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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

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

CONTRA COSTA COUNTY CHILDREN
& FAMILY SERVICES BUREAU,

Plaintiff and Respondent,

v.

S.R.,

Defendant and Respondent.

A144553

(Contra Costa County
Super. Ct. Nos. J14-01013, J14-01029,
J14-01030)

S.R. (Mother), mother of N.D., born in February 2012, appealed from a dispositional order in N.D.’s dependency case, arguing that it was an abuse of discretion for the court to order her to complete a residential drug treatment program as part of her reunification case plan. The Contra Costa County Children & Family Services Bureau (the Bureau) has moved to dismiss the appeal as moot because Mother has completed the residential program and N.D. has been returned to her custody. We grant the motion and dismiss the appeal.

I.

On the night of September 15, 2014, Mother was in a single car accident while driving with two-year-old N.D. on Highway 24 near Orinda, when her vehicle hit the center divider rail and became disabled. When Mother, whose blood alcohol level was

.2, got out of the vehicle and tried to carry N.D. across the freeway, they were hit by a car. N.D. suffered a head injury, blunt abdominal trauma, and a laceration that nearly required amputation of her left foot and may cause her pain for the rest of her life.

Mother pleaded no contest to failure to protect allegations associated with the accident, including “an alcohol abuse problem that places the child at risk of harm” The Bureau’s December 3, 2014 disposition report stated that N.D. was placed with a paternal aunt. The Bureau proposed a reunification plan that required Mother to successfully complete an outpatient substance abuse treatment program. On March 10, 2015, the court held a contested dispositional hearing on issues that included whether Mother was required to complete a residential treatment program. The Bureau’s report for the hearing indicated that Mother had enrolled in an outpatient program in December, where she was “in full compliance.” Mother’s counsel asked the court not to order inpatient treatment.

The court ordered Mother to have residential treatment, telling her that she had to “deal with a very significant drinking problem. You almost killed your daughter and yourself. And her life will forever be altered as a result of what occurred. And it wasn’t just one slip, it wasn’t one mistake, it’s clear to me that you’ve been drinking for a long time.”

We hereby grant the Bureau’s request to take judicial notice of its August 26 status review report, and the juvenile court’s order of that date, offered in support of this motion to dismiss.

The report advised the court that Mother completed her outpatient program on March 20. “On April 14, 2015, she entered the residential recovery program at Frederic Ozanam Center. . . . She successfully completed phase 1 and 2 requirements. On June 18, 2015, [Mother] transferred to the residential recovery program at East County Wollam so that she could have supervised visits with her child while in program. . . . She completed this program on July 18, 2015.” The Bureau believed “[t]he prognosis of the child returning home is very good. [Mother] has complied with her case plan and continues to be cooperative with the Bureau and [the case] worker. She is in therapy and

continues to attend 12-step meetings on a weekly basis. She has returned to work and has made arrangements for child care should [N.D.] be returned home.”

On August 26, the court returned N.D. to Mother’s custody with family maintenance services, and set a review hearing for next February.

II.

Mother’s completion of a residential substance abuse treatment program has rendered this appeal—whether it was an abuse of discretion to require her to participate in such a program— moot, because we cannot remedy the alleged error. “The pivotal question in determining if a case is moot is . . . whether the court can grant the plaintiff any effectual relief.” (*Wilson & Wilson v. City Council of Redwood City* (2011) 191 Cal.App.4th 1559, 1574.) “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; *In re I.A.* (2011) 201 Cal.App.4th 1484, 1490 [same].)

However, “ ‘[i]f a pending case poses an issue of broad public interest that is likely to recur, the court may exercise an inherent discretion to resolve that issue even though an event occurring during its pendency would normally render the matter moot.’ ” (*In re Robin M.* (1978) 21 Cal.3d 337, 341, fn. 6.) Mother argues that we should exercise this discretion here because her appeal challenges the “reasonableness of the juvenile court’s reunification plan,” and thus “presents an important question, impacting the vital public interest of family preservation in the context of dependency proceedings.” This reasoning sweeps too broadly, and would extend to most every determination in any dependency case.

Mother contends that “the only way [she] could have prevented her appeal from becoming moot was by failing to complete the program promptly. Thus, mother faced the dilemma of either refusing to engage in her reunification case plan and risk losing N.D. or rapidly completing the in-patient program and risk rendering her appeal moot. Mother—and other parents who expeditiously complete their reunification case plan in future dependency proceedings—should not have to make that choice.” But no parent

would realistically weigh defaulting on a reunification plan against preserving objections to the plan that could be asserted on appeal.

Moreover, it's a choice that need not arise were Mother to challenge the plan with a timely petition for writ. In the absence of writ relief, a parent wishing to reunify has no choice but to comply with the plan's requirements. A parent like Mother who fulfills those requirements and reunifies with her child has achieved her objective and will generally no longer have cause to complain about the terms of the plan. In Mother's case, for example, her concern that she would lose her job if she attended a residential program was apparently unfounded. Upon successful completion of a reunification plan, the parent's challenge to the plan will be moot unless it presents an issue of broad public interest that is likely to recur or falls within another exception to the mootness doctrine. Mother's appeal does not.

III.

The appeal is dismissed.

Siggins, J.

We concur:

McGuinness, P.J.

Pollak, J.