

Megan Turkat Schirn, Esq.  
Attorney at Law  
269 S. Beverly Drive, #193  
Beverly Hills, CA 90212  
Email: *schirn@sbcglobal.net*  
Phone: (310)279-0003  
SBN 169044

October 20, 2022

Supreme Court of California  
Earl Warren Building  
350 McAllister Street  
San Francisco, CA 94102

Re: Letter Brief Regarding New Authority  
*In re D.P.; Los Angeles DCFS v. T.P.*  
Supreme Court No. S267429

Chief Justice Tani Cantil-Sakauye and Associate Justices:

This Court has calendared argument for November 2, 2022. Counsel for Appellant (father) respectfully submits this letter brief to apprise the Court of new post-briefing authorities, pursuant to California Rules of Court, rule 8.520(d).

***In re S.G. (2021) 71 Cal.App.5th 654***

Issued on November 15, 2021, the opinion is instructive as to the ability of the appellate court to grant effective relief where an appeal has become moot because dependency jurisdiction terminated while an appeal is pending.

In that case, the Second District, Division One, decided that mother's appeal from the juvenile court's denial of her request for a restraining order was not moot where she did not

appeal a subsequent order terminating jurisdiction in the dependency case. In reaching this decision, *In re S.G.* held that termination of dependency proceedings will not moot an appeal, if on the facts of the particular case, the appellate court can still grant the appellant effective relief. The opinion provides guidance as to mootness in the dependency context, and when mootness arises due to termination of dependency jurisdiction.

The Court of Appeal explained effective relief is available to appellant because The Code of Civil Procedure sections 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.

The opinion makes clear that, consistent with Father’s position in this pending case, that when dependency jurisdiction has terminated during the appeal, an appellate court can still grant effective relief by reversing an erroneous judgment.

***In re Emily L. (2021) 73 Cal.App.5th 1***

Issued on November 29, 2021, the opinion is instructive on the issue of whether a dependency appeal that has become moot due to the termination of jurisdiction merits discretionary review

because the parent claims the juvenile court's findings fall within the definition of child abuse and place the parent at risk of inclusion in the Child Abuse Central Index (CACI).

*In re Emily L.* found mother's appeal of the juvenile court's jurisdictional findings under Welfare and Institutions Code section 300, subdivision (b), demonstrated prejudice sufficient to warrant discretionary review. The substantiated findings stemmed from a physical altercation between the mother and her teenage daughter where both parties suffered physical injuries. For the disposition, the juvenile court ordered informal supervision under WIC section 360, subdivision (b), which deprives the court of authority to take any further action unless the matter is brought back before the court via a new petition. While the appeal was pending the minor turned 18, and was no longer subject to juvenile court jurisdiction. The Second District, Division Eight, found that mother's appeal merited discretionary review because the jurisdictional findings despite termination of jurisdiction could subject mother to inclusion in the Child Abuse Central Index (CACI) because the alleged conduct reasonably falls within the definition of child abuse. In reaching this decision, *Emily L.* cited to this case. (*Id.* at p. 17. Fn. 3)

This opinion makes clear that as in this case, discretionary review is merited when the jurisdictional findings could subject a parent to inclusion in CACI. Consistent with Father's position, the fact that there was nonaccidental infliction of a physical injury falls within the definition of child abuse subject to the

CACI reporting obligation. (Penal Code, §§ 11165.6, 11169, subds. (a) & (c).)

Dated October 20, 2022

Respectfully submitted,

*Megan Turkat Schirn*  
Megan Turkat Schirn  
Attorney for Appellant T.P.

### **Word Count**

I certify that the foregoing brief complies with California Rules of Court, rule 8.520(d) and contains 962 words, including footnotes, according to the word count feature of the computer program used to prepare this brief.

DATE: October 20, 2022

Respectfully submitted,

*Megan Turkat Schirn*  
Megan Turkat Schirn  
Attorney for Appellant, T.P.

Megan Turkat-Schirn, Esq.  
SBN 169044  
269 S. Beverly Dr., #193  
Beverly Hills, CA 90212  
Attorney for appellant T.P.

In Re: *D.P.*  
Supreme Court No. S67429  
Court of Appeal No. B301135  
Juv. Case No. 19CCJP00973

### Declaration of Service

I, the undersigned, declare that I am over 18 years of age, residing or employed in the County of Los Angeles, and am not a party to the instant action. My business address is listed above, and my e-service address is *schirn@sbcglobal.net*. On September 7, 2021, I served the attached Letter Brief *via electronic submission* to each of the following persons at the following addresses:

Hon. Craig Barnes  
Los Angeles Juvenile Court  
201 Centre Plaza Dr., Suite 7  
Monterey Park, CA 91754

Court Of Appeal  
Second Dist., Div. 5  
300 S. Spring St. North Tower  
Los Angeles, CA 90013

Appellant T.P.\*  
(\*address on record)

On September 7, 2021, I also transmitted a PDF version of this document via email, to each of the following using the email address indicated:

**Office of the County Counsel:** *appellate@counsel.lacounty.gov*,  
*wthetford@counsel.lacounty.gov*,

**California Appellate Project:** *capdocs@lacap.com*

**Minor's Counsel:** Springsong Cooper, Esq.: *coopers@clc-la.org*

**Mother's Counsel:** Landon Villavaso, Esq.: *landon@lvlaw.org*

**Father's Trial Counsel:** *saraydarians@ladlinc.org*

Executed on October 20, 2022 at Los Angeles California *Megan Turkat Schirn*  
Megan Turkat Schirn

STATE OF CALIFORNIA  
Supreme Court of California

**PROOF OF SERVICE**

STATE OF CALIFORNIA  
Supreme Court of California

Case Name: **IN RE  
D.P.**

Case Number: **S267429**

Lower Court Case Number: **B301135**

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Landon Villavaso Attorney at Law 213753	landon@lvlaw.org	e-Serve	10/20/2022 8:13:56 PM
John Kim Children's Law Center 298957	appeals3@clcla.org	e-Serve	10/20/2022 8:13:56 PM
Rita Himes Legal Services for Prisoners with Children 194926	rita@prisonerswithchildren.org	e-Serve	10/20/2022 8:13:56 PM
Tate Lounsbery Lounsbery Law Office, PC 240811	tate@lounsberylaw.com	e-Serve	10/20/2022 8:13:56 PM
Megan Turkat-Schirn Attorney at Law 169044	schirn@sbcglobal.net	e-Serve	10/20/2022 8:13:56 PM
Elizabeth Gill American Civil Liberties Union of Northern California 218311	egill@aclunc.org	e-Serve	10/20/2022 8:13:56 PM
Mitchell Keiter Keiter Appellate Law 156755	Mitchell.Keiter@gmail.com	e-Serve	10/20/2022 8:13:56 PM
Kellie Walters Legal Services for Prisoners with Children 6288692	kellie@prisonerswithchildren.org	e-Serve	10/20/2022 8:13:56 PM

Landon Villavaso Attorney at Law	office@lvlaw.info	e- Serve	10/20/2022 8:13:56 PM
Minouche Kandel American Civil Liberties Union Foundation of Southern California 157098	mkandel@aclusocal.org	e- Serve	10/20/2022 8:13:56 PM
William Thetford Office of the County Counsel 133022	wthetford@counsel.lacounty.gov	e- Serve	10/20/2022 8:13:56 PM
Emily Berger Law Office of Emily Berger	bergere@ladlinc.org	e- Serve	10/20/2022 8:13:56 PM

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/20/2022

Date

/s/megan turkat schirn

Signature

turkat schirn, megan (169044)

Last Name, First Name (PNum)

Megan Turkat Schirn

Law Firm