Filed 12/6/16 In re C.P. CA4/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re C.P. et al., Persons Coming Under the Juvenile Court Law.	
RIVERSIDE COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES, Plaintiff and Respondent, v. L.P. et al., Defendants and Appellants.	E065580 (Super.Ct.No. RIJ1500960) OPINION

APPEAL from the Superior Court of Riverside County. Matthew C. Perantoni, Judge. Dismissed.

Hassan Gorguinpour, under appointment by the Court of Appeal, for Defendant and Appellant L.P.

Leslie A. Berry, under appointment by the Court of Appeal, for Defendant and Appellant A.P.

Gregory P. Priamos, County Counsel, James E. Brown, Guy B. Pittman and Jules Koons Jarvi, Deputy County Counsel, for Plaintiff and Respondent.

A.P., or father, and L.P., or mother, appeal from a juvenile court order authorizing respondent, the Riverside County Department of Public Social Services (DPSS), to arrange for immunizations for their children, L.B., K.P. and C.P., who are or were juvenile court dependents. (Welf. & Inst. Code, § 300 et seq.) Although the order applied to all three children, on appeal the parents challenge the order only insofar as it pertains to K.P. and C.P., both of whom are medically fragile. Because the dependency has been dismissed as to those two children, however, DPSS filed a motion to dismiss the appeal as moot as to C.P. and K.P. only. We reserved ruling on the motion for consideration with the appeal. We now grant the motion. However, because the parents have not raised any issue concerning the order as it applies to L.B., we dismiss the entire appeal as moot.

BACKGROUND

The dependency proceedings underlying this appeal pertain to L.B., mother's son from a prior relationship, and his half-siblings K.P and C.P. Both K.P. and C.P. are medically fragile. K.P. and his twin, E.P., were born with a serious heart defect. E.P. died during surgery, and surgery was planned for K.P. as well. Mother was pregnant with C.P. when E.P. died. She went into premature labor shortly after his death, and C.P. was delivered at 23 or 24 weeks' gestation, resulting in numerous serious complications for C.P., including seizures, severe respiratory problems and acute kidney injury. His

condition was very critical due to his extreme prematurity and "it was reported" that his condition could rapidly deteriorate, causing permanent injury and/or death.

A dependency petition was filed as to all three children on August 27, 2015. L.B. was four years old, K.P. was 10 months old, and C.P. was 26 days old. The petition alleged that mother had serious unaddressed mental issues, including postpartum depression, major depression, posttraumatic stress disorder and borderline personality disorder. She had had prior involuntary psychiatric hospitalizations and suicide attempts, and she had threatened to harm herself if the children were removed from her care. In addition, the petition alleged that the parents engaged in verbal altercations in the presence of L.B. and that mother demonstrated a limited ability to provide L.B. with a safe and stable home. Further, the whereabouts of L.B.'s father were unknown at that time. A second amended petition filed on November 10, 2015, additionally alleged that mother was not consistent with her mental health treatment and was not compliant with her medication; that mother had a criminal history involving domestic violence with L.B.'s father; and that mother had failed to benefit from preplacement preventative services.

The petition was sustained on November 10, 2015. The court ordered K.P. and C.P. retained in father's custody and placed L.B. in the care of DPSS and placed him with the maternal grandparents. C.P. remained in the neonatal intensive care unit at Loma Linda University Children's Hospital.

On February 23, 2016, DPSS filed an ex parte application for an order permitting it to obtain immunizations for all three children, even if opposed by the parents. DPSS

acknowledged that K.P. and C.P. were still medically fragile.[1] The parents opposed the application on numerous grounds. The court ultimately granted the application. It authorized DPSS to obtain standard immunizations for all three children "as deemed necessary and appropriate by the treating pediatricians of the children," and in consultation with K.P.'s cardiologist. Both parents appealed the order.

While the appeal was pending, DPSS filed a motion to dismiss the appeal as moot as to K.P. and C.P. It attached a certified copy of a final custody order, awarding joint legal custody of K.P. and C.P. to their parents and terminating jurisdiction as to those children.[2]

Mother opposed the motion, and father joined in her opposition. As noted above, we reserved ruling for consideration of the motion in conjunction with the appeal.

LEGAL ANALYSIS

The parents argue that we should not deem the appeal moot because the issue is one of public importance which may evade review because of the limited time frame in which dependency actions are decided.[3] We disagree.

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[1] The petition also sought permission to obtain a second opinion as to K.P.'s treatment. That aspect of the petition is not at issue on appeal.

[2] We take judicial notice of the order. (Evid. Code, § 452, subd. (d).)

[3] They do not argue that it is not moot as to L.B., who remains a court dependent, as far as we are aware. However, on appeal, the parents did not make any argument concerning the order insofar as it applies to L.B. Accordingly, our determination depends solely on whether the issue is moot as to K.P. and C.P.

"As a general rule, appellate courts decide only actual controversies. Thus, 'it has been said that an action [that] originally was based upon a justiciable controversy cannot be maintained on appeal if the questions raised therein have become moot by subsequent acts or events.' [Citation.]" (*In re Christina A.* (2001) 91 Cal.App.4th 1153, 1158.) "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." (*In re Esperanza C.* (2008) 165 Cal.App.4th 1042, 1054.) "'However, a reviewing court may exercise its inherent discretion to resolve an issue rendered moot by subsequent events if the question to be decided is of continuing public importance and is a question capable of repetition, yet evading review. [Citations.] We decide on a case-by-case basis whether subsequent events in a juvenile dependency matter make a case moot and whether our decision would affect the outcome in a subsequent proceeding. [Citations.]'" (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.)

Here, we cannot afford effective relief to the parents because dependency jurisdiction has been terminated. Nor do we believe that the issues the parents raised on appeal are of sufficient continuing public importance to warrant the exercise of our discretion to decide the merits despite the mootness of the appeal. The issues the parents raise do not address the juvenile court's authority to order vaccination of children over parental objection. Rather, they address perceived errors in the procedure by which the court addressed the issue. Specifically, they contend that the court should have taken evidence as to the desirability of immunizing these particular children despite their medically fragile state, rather than taking judicial notice that immunization is medically

necessary for all children, and that the court improperly delegated the decision to immunize to DPSS. For these reasons, we decline to address the merits of the issues raised on appeal.

DISPOSITION

The appeal is dismissed.

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McKINSTER
Acting P. J.

We concur:

MILLER
J.

SLOUGH
J.