Filed 5/14/25 In re B.M. CA2/3

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re B.M., a Person Coming Under the Juvenile Court Law.	B339378
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. M.P., Defendant and Appellant.	(Los Angeles County Super. Ct. No. 24CCJP01914A)

APPEAL from an order of the Superior Court of Los Angeles County, Mark A. Davis, Judge. Dismissed.

Panda Kroll, under appointment by the Court of Appeal, for Defendant and Appellant.

Dawyn R. Harrison, County Counsel, Kim Nemoy, Assistant County Counsel, and Peter Ferrera, Assistant County Counsel for Plaintiff and Respondent.

Mother challenges the juvenile court's jurisdictional findings that she and father created a detrimental home environment for their two-year-old son, B.M., arguing B.M. was not at risk of harm at the time of the jurisdiction hearing. We conclude that mother's challenge is moot because although the court made a jurisdictional finding under Welfare and Institutions Code[1] section 300, it did not adjudicate B.M. a dependent. Instead, B.M. remained in the parents' legal and physical custody under the supervision of the Los Angeles County Department of Children and Family Services (DCFS). Since the supervision period has concluded with no further court involvement, the juvenile court no longer has jurisdiction over B.M., and there is no relief we can afford mother on appeal. We decline to exercise our discretion to consider mother's arguments and therefore dismiss the appeal.

FACTUAL AND PROCEDURAL BACKGROUND

In June 2024, law enforcement executed a search warrant at the family home due to the involvement of B.M.'s two adult siblings—both known career criminals—in burglaries. Police found two guns in the room B.M. shared with the parents. They found one gun with a loaded magazine next to it on a vanity

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

shelf, just a few feet off the ground. Police reported the firearm could have been easily assembled. Police located the second gun with a loaded magazine next to it in an unlocked, ground-height drawer of the parents' bed and discovered " 'hundreds of ammo' " in the bedroom closet. Police informed DCFS the guns were easily accessible to B.M., and that mother would be cited for child endangerment.

In addition, an unlocked storage trailer on the property contained an unloaded rifle, methamphetamine pipes, and hypodermic needles. The home's garage housed multiple stolen items, including stolen identification cards. Police observed that the two adult siblings, who were known drug users, resided in the family home. Police had previously searched the home four to five times in the last five years due to the adult siblings' criminal activity. Just the week prior to this search, law enforcement arrested one of the adult siblings shortly after he left the family home because he possessed a gun and methamphetamine for sale.

Police informed DCFS that B.M.'s adult siblings appeared to be engaging in burglaries and selling drugs and guns out of the family home. "Law enforcement stated it appears the parents are very aware of the criminal activity occurring at their home and allowing this to endanger the child's environment."

DCFS investigated and encountered inconsistent explanations and denials from the parents. Mother stated there was only one unsecured gun in the bedroom and it was there for protection. However, when the DCFS social worker entered the home with law enforcement to inspect the bedroom, the mother acknowledged the location of the two unsecured firearms found there. Mother nonetheless denied that B.M. had access to the

guns in the home or access to the trailer. She also asserted there was no criminal activity or stolen goods in her home. The parents maintained that one of the adult siblings did not live in the home, even though police and family members observed him living there and he listed the family home as his residence with the probation department. Father told DCFS that the presence of the unsecured guns being in the bedroom was an isolated incident. Later, the parents asserted the hypodermic needles that police discovered, which they initially claimed they knew nothing about, were not for drugs but rather for mother's diabetes. They also asserted that B.M. did not share a bedroom with them.

In mid-June 2024, DCFS filed a section 300 petition on behalf of B.M. alleging B.M. was at risk of serious physical harm because guns and loaded magazines were found within the child's access, methamphetamine pipes, hypodermic needles, and an unloaded rifle were found in an unlocked trailer on the property, and the parents allowed the adult siblings to reside in the home despite their drug and criminal histories. At the initial hearing, the juvenile court detained B.M. and granted the parents monitored visits; visits were later liberalized to unmonitored in a public setting.

A month after the section 300 petition was filed, the juvenile court adjudicated it. At the hearing, B.M.'s attorney described the home as a "minefield" of danger and expressed concern over the child's potential access to drugs and weapons. Mother's attorney argued the petition should be dismissed because the allegations were speculative and there was no present danger to B.M. Counsel stated there was now a lock on the trailer, the parents had taken gun safety classes and are

enrolled in a parenting program, and that firearms would be secured in the home. Father's attorney joined in mother's counsel's arguments and argued the needles were for diabetes management, the parents had removed the firearms, and issues with one adult sibling had been resolved due to his incarceration on a three-year sentence. DCFS's attorney responded that the risk remained, as evidenced by the parents' inconsistent explanations and lack of accountability, and the absence of evidence that the firearms had been relinquished.

The juvenile court sustained the section 300 petition as pled. The juvenile court ordered B.M. released to the parents under DCFS's informal supervision for six months pursuant to section 360, subdivision (b), and ordered the parents to participate in a developmentally appropriate parenting class, family preservation services, individual counseling to address case issues and gun safety, and to show DCFS "proof of gun safety and ammunition security." The court further ordered that the adult siblings were not permitted on the family property, and any visits had to take place at a neutral location.

Mother appealed. While this appeal was pending, the six-month review period lapsed and DCFS did not file a new petition in the case. Accordingly, the family is not currently under DCFS's supervision.

DISCUSSION

DCFS argues that the appeal is moot and should be dismissed. We agree.

Our Supreme Court has explained that appellate courts are "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." ' " (*In re D.P.* (2023) 14 Cal.5th 266, 276 (*D.P.*).) Thus, "[a] case becomes moot when events ' "render[ ] it impossible for [a] court, if it should decide the case in favor of [appellant], to grant [her] any effect[ive] relief." ' " (*Ibid.*) Relief is effective only if the appellant complains of an "ongoing" harm that is "redressable or capable of being rectified by the outcome the plaintiff seeks." (*Ibid.*) "[T]he critical factor in considering whether a dependency appeal is moot is whether the appellate court can provide any effective relief if it finds reversible error." (*In re N.S.* (2016) 245 Cal.App.4th 53, 60, quoted by *D.P.*, at p. 276.) "[R]elief is effective when it 'can have a practical, tangible impact on the parties' conduct or legal status.' " (*D.P.*, at p. 277.)

Here, the juvenile court made jurisdictional findings and ordered the family to participate in informal supervision for six months pursuant to section 360, subdivision (b). Under section 360, subdivision (b), the court may—without declaring the child a dependent—order that services be provided to support the family, under the informal supervision of the child welfare agency for a period consistent with section 301. (§§ 360, subd. (b), 301, 16506; see *D.P., supra,* 14 Cal.5th at p. 275 ["The court ordered D.P. to remain released to the parents under [DCFS's] informal supervision under former section 360, subdivision (b) for a period of six months."].) In the present case, more than six months have passed since the juvenile court entered its order, and DCFS has not filed a new petition. Because the family is no longer subject to supervision by DCFS or the juvenile court, we cannot grant effective relief to mother even if we decided her challenge to the jurisdictional finding had merit. (See *D.P., a*t p. 277 ["to show a

need for effective relief, the plaintiff must first demonstrate that he or she has suffered from a change in legal status"]; *In re Rashad D.* (2021) 63 Cal.App.5th 156, 163 ["An order terminating juvenile court jurisdiction generally renders an appeal from an earlier order moot."].) Mother's appeal is therefore moot.

Mother argues her appeal is not moot because she has been prejudiced by the court's jurisdictional finding. Specifically, she contends that because she has been found to be an offending parent, that finding may have already or could result in her inclusion in the Child Abuse Central Index (CACI). (See Pen. Code, § 11169, subd. (a) [providing that designated agencies, including DCFS, "shall forward to the Department of Justice a report in writing of every case it investigates of known or suspected child abuse or severe neglect that is determined to be substantiated"].)

Although inclusion in the CACI carries significant consequences for parents and actual inclusion in the CACI could render the appeal justiciable (see *D.P., supra,* 14 Cal.5th at p. 279), mother's argument based on these repercussions is purely speculative. As the Supreme Court explained, "[w]hen an agency forwards a substantiated report [of child abuse or neglect], the agency must provide written notice to the person whose conduct was reported to the CACI." (*Id.* at p. 279; see also *In re C.F.* (2011) 198 Cal.App.4th 454, 462 ["The reporting agency must notify the known or suspected child abuser that he or she has been reported to the CACI."]; Pen. Code, § 11169, subd. (c).) Thus, had DCFS reported mother for inclusion in the CACI, she would have received notice. Mother does not claim that she was actually reported to the CACI or that she received such notice. The mere possibility of inclusion in the CACI is not enough to

overcome the conclusion that mother's appeal is moot.[2] (See *D.P.*, at p. 280; *In re Rashad D., supra,* 63 Cal.App.5th at p. 164, fn. 5 [potential adverse consequences that are "too speculative" will not justify appellate review].)

Although mother's appeal is moot, we nonetheless have inherent discretion to review her appellate claims. (*D.P., supra,* 14 Cal.5th at p. 273.) We decide whether to exercise that discretion on a case-by-case basis, taking into account any collateral consequences to mother, whether a finding may impact the child's placement or family law proceedings, and whether the jurisdictional finding is based on particularly pernicious or stigmatizing conduct. (*Id.* at pp. 285–287.) The overarching goals of the dependency system—safeguarding children with a focus on preserving the family and the child's well-being—are the ultimate guides in deciding whether to exercise discretion. (*Id.* at p. 286.)

Mother argues that we should exercise our discretion to address the merits of her appeal because the jurisdictional

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[2] *In re S.R.*, review granted September 11, 2024, S285759, is currently pending before the California Supreme Court to address " 'the following issues: (1) When a juvenile court's jurisdictional findings establish that a parent committed an offense that the law requires be reported to the statewide [CACI], should an appellate court presume, on an otherwise silent record, the offense has been or will be reported to [the] CACI? (2) If unrebutted, is this presumption sufficient to avoid dismissal for mootness?' " Pending the Supreme Court's decision in *In re S.R.*, we are bound by the court's holding in *D.P., supra*, 14 Cal.5th at page 280, that the mere possibility that the Department could report mother to the CACI is "too speculative for purposes of avoiding mootness."

finding could influence a subsequent dependency case or her ability to adopt grandchildren who have not yet been conceived or born.[3] We disagree. There is no erasing from DCFS's investigative history the prejudicial facts here—guns and ammunition within a toddler's reach inside the toddler's bedroom; a gun, drugs, and drug paraphernalia unsecured on the property where the child lived; and known drug-using career criminals living in the family home. Given the speculative nature of the potential future harm and the gravity of the evidence before the juvenile court, we decline to exercise our discretion to review the case on the merits.

Mother argues that dismissing her appeal due to her compliance with DCFS's case plan incentivizes noncompliance, but we disagree. A parent who refuses to comply with a case plan risks far more serious consequences than losing the opportunity for appellate review—namely, the loss of custody or even termination of parental rights. The mootness doctrine is not intended to penalize successful participation in voluntary services. Rather, it reflects a fundamental principle of judicial restraint that appellate courts are " ' "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." ' " (*D.P., supra,* 14 Cal.5th at p. 276.)

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[3] The parents adopted B.M., who is biologically their grandson. Mother expresses concern that she might want to adopt additional children if her biological adult son "sire[s]" other grandchildren.

We have considered the non-exhaustive factors our Supreme Court has identified in *D.P.* as relevant to the exercise of discretion to review moot cases and conclude such an exercise is unwarranted in this case.

DISPOSITION

The appeal is dismissed as moot.

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EDMON, P. J.

We concur:

EGERTON, J.

ADAMS, J.