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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

**In re T.K., a Person Coming Under the
Juvenile Court Law.**

**ALAMEDA COUNTY SOCIAL
SERVICES AGENCY,**

Plaintiff and Respondent,

v.

DEBBIE W.,

Defendant and Appellant.

A132590

**(Alameda County
Super. Ct. No. OJ06004204)**

THE COURT:*

Appellant Debbie W. (mother) appeals from a dispositional order of the juvenile court removing her son, T.K., from her physical custody. We conclude that this appeal is rendered moot by subsequent developments in the case, specifically, an April 11, 2012 decision of the juvenile court setting aside the out-of-home placement order and returning T.K. to mother's home. The appeal is dismissed.

FACTUAL AND PROCEDURAL BACKGROUND

On April 23, 2010, 12-year-old T.K. was expelled from school for assaulting his teacher and vandalizing his classroom. Later that day, he became violent with his mother and was taken into protective custody.

* Before Jones, P.J., Simons, J., Needham, J.

A few days later, Alameda County Social Services (the Agency) filed a juvenile dependency petition, alleging that T.K. came within the jurisdiction of the juvenile court under Welfare and Institutions Code section 300,¹ subdivision (g), as mother was unable to provide for his care. The petition indicated that mother “can no longer allow [T.K.] to live in her home,” and that T.K. did not want to return home.²

On April 28, 2010, after considering the Agency’s report for the detention hearing, the juvenile court ordered T.K. detained and set an uncontested hearing to decide jurisdiction and disposition.

In its report for the jurisdiction/disposition hearing, the Agency recommended that the court remove T.K. from mother’s physical custody, commit his care, custody, and control to the Agency for suitable placement, and approve placement in foster care or a group home. This report indicates: “It is clear that [T.K.] and his mother love one another. It is also clear that they both need the support of professionals and some time in order to . . . reunite [successfully].” “At this time, [T.K.] and his mother need to learn skills and receive other assistance to deescalate situations so that they do not rise to the level of discord that led to his removal. At this time, they do not have those skills.” Both needed additional services “so that they can reunite safely in the future.” To that end, the agency recommended a case plan for mother that included completion of a domestic violence program and parenting classes. T.K.’s case plan included counseling, a psychiatric evaluation, and a psychotropic medication evaluation. The Agency notes that he was doing well in foster care.

At a May 12, 2010 hearing, mother submitted to the allegations and waived her rights to a hearing for jurisdictional and dispositional purposes. The court found the allegations in the amended petition true, declared T.K. a person described by section 300,

¹ Unless otherwise noted, all statutory references are to the Welfare and Institutions Code.

² The petition was later amended to state that T.K. did not wish to return to mother’s home “[b]ecause of their conflicts” and that mother would like to see him return home but “believes it is best that he not return at this time.”

subdivision (g), and took jurisdiction, but continued the dispositional hearing due to a “technical notice problem.”

On the date set for the disposition, Mother asked for a contested dispositional hearing, indicating “[s]he would like her child returned home.” The court continued the matter to August 2010 for a contested dispositional hearing.

In July 2010, T.K. got into trouble and was placed in a group home.

The dispositional hearing ultimately began on November 30, 2010, and continued over several days in December 2010 and Spring 2011. On June 29, 2011, the court adjudged T.K. a dependent of the court, removed him from mother’s physical custody, and committed him to the care, custody, and control of the Agency, to be placed in a suitable family home or private institution. The court ordered visitation and family reunification services for T.K. and mother.

Mother filed a timely notice of appeal from the dispositional order.

DISCUSSION

On appeal, mother contends the evidence does not justify removing T.K. from her physical custody. In its respondent’s brief, the Agency contends the appeal is rendered moot by the juvenile court’s permanent plan decision at an 18-month status review on December 1, 2011. By the time of this hearing, T.K. had been removed from the group home and placed in foster care, and the juvenile court ordered “[t]he permanent plan of a planned permanent living arrangement with [his foster parents], and a specific goal of return home.”³ The court’s minute order indicates that it continued the 18-month contested review hearing to Spring 2012, suggesting that it contemplated further action. In attempting to clarify the effect of the court’s December 1, 2011 order, we discovered

³ The court’s December 1, 2011 minute order provides the names of the two individuals with whom T.K. was placed, but does not identify their relationship to him. This minute order refers, however, to the Agency’s October 25, 2011 status review report, which indicates that these individuals were T.K.’s foster parents. The Agency did not provide this report, but we obtained a copy from the superior court in construing the December 1, 2011 minute order. On the court’s own motion, the record on appeal in this action is augmented to include the Agency’s October 25, 2011 status review report.

that, at a review hearing on April 11, 2012, the juvenile court found its December 1, 2011 permanent plan was no longer appropriate, set aside the out-of-home placement order, and ordered T.K. to reside in mother's home, with his care, custody, control, and conduct under the Agency's supervision. On our own motion, we augmented the record in this action to include the April 11, 2012 minute order, and asked the parties to submit additional briefing addressing whether the juvenile court's April 11, 2012 decision rendered mother's appeal moot.

In her response, filed several days after the court's deadline, mother concedes her appeal has been rendered moot by the juvenile court's April 11, 2012 order "because this court can no longer grant [her] any effectual relief." (See *In re M.C.* (2011) 199 Cal.App.4th 784, 802 [" 'An appeal becomes moot when, through no fault of the respondent, the occurrence of an event renders it impossible for the appellate court to grant the appellant effective relief' "], quoting *In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054-1055.) We agree. As mother's sole contention on appeal is that the juvenile court erred in removing T.K. from her home, and the juvenile court returned him to the home on April 11, 2012, reversal granting the requested relief would be " 'without practical effect.' " (*In re Dani R.* (2001) 89 Cal.App.4th 402, 404, quoting 9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, § 642, p. 669.)

The appeal is therefore dismissed as moot.