

CALIFORNIA COURT OF APPEAL, SECOND APPELLATE DISTRICT,
DIVISION EIGHT

In re Miguel J.

In re Miguel J. · No. B339932 · Decided September 22, 2025

SUMMARY

The California Court of Appeal affirmed juvenile court jurisdictional findings under Welfare and Institutions Code section 300, subdivisions (a) and (b), based on domestic violence between the parents in the child’s presence. The court held that substantial evidence supported jurisdiction, that the sustained counts adequately reflected the juvenile court’s findings regarding the father’s accidental contact with the child, and that removal of the child from the father’s custody was supported by substantial evidence. The court exercised its discretion to reach the merits despite potential mootness following the child’s return to both parents and termination of dependency jurisdiction.

CASE DETAILS

COURT	California Court of Appeal, Second Appellate District, Division Eight
WRITING FOR THE COURT	Per curiam; Viramontes, J.; Stratton, P. J.; Wiley, J.
JURISDICTION	California Court of Appeal, Second Appellate District, Division Eight
DECIDED	September 22, 2025
DOCKET	B339932
DISPOSITION	affirmed
PROCEDURAL POSTURE	Father appealed the juvenile court's jurisdictional findings declaring Miguel J. a dependent under Welfare and Institutions Code section 300, subdivisions (a) and (b), and its dispositional order removing Miguel from Father's custody.
STANDARD OF REVIEW	Jurisdictional findings and dispositional orders are reviewed for substantial evidence. The appellate court views the record in the light most favorable to the juvenile court's determinations, draws all reasonable inferences supporting those determinations, and does not reweigh evidence or resolve credibility conflicts. When reviewing a finding required to be proved by clear and convincing evidence, the question is whether the record contains substantial evidence from which a reasonable fact finder could have found the fact highly probable.

PRECEDENTIAL VALUE	Published and certified for publication; precedential under California law.
PARTIES	E.J. v. Los Angeles County Department of Children and Family Services

TOPICS

domestic violence family law procedure appellate procedure mootness standard of review

PRACTICE AREAS

juvenile dependency family law appellate procedure domestic violence

QUESTIONS PRESENTED

1. Whether the appeal was moot after Miguel was returned to both parents and juvenile-court jurisdiction was terminated.
2. Whether exposure to the parents' domestic violence, including Father's striking Mother while she was pregnant or holding Miguel and accidentally striking Miguel during the altercation, supported dependency jurisdiction under Welfare and Institutions Code section 300, subdivision (a).
3. Whether the sustained domestic-violence counts under section 300, subdivisions (a) and (b), were ambiguous or required modification to state expressly that Father's contact with Miguel was accidental.
4. Whether substantial evidence supported removing Miguel from Father's custody under Welfare and Institutions Code section 361.

HOLDINGS

1. The Court of Appeal may exercise discretion to decide the merits of a dependency appeal despite subsequent return of the child and termination of dependency jurisdiction when the challenged findings or orders could have adverse consequences for the parent beyond the dependency proceeding.
2. Domestic violence may support jurisdiction under section 300, subdivision (a), when a parent involves a child in the violence or engages in violence against the other parent while the child is in the parent's immediate presence, including while the child is being held, even when the parent did not intentionally target the child.
3. The sustained language in counts a-1 and b-1 did not require modification to expressly state that Father's contact with Miguel was accidental because the language accurately described the evidence and juvenile court's findings and did not imply that Father targeted Miguel.
4. Substantial evidence supported the dispositional order removing Miguel from Father's custody because the history of domestic violence, Father's continued minimization and denial of responsibility, the parents' intention to continue their relationship, and the resulting likelihood of recurrence established a substantial danger to Miguel and justified removal as the only reasonable protective means.

KEY QUOTATIONS

“While an order terminating jurisdiction generally renders an appeal from a prior order in a dependency proceeding moot, “ ‘dismissal for mootness in such circumstances is not automatic.’ ”” (10)

“Specifically, incidents of domestic violence may support a jurisdictional finding under section 300, subdivision (a), when the parents involve the children in the violence or engage in violence in the children’s immediate presence.” (13)

“The parent need not be dangerous and the minor need not have been harmed before removal is appropriate. The focus of the statute is on averting harm to the child.” (17)

“Under these circumstances, there was substantial evidence to support the juvenile court’s finding that Miguel would be at substantial risk of serious harm if returned to Father’s care, and that removal was the only reasonable means of protecting the child from such risk.” (20)

FACTUAL BACKGROUND

Father and Mother were married parents of Miguel, who was born in November 2023. In March 2024, after Father returned home intoxicated, the parents engaged in a physical altercation while Mother held Miguel; Father struck Mother and, according to Mother's initial reports credited by the juvenile court, accidentally struck Miguel in the face. Mother also reported earlier incidents in which Father hit her while she was pregnant or while she was breastfeeding Miguel. Father admitted using alcohol and methamphetamine before the March incident and admitted slapping Mother, but minimized or denied the violence and denied striking Miguel.

PROCEDURAL HISTORY

The Los Angeles County Department of Children and Family Services filed a dependency petition after a domestic-violence incident in which Father struck Mother while she was holding Miguel, allegedly accidentally striking the child as well. After a combined jurisdictional and dispositional hearing, the juvenile court sustained domestic-violence counts under section 300, subdivisions (a) and (b), sustained a substance-abuse count under subdivision (b), declared Miguel a dependent, and removed him from Father's custody. While the appeal was pending, Miguel was returned to both parents and dependency jurisdiction was terminated, but the Court of Appeal exercised discretion to reach the merits because the challenged findings could have adverse consequences for Father beyond the dependency proceeding.

DISPOSITION

affirmed

CASES CITED

- In re D.P. (2023) 14 Cal.5th 266, 276, 285
- In re T.R. (2024) 107 Cal.App.5th 206, 214
- In re Cole L. (2021) 70 Cal.App.5th 591, 601-603
- In re J.A. (2020) 47 Cal.App.5th 1036, 1048

- In re I.J. (2013) 56 Cal.4th 766, 773
- In re M.M. (2015) 240 Cal.App.4th 703, 720-721
- In re Giovanni F. (2010) 184 Cal.App.4th 594, 599
- In re Nathan E. (2021) 61 Cal.App.5th 114, 121-122
- In re D.P. (2020) 44 Cal.App.5th 1058, 1065
- In re D.B. (2018) 26 Cal.App.5th 320, 328, 332
- In re T.W. (2013) 214 Cal.App.4th 1154, 1163
- Conservatorship of O.B. (2020) 9 Cal.5th 989, 1011
- In re E.E. (2020) 49 Cal.App.5th 195, 206
- In re L.B. (2023) 88 Cal.App.5th 402, 411
- In re V.L. (2020) 54 Cal.App.5th 147, 156
- In re S.R., review granted September 11, 2024, S285759
- Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co. (1999) 20 Cal.4th 163, 172-173
- People v. Canales (2024) 106 Cal.App.5th 1230, 1256, 1261-1262
- Bullock v. BankChampaign, N.A. (2013) 569 U.S. 267, 273-274
- People v. Freetown Holdings Co. (2024) 100 Cal.App.5th 1195, 1211-1213
- Commonwealth v. Malone (1946) 354 Pa. 180, 188, 47 A.2d 445, 447-449
- People v. Knoller (2007) 41 Cal.4th 139, 152, 158

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