

NOT TO BE PUBLISHED IN OFFICIAL REPORTS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(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

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

ORANGE COUNTY SOCIAL
SERVICES AGENCY,

Plaintiff and Respondent,

v.

S.C. et al.,

Defendants and Appellants.

G065629

(Super. Ct. No. DP020444-002)

O P I N I O N

Appeals from a judgment of the Superior Court of Orange
County, Daphne G. Sykes, Judge. Dismissed.

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

Pamela Rae Tripp, under appointment by the Court of Appeal, for Defendant and Appellant K.C.

Leon J. Page, County Counsel, Debbie Torrez and Chloe R. Maksoudian, Deputy County Counsel, for Plaintiff and Respondent.

No appearance for the minor.

* * *

Generally, when a child welfare proceeding is terminated, any appeal from the juvenile court's jurisdictional orders becomes moot. This will not be the case if the jurisdictional orders will continue to negatively impact the appealing party. In this case, we conclude the jurisdictional orders will not negatively impact the appealing parties, and we therefore dismiss the appeals as moot.

FACTUAL AND PROCEDURAL BACKGROUND

The minor was a dependent of the juvenile court between 2010 and 2012, due to mother's and father's substance abuse and failure to follow through with family court orders. Those child welfare proceedings were terminated with the parents sharing legal custody, and father having sole physical custody in Hawaii. At some point, the maternal grandparents, M.C. and S.C., became the minor's legal guardians (for ease of reference, M.C. and S.C. will sometimes be referred to collectively as the legal guardians or the maternal grandparents); K.C. (mother) lived with the maternal grandparents and the minor. Father¹ was still living in Hawaii.

¹ Father is not a party to this appeal.

In March 2024, the minor reported that mother physically abused her while the maternal grandparents were out of state. When the maternal grandparents returned home, there was an argument involving their suspicion that the minor was using drugs and alcohol. Grandfather M.C. tried to block the minor from leaving the home, and they became involved in a physical altercation. The minor and M.C. fell down, causing a bruise on the minor's hip, and M.C. placed his forearm on the minor's throat. The minor accidentally kicked grandmother S.C. who fell and suffered a cut on her hand. The minor reported that she no longer felt safe in the home.

The Orange County Social Services Agency (SSA) filed a new child welfare petition in April 2024, alleging the minor came within the juvenile court's jurisdiction under Welfare and Institutions Code section 300, subdivisions (b)(1) and (c).² The minor was detained and placed in the care of a nonrelative extended family member. In the jurisdiction/disposition report,

² "The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of any of the following: [¶] (A) The failure or inability of the child's parent or guardian to adequately supervise or protect the child. [¶] (B) The willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left. [¶] . . . [¶] (D) The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse." (§ 300, subd. (b)(1).)

The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care." (§ 300, subd. (c).)

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

SSA recommended that the minor be declared a dependent of the juvenile court, and that mother, father, and the maternal grandparents all be provided reunification services. The jurisdiction/disposition hearing was continued multiple times.

In July 2024, the juvenile court granted the minor's request (over the objection of mother and the legal guardians) to be released to the care and custody of father and to live and go to school in Hawaii.

In multiple addendum reports after the minor moved to Hawaii, SSA recommended that the juvenile court sustain the allegations of the petition, dismiss the dependency proceedings, and authorize the minor to remain with father with exit orders.

At the jurisdiction hearing, which was finally held in May 2025, the juvenile court admitted SSA's reports into evidence. The court found the allegations of the petition true by a preponderance of the evidence; declared the minor to be a dependent of the juvenile court; found by clear and convincing evidence that section 361, subdivision (c) applied; found that it would be detrimental to the minor to vest custody with the parents; determined that custody of the minor should remain with legal guardian S.C.;³ and terminated the child welfare proceedings.

S.C. and mother separately filed timely notices of appeal challenging the juvenile court's jurisdictional findings. Mother joins all of S.C.'s arguments on appeal and does not put forth any separate arguments on her own behalf.

³ During the pendency of the child welfare proceedings, legal guardian and maternal grandfather M.C. died.

DISCUSSION

SSA filed a motion to dismiss the appeals on grounds of mootness and/or lack of justiciability. In the same order by which the juvenile court sustained the petition and made jurisdictional and dispositional findings, the court ordered the minor to be returned to S.C. and terminated the child welfare proceedings. SSA therefore argued the appeals were moot.

“Under the doctrine of justiciability, courts generally do not act upon or decide moot questions or abstract propositions, nor do they issue advisory opinions. [Citation.] ‘An important requirement for justiciability is the availability of “effective” relief—that is, the prospect of a remedy that can have a practical, tangible impact on the parties’ conduct or legal status.’ [Citation.] ‘For this reason, an appellate court may decline to address the evidentiary support for any remaining jurisdictional findings once a single finding has been found to be supported by the evidence’ or is unchallenged. [Citation.]” (*In re L.O.* (2021) 67 Cal.App.5th 227, 237.)

“A court is tasked with the duty “to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case before it.” [Citation.] A case becomes moot when events “render[] it impossible for [a] court, if it should decide the case in favor of plaintiff, to grant him any effect[ive] relief.” [Citation.] For relief to be “effective,” two requirements must be met. First, the plaintiff must complain of an ongoing harm. Second, the harm must be redressable or capable of being rectified by the outcome the plaintiff seeks.’ [Citation.]” (*In re S.R.* (2025) 18 Cal.5th 1042, 1051.)

Generally, after a child welfare proceeding has terminated, any appeal of the juvenile court’s jurisdictional findings becomes moot. (*In re T.R.*

(2024) 107 Cal.App.5th 206, 214.) Mootness, however, is decided on a case-by-case basis. (*Ibid.*)

S.C. and mother argue their appeals are not moot because the existence of the sustained allegations will negatively affect them. The juvenile court sustained the petition’s allegations that the minor “has suffered and/or is at substantial risk of suffering serious emotional damage and physical injury in the care of” S.C. and mother. “The Courts of Appeal have held that when a juvenile court’s finding forms the basis for an order that continues to impact a parent’s rights—for instance, by restricting visitation or custody—that jurisdictional finding remains subject to challenge, even if the juvenile court has terminated its jurisdiction. [Citations.] Because reversal of the jurisdictional finding calls into question the validity of orders based on the finding, review of the jurisdictional finding can grant the parent effective relief.’ [Citation.] But when ‘the juvenile court terminates its jurisdiction without issuing any order that continues to impact the parents,’ ‘complaining of “stigma” alone is insufficient to sustain an appeal. The stigma must be paired with some effect on the [parent’s] legal status that is capable of being redressed by a favorable court decision.’ [Citation.]” (*In re S.R.*, *supra*, 18 Cal.5th at p. 1051.)

The juvenile court’s order at the jurisdiction/disposition hearing returned the minor to the custody and care of S.C., which was the situation when the child welfare proceedings were initiated. Neither S.C. nor mother suffered any negative impact from the jurisdictional findings and orders.

Mother and S.C. argue they would be prejudiced if the appeals were dismissed because the sustained petition based on the juvenile court’s jurisdictional findings results in “a presumptive referral to the Child Abuse Central Index (CACI).” SSA counters that the sustained allegations only

accuse mother and S.C. of general neglect, which is not reportable to the CACI. (Pen. Code, § 11169, subds. (a) & (c); see *In re Emily L.* (2021) 73 Cal.App.5th 1, 14.)

The Penal Code describes the difference between general neglect and severe neglect for purposes of child abuse as follows: “As used in this article, ‘neglect’ means the negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s health or welfare. The term includes both acts and omissions on the part of the responsible person.

“(a) ‘Severe neglect’ means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. ‘Severe neglect’ also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that their person or health is endangered as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

“(b) ‘General neglect’ means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred but the child is at substantial risk of suffering serious physical harm or illness. ‘General neglect’ does not include a parent’s economic disadvantage.” (Pen. Code, § 11165.2, subds. (a) & (b).)

We agree with SSA that the juvenile court found by a preponderance of the evidence that S.C. and mother had committed acts of general neglect, not severe neglect. Therefore, neither is at risk of being

reported or referred to the CACI. (Pen. Code, § 11169.) Absent some other specific adverse consequence, we must conclude the appeals are moot.

In *In re D.P.* (2023) 14 Cal.5th 266, 280, a parent argued his appeal from jurisdictional findings was not moot based on “his potential inclusion in CACI.” In that case, the trial court had sustained the child welfare petition under section 300, subdivision (b)(1), based on a single unexplained healing rib fracture to the child. (*In re D.P.*, *supra*, at p. 272.) The California Supreme Court rejected that argument because the parent had failed to show “that the general neglect allegation against him was reported for inclusion in the CACI” or “that this type of allegation is reportable.” (*Id.* at p. 280.)

We therefore grant SSA’s motion to dismiss.⁴

⁴ We do not reach SSA’s separate argument that the appeals are moot because the minor will reach age 18 before or soon after this opinion issues.

DISPOSITION

The appeals are dismissed as moot.

BANCROFT, J.*

WE CONCUR:

MOORE, ACTING P. J.

SANCHEZ, J.

*Judge of the Orange County Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.