

**FIRST DISTRICT APPELLATE PROJECT**

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**MOOTNESS: IT WILL NEVER BE MOOT FOR  
THIS FAMILY**

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## Mootness: It Will Never Be Moot for This Family

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### Mootness Overview

The courts resolve only actual controversies. “As a general rule it is not within the function of the court to act upon or decide a moot question or speculative, theoretical or abstract question or proposition, or a purely academic question, or to give an advisory opinion on such a question or proposition.” (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1490.)

Accordingly, an appeal may become moot when a change in circumstances makes it impossible for the reviewing court to grant effective relief. (*In re E.T.* (2013) 217 Cal.App.4th 426, 436; *In re D.P.* (2023) 14 Cal.5th 266, 276; *In re N.S.* (2016) 245 Cal.App.4th 53, 60; *In re J.P.* (2017) 14 Cal.App.5th 616, 623; *In re Albert G.* (2003) 113 Cal.App.4th 132, 134–135; *In re Jessica K.* (2000) 79 Cal.App.4th 1313, 1315–1317; *In re Katherine R.* (1970) 6 Cal.App.3d 354, 357; *In re Pablo D.* (1998) 67 Cal.App.4th 759, 761; *In re Dylan T.* (1998) 65 Cal.App.4th 765, 769.)

However, dismissing a parent’s appeal of a dependency order as moot “may ha[ve] the undesirable result of insulating erroneous or arbitrary rulings from review” and could be prejudicial to the appealing parent. (*In re D.P., supra*, 14 Cal.5th at p. 285.)

Even if parties have not raised the question of mootness, the appellate “court may examine a suggestion of mootness on its own motion.” (*City of Hollister v. Monterey Ins. Co.* (2008) 165 Cal.App.4th 455, 479.)

### Effective Relief

What is effective relief?

Relief is effective when it “can have a practical, tangible impact on the parties’ conduct or legal status.” (*In re I.A., supra*, 201 Cal.App.4th at p. 1490.)

For relief to be “effective,” two requirements must be met.

- 1) the appellant must complain of an ongoing harm.
- 2) the harm must be redressable or capable of being rectified by the outcome the appellant seeks. (See *Consolidated etc. Corp. v. United A. etc. Workers* (1946) 27 Cal.2d 859, 865; *In re D.P., supra*, 14 Cal.5th at p. 276.)

Stigma alone is not enough.

Although a jurisdictional finding that a parent engaged in abuse or neglect of a child is generally stigmatizing, complaining of “stigma” alone is insufficient to sustain an appeal. The stigma must be paired with some effect on the plaintiff's legal status that is capable of being redressed by a favorable court decision. (*In re D.P., supra*, 14 Cal.5th at p. 277.)

### Mootness in Dependency Proceedings

The unique and ongoing nature of dependency proceedings with recurring reviews of the status of the parent and child creates more possibilities for mootness.

During the span of an appeal, a dependency case may have moved from possible reunification to possible termination of parental rights, and the statutory scheme permits a juvenile court to adjust its determinations while an appeal of a prior order is pending. (*In re Ryan K.* (2012) 207 Cal.App.4th 591, 597; Code Civ. Proc., § 917.7).

Appellate dispositions may lose their practical efficacy because “when an appellate court reverses a prior order of the [juvenile] court on a record that may be ancient history to a dependent child, the [juvenile] court must implement the final appellate directive in view of the family’s current circumstances and any developments in the dependency proceedings that may have occurred during the pendency of the appeal.” (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1501.)

The speed with which dependency cases are resolved will often render appeals moot. (*In re D.P., supra*, 14 Cal.5th at p. 284.)

Because dismissal of an appeal for mootness operates as an affirmance of the underlying judgment or order (*In re Jasmon O.* (1994) 8 Cal.4th 398, 413, 33 Cal.Rptr.2d 85, 878 P.2d 1297), such dismissals may “ha[ve] the undesirable

result of insulating erroneous or arbitrary rulings from review.” (*In re Marquis H.* (2013) 212 Cal.App.4th 718, 724.)

### When An Appeal Is Not Moot

“An issue is not moot if the purported error infects the outcome of subsequent proceedings.” (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488.)

#### *Capable of repetition yet evading review*

An appeal from jurisdiction/ disposition is not moot “when a juvenile court’s finding forms the basis for an order that continues to impact a parent’s rights.” (*In re D.P., supra*, 14 Cal.5th at p. 276.) This is because a “reversal of the jurisdictional finding calls into question the validity of orders based on the finding” and thus could “grant the parent effective relief.” (*Id.* at pp. 276–277.)

#### *Future Impact*

An appeal of a jurisdiction finding is not moot where the finding:

Affects parental custody rights (*In re J.K.* (2009) 174 Cal.App.4th at pp. 1431–1432 [father could challenge jurisdictional finding after jurisdiction terminated because finding was the basis of order stripping father of custody and imposing a stay-away order that remained in effect].)

Curtails a parent’s contact with his or her child (*In re A.R.* (2009) 170 Cal.App.4th 733, 740.)

Has resulted in [dispositional] orders which continue to adversely affect a parent (*In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1548.)

“[F]indings in this matter may impact any possible future dependency proceeding involving these or any children mother may have in the future.” (*In re Nathan E.* (2021) 61 Cal.App.5th 114, 121.)

Negative consequence in collateral/future proceedings. (§ 361.5(b)(3).)

## Continuing Controversy

### Jurisdictional findings

Even if subsequent termination of jurisdiction, jurisdictional findings bind parties in family court unless party makes a showing of changed circumstances. (*In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1547-1548.)

Because the jurisdictional issues were actually litigated in the dependency proceeding, appellant is collaterally estopped from relitigating those issues in the family law court. (*Id.* at p. 1548.)

### Placement and visitation orders

Not necessarily mooted by modification of the order if issue may recur.

Adequacy of reunification services offered. (*In re Dylan T.* (1998) 65 Cal.App.4th 765, 769 [reasonableness of visitation for incarcerated parent is not moot even though parent was released because parent is subject to reincarceration].)

### Restraining order under WIC § 213.5

Appeal is not moot as a result of expiration of restraining order because Fam. Code 6306(a) requires a court considering issue of future domestic violence restraining order to consider contents of previous orders, even those that are expired. (*In re Cassandra B.* (2004) 125 Cal.App.4th 199, 208.)

Appeal from denial of a restraining order is not moot. The restraining order a juvenile court could issue following reversal and remand could afford Mother protection necessary to assure her safety in the same way it would have, had the juvenile court issued the order while dependency proceedings were still pending. Mother's need for such protection did not end simply because the dependency proceedings concluded. A juvenile court order granting Mother's request would immediately provide her such protection. (*In re S.G.* (2021) 71 Cal.App.5th 654, 670.)

### *Issue of Continuing Public Concern*

Detention order (*In re Raymond G.* (1991) 230 Cal.App.3d 964.)

Rights of de facto parents (*In re Keishia E.* (1993) 6 Cal.4th 68.)

Bypassing placement with noncustodial parents (*Renee S. v. Superior Court* (1999) 76 Cal.App.4th 187)

Challenges to juvenile court discovery policies (*In re Jeanette H.* (1990) 225 Cal.App.3d 25.)

Challenges to Department's determination that a parent's housing is inadequate without prior warning to the parent that inadequacy created a risk of detriment. (*In re Yvonne W.* (2008) 165 Cal.App.4th 1394, 1402.)

Whether cases primarily involving custody disputes were more suited for family court or juvenile court. (*In re John W.* (1996) 41 Cal.App.4th 961.)

Proper application of a bypass provision and provision of reunification services in subsequent proceedings. (*In re L.B.* (2023) 98 Cal.App.5th 827, 837-838.)

### Court of Appeal's Discretion to Decide an Appeal

Even when a case is moot, courts may exercise their "inherent discretion" to reach the merits of the dispute. (*In re D.P., supra*, 14 Cal.5th at 282.)

The availability of such discretion is particularly important in the dependency context, as several features common to dependency proceedings tend to render parents' appeals moot. For example, the principle that "[d]ependency jurisdiction attaches to a child, not to his or her parent" (*In re D.M., supra*, 242 Cal.App.4th at p. 638, 195 Cal.Rptr.3d 402), means that "[a]s long as there is one unassailable jurisdictional finding, it is immaterial that another might be inappropriate.'" (*In re D.P.* (2014) 225 Cal.App.4th 898, 902.)

Courts decide mootness on a case-by-case basis. (*In re C.C.* (2009) 172 Cal.App.4th 1481, 1488; *In re Kristin B.* (1986) 187 Cal.App.3d 596, 605.)

A reviewing court must “decide on a case-by-case basis whether subsequent events in a juvenile dependency matter make a case moot and whether [its] decision would affect the outcome in a subsequent proceeding.” (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.)

As a rule, courts will generally exercise their discretion to review a moot case when:

1. The case presents an issue of broad public interest that is likely to recur,
2. There may be a recurrence of the controversy between the parties, or
3. When a material question remains for the court's determination.  
(*Cucamongans United for Reasonable Expansion v. City of Rancho Cucamonga* (2000) 82 Cal.App.4th 473, 479-80; *In re D.P., supra*, 14 Cal.5th at p. 282.)
4. When they case presents important questions affecting the public interest that are capable of repetition yet evade review. (*In re A.M.* (2013) 217 Cal.App.4th 1067, 1078-1079.)

In deciding whether to exercise its discretion in a particular case, a court should be guided by the overarching goals of the dependency system: “to provide maximum safety and protection for children” with a “focus” on “the preservation of the family as well as the safety, protection, and physical and emotional well-being of the child.” (§ 300.2, subd. (a).)

Mootness and requests for judicial notice:

“While appellate courts rarely consider post judgment evidence or evidence developed after the ruling challenged on appeal, such evidence is admissible for the limited purpose of determining whether the subsequent development has rendered an appeal partially or entirely moot.” (*In re L.B.* (2023) 98 Cal.App.5th 827, 837 [granting request for judicial notice of juvenile court's order returning children to the mother's custody].)

## In re D.P. List of Factors Where Court May Exercise Its Discretion

In *In re D.P.*, the Supreme Court provided a non-exhaustive list of factors where court may exercise its discretion. (*In re D.P.*, *supra*, 14 Cal.5th at pp. 285-286.)

1. *Jurisdictional finding*:
  - a. Prejudicial to appellant
    - i. Courts may consider whether the challenged jurisdictional finding “could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings,” or “could have other consequences for [the appellant], beyond jurisdiction.” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763; see also *In re Nathan E.* (2021) 61 Cal.App.5th 114, 121; *In re C.C.* (2009) 172 Cal.App.4th 1481, 1489.)
  - b. Impact in current or future dependency proceedings
    - i. A prior jurisdictional finding can be considered by the Department in determining whether to file a dependency petition or by a juvenile court in subsequent dependency proceedings. (See, e.g., *In re Jeanette R.* (1989) 212 Cal.App.3d 1338, 1340, [petition alleged parents were unfit in part because mother had a history of neglect as indicated by previous dependency proceedings]; *Francisco G. v. Superior Court* (2001) 91 Cal.App.4th 586, 600, [affirming juvenile court's determination that reunification was not in child's best interests, in part because parents had previously had their parental rights as to three siblings terminated due to drug abuse and domestic violence].)
  - c. Other consequences beyond jurisdiction
  - d. Impact to child’s placement
    - i. Jurisdictional findings may also impact the child’s placement (see, e.g., *In re Christopher M.* (2014) 228 Cal.App.4th 1310, 1317)
  - e. Impact in subsequent family law proceedings
    - i. Jurisdictional findings “could have severe and unfair consequences ... in future family law or dependency



proceedings.” (See, e.g., *In re Daisy H.* (2011) 192 Cal.App.4th 713, 716.) In such circumstances, ensuring the validity of findings on appeal may be particularly important.

- f. Pernicious or stigmatizing conduct
  - i. The jurisdictional finding is based on particularly pernicious or stigmatizing conduct. (See, e.g., *In re M.W.* (2015) 238 Cal.App.4th 1444, 1452, [electing to conduct merits review because findings that Mother “exposed her children to a substantial risk of physical and sexual abuse are pernicious”]; *In re L.O.* (2021) 67 Cal.App.5th 227, 237, [similar].) Though stigma alone will not sustain an appeal, a court may consider the nature of the allegations against the parent when deciding whether discretionary review is proper. The more egregious the findings against the parent, the greater the parent's interest in challenging such findings.

2. *Courts will look at why appeal became moot:*

- a. Appeal by only one parent
  - i. Where a case is moot because one parent appealed and not the other, but the findings against the parent who has appealed are based on more serious conduct, it may serve the interest of justice to review the parent’s appeal.
- b. Parent does not challenge all of jurisdictional findings
  - i. The same may be true where a parent does not challenge all jurisdictional findings, but only one finding involving particularly severe conduct.

3. *Principles of fairness:*

- a. Prompt compliance by parents
  - i. The case becomes moot due to prompt compliance by parents with their case plan, discretionary review may be especially appropriate. It would perversely incentivize noncompliance if mootness doctrine resulted in the availability of appeals from jurisdictional findings only for parents who are less compliant or for whom the court has issued additional orders. (*Id.*)

## Mootness and Considerations For Appellate Attorneys

### 1. Work with trial counsel

Preliminarily, it is crucial to work with trial counsel to preserve/protect the appeal. For example, discuss possible options with trial counsel:

- A. Filing subsequent NOA
  - B. Reminding counsel that subsequent acquiescence may moot the case
  - C. Remind trial counsel not to admit a fact previously contested
  - D. Renew objections
  - E. Submit on the reports rather than on the recommendations
2. Determination of mootness should be made by appellate court.
  3. Ascertain whether the party continued to contest and appeal the contested issue in subsequent hearings. (*In re Kristin B.* (1986) 187 Cal.App.3d 596 but see *In re Michelle M.* (1992) 8 Cal.App.4th 326 [parent's failure to contest matters at subsequent hearings was important factor in court's decision to dismiss appeal].)
  4. Will the client be harmed by dismissal of the appeal?
  5. Can anything be done to prevent the dismissal of the appeal?
  6. Are there other issues that remain that the appellate court can remedy?
  7. If case is moot, should the appeal be decided in order to resolve an issue of continuing public concern?
  8. Can the appeal be expedited? For example, eliminating unnecessary delay [requests for EOT], filing request for calendar preference, etc.
  9. Be aware of working with County Counsel - "agreeing" to mootness. The County can file a motion to dismiss and you can elect not to object.
  10. Obligation to inform the COA of developments in the underlying proceedings. (*In re N.S.* (2016) 245 Cal.App.4th 53.)
    - a. Mother's appeal challenged the jurisdictional findings. While the appeal was pending, the juvenile court awarded Mother custody of N.S. and dismissed the dependency proceedings. The Court dismissed the appeal as moot. (*Id.* at pp. 60-61.)
    - b. Dependency counsel have a duty to bring to the appellate court's attention postappellate rulings by the juvenile court "when they affect the appellate court's ability to grant effective relief or may play a proper role in the consideration of the appeal's merits. But

they should evaluate the practical effect of a subsequent ruling to determine whether this standard is satisfied and then notify us, as Mother in this case did, only when it is.” (*Id.* at p. 58.)

11. Even when NIS has been filed?

*In re D.P.* (2023) 14 Cal.5th 266

### **Overview of case**

In 2019, the parents brought their infant son, D.P., to the hospital because they were concerned about excessive crying. A chest X-ray revealed that D.P. had a single healing rib fracture that the parents could not explain. In response, the Department filed a dependency petition claiming that D.P. and his five-year-old sister were at risk of neglect. After reviewing the evidence, the juvenile court dismissed all but one of the counts brought by the Department. The court found that it had jurisdiction over D.P. under WIC former section 300, subdivision (b)(1), finding that “[t]he child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of the child's parent or guardian to adequately supervise or protect the child.”

D.P.’s parents challenged this jurisdictional finding on appeal. While the appeal was pending, the juvenile court terminated its jurisdiction, finding that the parents had complied with their case plan and D.P. was no longer at risk. In response, the Court of Appeal dismissed the parents’ case, reasoning that because the juvenile court’s jurisdiction had terminated, the case was moot. The Supreme Court granted father’s petition for review.

### **Father’s argument**

Although jurisdiction had been terminated, father argued that the appeal was not moot because the jurisdictional finding was stigmatizing and had resulted or will result in his inclusion in California’s Child Abuse Central Index (CACI) (Pen. Code, § 11170), which carries several legal consequences. (*Id.* at p. 278.)

## Court's decision

Stigma alone is not enough to avoid mootness, so the question is whether father's concern about inclusion in the CACI amounts to a tangible legal or practical consequence of the jurisdictional finding that would be remedied by a favorable decision on appeal.

The Court concluded that father's appeal was moot because father, though asserting that the juvenile court's jurisdictional finding was stigmatizing, had not demonstrated a specific legal or practical consequence that would be avoided upon reversal of the jurisdictional findings. (*Id.* at p. 278.)

The Court of Appeal's determination that this case was moot was reviewed de novo. (*Id.* at p. 276.)

However, the Court of Appeal had discretion to review father's case even though it was moot. The Court of Appeal erred in reasoning that "[t]he party seeking such discretionary review ... must demonstrate the specific legal or practical negative consequences that will result from the jurisdictional findings they seek to reverse." (*In re D.P.* (Feb. 10, 2021, B301135) 2021 WL 486159 (Cal.App. 2 Dist.) [nonpub. opn.] )

The Court reversed the Court of Appeal's judgment dismissing the appeal and remanded for the appellate court to reconsider father's argument for discretionary review.

The Supreme Court expressed no view on 1) whether stigma alone may be sufficient to avoid mootness in other contexts, including a criminal appeal, or 2) whether a reviewing court's decision not to reach the merits of the appeal of a jurisdictional finding could ever implicate a parent's due process rights. (*Id.* at p. 278.)

*In re Daisy H., supra*, 192 Cal.App.4th 713, was disproved to the extent it held that speculative future harm was sufficient to avoid mootness. (*In re D.P., supra*, at p. 278.)

The possibility of inclusion on the CACI is too speculative. Only reports of severe neglect, not general neglect, must be forwarded to the CACI. (*Id.* at p. 281.)

*In re D.P.* on remand – B301135 (2nd Dist., Div. 5) – July 14, 2023

The Court of Appeal exercised its discretion to review father’s appeal and found that insufficient evidence supported the juvenile court’s jurisdiction order and also reversed the informal supervision order.

The appeal became moot due to prompt compliance by the parents with their case plan.

The Court found that the juvenile court’s finding of “a possible neglectful act” is “antithetical to substantial evidence of that act.” (Opn. at p. 8.)

Various Approaches to Mootness by the Courts of Appeal
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*In re Rashad D.* (2021) 63 Cal.App.5th 156 (2nd Dist., Div. 7)

**Court’s decision:** Mother’s appeal from jurisdiction/disposition was moot after the juvenile court terminated jurisdiction at a subsequent hearing and no notice of appeal was filed. The Court of Appeal stated it had no jurisdiction in the “now closed case.”

**Overview of proceedings:** Mother appealed jurisdiction and disposition. While the appeal was pending, a subsequent hearing was held. At that subsequent hearing, the court terminated jurisdiction and issued a custody order that awarded sole physical custody to mother and joint legal custody to mother and father.

**Mother’s argument on appeal:** Mother argued that termination of jurisdiction and custody orders did not moot her appeal because she previously had sole physical and legal custody of Rashad and the new custody order, by awarding the father joint legal custody and expanding his monitored visitation rights, *adversely affected her on an ongoing basis*. Mother also asked the Court to exercise its discretion to decide the case as one raising an issue of broad public interest that is likely to recur. (*Id.* at p. 159.)

**Court’s reasoning:** Court found mother’s appeal from jurisdiction/disposition to be moot. Mother was correct that termination of dependency jurisdiction did not necessarily moot an appeal from a

jurisdiction finding that directly resulted in an adverse juvenile custody order. But in most cases, for the appellate court to be able to provide effective relief, the parent must appeal not only from the jurisdiction finding and disposition order but also from the orders terminating jurisdiction and modifying the parent's prior custody status. "Without the second appeal, we cannot correct the continuing adverse consequences of the allegedly erroneous jurisdiction finding." (*Id.* at p. 159.)

Because Mother did not appeal those orders, they were not before the court or otherwise subject to appellate review. And because the juvenile court terminated its jurisdiction over Rashad and that termination is final, a remand for further proceedings in the juvenile court would be meaningless. (*Id.* at p. 164.)

Also, the case did not present an issue of broad public interest. The highly fact-specific question whether, by the time of the jurisdiction hearing, Mother's current circumstances, in light of her extended history of substance abuse, created a substantial risk of serious physical harm to her young son was the type of issue presented to appellate courts multiple times every year. (*Id.* at p. 159.)

The Court in *Rashad D.* followed the reasoning of *In re Michelle M.* (1992) 8 Cal.App.4th 326, 330.)

*In re J.P.* (2017) 14 Cal.App.5th 616 (2nd Dist., Div. 8)

**Court's decision:** The court declined to dismiss father's challenge to the adequacy of his reunification plan as moot following termination of dependency jurisdiction because his failure to reunify had led to the loss of custody and restricted visitation rights. Furthermore, since the children were detained from father again, the issue of the services he was ordered to complete was not moot. (*Id.* at p. 623.)

**Overview of proceedings:** Father appealed from dispositional orders. In a subsequent hearing, the court placed the children in the home of the parents with family maintenance services. Two months later, a new section 300 petition was filed and the children were detained from father.

The Department made a motion to dismiss the appeal as moot due to the subsequent home of parent order and that father's case plan was modified, one of the remedies he sought on appeal.

*In re S.G.* (2021) 71 Cal.App.5th 654 (2nd Dist., Div. 1.)

**Court's decision:** Mother's failure to appeal the termination of juvenile court jurisdiction did not render Mother's restraining order appeal moot. The S.G. Court disagreed with "certain cases to the extent they stand for the broad proposition that an appellate court can never grant effective relief in a dependency appeal following the unappealed termination of juvenile court jurisdiction." (*Id.* at p. 658.)

**Court's reasoning:** "Although the termination of juvenile court jurisdiction can, under certain circumstances, render an appeal from a prior juvenile court order moot, we disagree that a necessary association exists between the two. Here, were we to conclude the juvenile court's denial of Mother's restraining order request constitutes reversible error and direct the court to issue the restraining order, our remittitur would vest jurisdiction in the juvenile court for the limited purpose of correcting that error. Correcting an erroneous denial of Mother's restraining order request would immediately afford Mother effective relief. Mother's appeal is therefore not moot." (*Id.* at p. 658.)

**Importance of remittitur:** Civil Code section 43 and 906 both provide that a reviewing court "may affirm, reverse, or modify any judgment or order appealed from, and may direct the proper judgment or order to be entered, or direct a new trial or further proceedings to be had."

The remittitur creates the limited jurisdiction needed for a juvenile court to correct reversible errors found by an appellate court. Thus, even after a juvenile court has terminated jurisdiction, a reviewing court can still effectively require the juvenile court to correct reversible error. (*Id.* at p. 664.) When an appellate court reverses with directions, it reverts the lower court with jurisdiction to follow those directions. (*Id.* at p. 665.)

In support of its decision, the Court noted the following cases. "The order of the reviewing court ... contained in its remittitur ... defines the scope of the jurisdiction of the court to which the matter is returned." (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1499; see *Hampton v. Superior Court* (1952) 38 Cal.2d 652, 655 ["When there has been a decision upon appeal, the trial court is reinvested with jurisdiction of the cause, but only such jurisdiction as is defined by the terms of the remittitur. The trial court is empowered to

act only in accordance with the direction of the reviewing court.”]; *In re Francisco W.* (2006) 139 Cal.App.4th 695, 704–705 [“[w]hen a judgment is reversed with directions, the appellate court’s order is contained in its remittitur, which reverts the jurisdiction of the subject matter in the lower court and defines the scope of the lower court’s jurisdiction”].)

**Case-by-case analysis required:**

The S.G. Court disagreed with the “blanket rule” *Michelle W.* “espouses regarding mootness” as being “too broad.” (*Id.* at p. 665.) The Court noted that *Michelle W.* and *Rashad D.* were decided correctly even though the S.G. Court disagreed with the reasoning set forth in *Michelle M.* to the extent it states such a broad rule not necessary to the correct outcome on the specific facts of that case. (*Id.* at p. 667.) In cases involving nonappealed exit orders modifying custody, the S.G. Court agreed that the appellate court could not provide effective relief in those cases because reversing an earlier dispositional order would not affect the subsequent exit order, which was the juvenile court’s final say on custody. (*Id.* at p. 667.)

Dissenting opinion: Neither the juvenile court nor any other court would be able to grant any relief under section 213.5 because the juvenile court has terminated jurisdiction in the underlying dependency matter. No party has appealed from the juvenile court’s order terminating jurisdiction. We can grant no effective relief in this particular juvenile proceeding. The appeal is moot and should be dismissed. (*Id.* at p. 674.) The dissent disagreed with the idea that the remittitur created fundamental jurisdiction in the lower court where it does not otherwise exist, even on a limited basis. (*Ibid.*)

Additional resources relating to mootness:

<https://capcentral.org/wp-content/uploads/2023/11/CCAP-Considering-Mootness-in-Dependency-Cases.pdf>