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

In re D.H., a Person Coming Under the  
Juvenile Court Law.

SONOMA COUNTY HUMAN  
SERVICES DEPARTMENT,  
  
Plaintiff and Respondent,

v.

DERRICK Y.,  
  
Defendant and Appellant.

A136165

(Sonoma County  
Super. Ct. No. 3903-DEP)

In this juvenile dependency case, Derrick Y. (father) appeals the juvenile court’s original order denying him presumed father status—an order that has since been modified to recognize his presumed paternity. We shall dismiss the appeal as moot.

In its original order, the juvenile court ruled that father did not meet any of the conditions necessary to establish a legal presumption of paternity, such as acknowledging parentage in a sworn declaration and, thus, was ineligible for family reunification services. (Fam. Code, § 7611.) The court advised the parties that “this determination could change” because the court retained continuing jurisdiction.

Father filed this appeal challenging the court’s order denying presumed paternity status and, shortly thereafter, completed a declaration of paternity and filed a motion in the juvenile court for modification of the order denying presumed paternity.<sup>1</sup> The juvenile

<sup>1</sup> We deem respondent’s motion to augment the record with juvenile court documents filed during pendency of the appeal as a request for judicial notice and grant the request. (Evid. Code, § 452, subd. (d).)

court granted the modification motion, bestowed presumed paternity status, and ordered family reunification services for father.

Respondent Sonoma County Human Services Department filed a motion to dismiss the appeal as moot, contending father received all the relief he sought on appeal when the juvenile court modified its order to grant presumed paternity status and reunification services. We agree. “ ‘[A]n action that originally was based on a justiciable controversy cannot be maintained on appeal if all the questions have become moot by subsequent acts or events.’ ” (*In re Dani R.* (2001) 89 Cal.App.4th 402, 404.) Here, the dispute over father’s presumed paternity, and his eligibility for reunification services, has been resolved in his favor by the modification order granting father all requested relief. A reversal of the court’s original order would be an idle act. “When no effective relief can be granted, an appeal is moot and will be dismissed.” (*In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315.)

Father opposes dismissal of the appeal and relies upon authority holding that “[a]n issue is not moot if the purported error infects the outcome of subsequent proceedings.” (*In re Dylan T.* (1998) 65 Cal.App.4th 765, 769.) Father worries the juvenile court, in future proceedings, may fault him for delay in establishing paternity and obtaining reunification services unless this court resolves the appeal and finds that the juvenile court erred in initially denying him presumed father status. Father’s concerns are speculative and fail to show that any error in the court’s initial determination of paternity will infect future proceedings. In future proceedings, the juvenile court will consider all relevant circumstances in evaluating father’s diligence and, at that time, father may defend against any attribution of fault in the early paternity proceedings. If the juvenile court renders an adverse ruling based on any such attribution of fault, father may address the matter on appeal from such a ruling, when an actual controversy exists.

## DISPOSITION

The appeal is dismissed as moot.

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Pollak, J.

We concur:

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McGuinness, P. J.

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Jenkins, J.