278769
(Los Angeles County
Super. Ct. No. DK14684)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

TAMRA V.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles
County, D. Zeke Zeidler, Judge. Affirmed in part; dismissed in part.

Gina Zaragoza, under appointment by the Court of Appeal,
for Defendant and Appellant.

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

* * * * *

Mother Tamra V. initially challenged the juvenile court's jurisdictional and dispositional orders. The juvenile court took jurisdiction over her son C.P. and initially ordered him placed outside her care. In her reply brief, mother acknowledged that her challenge to the juvenile court's dispositional order was rendered moot by a subsequent order placing C.P. in her custody. We affirm the jurisdictional order and dismiss the appeal from the dispositional order.

BACKGROUND

1. Petition

The Los Angeles County Department of Children and Family Services (DCFS) filed a Welfare and Institutions Code¹ section 300 petition in January 2016 when C.P. was six months old. The petition, as later sustained, alleged mother and father endangered C.P. by leaving marijuana accessible to him. Additionally, father possessed methamphetamine in the child's home. Mother knew of the presence of the illegal drugs and failed to protect C.P. The petition further alleged that father currently uses methamphetamine, rendering him incapable of providing regular care for C.P., and mother failed to protect C.P. from father's illicit drug use.

¹ Undesignated statutory citations are to the Welfare and Institutions Code.

2. Detention, Jurisdiction, and Supplemental Reports

Social workers' reports indicated that father has a lengthy criminal history. The methamphetamine referred to in the petition was discovered following a parole search. Officers who conducted that search noted that marijuana pipes were found next to a baby food container. Other marijuana was accessible to C.P., and an officer concluded that the marijuana "could easily fall onto the ground and be ingested by the child," thereby endangering C.P.'s health. Mother was arrested for child endangerment.

The parole search revealed troubling conduct with respect to mother as well as father. Mother lied to the officers, falsely telling them that father was not at home. When father exited a bedroom, he surprised officers and was ordered at gun point to the ground. According to an officer, mother's "dishonesty caused us to have guns out and deal with a potentially violent and dangerous suspect in the hallway only feet from where the child was sleeping."

When interviewed by social workers, mother denied doing anything wrong and reported that she was unaware father possessed drugs. Father initially denied that mother knew about his drug use but later acknowledged that she knew. Father admitted that he had lied about mother's knowledge because he wanted C.P. to remain in mother's custody.

Maternal aunt reported that father was a member of a gang. Maternal grandmother indicated that father had a gang tattoo on his face. In a request for a restraining order identifying paternal aunt as the person to be restrained, mother claimed that both father and paternal aunt were members of a gang and were dangerous and violent.² Mother reported that father had

² Mother eventually withdrew her request for the temporary restraining order against paternal aunt.

threatened her and had brandished a firearm. In a request for a restraining order naming father as the person to be restrained, mother reported that father abused her during her pregnancy and threatened to shoot her if she left him. According to mother, father was an active gang member and threatened to take C.P. to Mexico. Father denied all of mother's allegations. Father, however, admitted to having a drug problem and indicated a willingness to enter a rehabilitation program after his incarceration.

Mother initially received monitored visitation three times a week, and she regularly visited C.P. Mother also enrolled in parenting classes and rented her own apartment. In April 2016, mother reported that she learned the following in her parenting classes: she must be "consistent with her son so he feels secure and knows what to expect." Mother reported that in her therapy sessions, she is able to discuss her case and plan for the future. Mother also indicated that she was learning to be more aware of substance abuse.

With respect to mother's criminal case, she pled no contest to misdemeanor resisting arrest, and the child endangerment allegations were dismissed. Mother had a prior conviction for hit and run in violation of Vehicle Code section 20002, subdivision (a).

In May 2016, mother completed her 12-week parenting class. She also was enrolled in a parent support group. DCFS continued to report that mother regularly visited C.P., but the monitors for her visits were concerned with mother's lack of understanding of C.P.'s developmental stages. When mother told C.P. that his "daddy is in jail" and "don't worry mommy will raise you right and you won't ever be there," social workers ended her call. Mother tested for controlled substances throughout the proceedings, and all of her tests were negative except in October 2016 when she tested

positive for alcohol and hydrocodone (for which she later provided a prescription). Mother's therapist reported that mother completed 29 individual counseling sessions and was learning age appropriate behaviors for C.P.

In January 2017, just before the jurisdictional hearing, mother reported that "I'm in this because of his father" and it was father's fault the child was removed from her care. DCFS also learned that mother provided only limited disclosures to her therapist, rendering her therapist incapable of helping mother overcome the problems that led to jurisdiction.

3. Jurisdiction

Father pled no contest to the petition. Mother did not testify at the jurisdictional hearing. Her attorney argued that mother no longer posed a risk to C.P. As previously noted, the juvenile court assumed jurisdiction.

4. Disposition

A dispositional hearing was held January 25, 2017. At the dispositional hearing, the court found by clear and convincing evidence returning C.P.'s care to mother's custody would be detrimental to him. The court emphasized that mother was in "total denial regarding her role in anything." Mother was provided unmonitored visits.

DISCUSSION

As we shall explain, mother demonstrates no error in the juvenile court's jurisdictional order and acknowledges that the dispositional order is now moot.

1. Jurisdiction

Mother challenges the sufficiency of the evidence to support jurisdiction.³ “ ‘In reviewing a challenge to the sufficiency of the evidence supporting the jurisdictional findings and disposition, we determine if substantial evidence, contradicted or uncontradicted, supports them. “In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court’s determinations; and we note that issues of fact and credibility are the province of the trial court.” [Citation.] “We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court. [Citations.] ‘ “[T]he [appellate] court must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence . . . such that a reasonable trier of fact could find [that the order is appropriate].” ’ ’ ’ ’ ” (*In re I.J.* (2013) 56 Cal.4th 766, 773.)

The evidence considered in the light favorable to the juvenile court’s order indicated that mother was aware of father’s drug use and continued to expose C.P. to the drugs and to father. Specifically, father reported that mother was aware of his drug use. Marijuana was found in an area accessible to C.P. and pipes were found near baby food. Additionally, although mother attended individual counseling, she failed to apprise her counselor of critical case issues including father’s drug use and mother’s failure to protect. Moreover, despite mother’s parenting class and individual

³ We consider mother’s appeal even though jurisdiction as to father was not challenged. (*In re Christopher M.* (2014) 228 Cal.App.4th 1310, 1316.)

counseling, she failed to take any responsibility for deficiencies in her parenting and concluded that C.P. was in the system only as the result of father's conduct. Thus, although mother demonstrated a willingness to take classes and to attend individual counseling, she failed to show that by the time of the jurisdictional hearing she had resolved the issues underlying the petition. More specifically, she failed to show that she would protect C.P. in the future. (Cf. *In re Esmeralda B.* (1992) 11 Cal.App.4th 1036, 1044 ["denial is a factor often relevant to determining whether persons are likely to modify their behavior in the future without court supervision"].)

2. Disposition

In her opening brief, mother argues that the evidence did not support the dispositional order removing C.P. from her care. In her reply brief, mother argues that her challenge to the dispositional order is moot based on the juvenile court's July 17, 2017 order returning C.P. to mother's custody. We agree that her contention is moot because no effective relief can now be granted from the challenged dispositional order. (See *In re N.S.* (2016) 245 Cal.App.4th 53, 60.)

DISPOSITION

The juvenile court's jurisdictional order is affirmed. The appeal from the juvenile court's dispositional order is dismissed as moot.

FLIER, J.

WE CONCUR:

RUBIN, Acting P. J.

GRIMES, J.