

Supreme Court Case No. S271809

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

MICHAEL G.,

Petitioner

v.

THE SUPERIOR COURT OF ORANGE
COUNTY, et al.,

Respondent;

ORANGE COUNTY SOCIAL SERVICES
AGENCY, et al.,

Real Party in Interest.

Court of Appeal
Case No. G060407

Orange County Superior Court
Case No. 19DP1381

HONORABLE ANTONY C. UFLAND, JUDGE, PRESIDING

**REAL PARTY IN INTEREST ORANGE COUNTY SOCIAL
SERVICES AGENCY'S REQUEST FOR JUDICIAL NOTICE;
SUPPORTING MEMORANDUM; DECLARATION OF JEANNIE SU**

**After Published Decision of the Court of Appeal,
Fourth Appellate District, Division Three**

LEON J. PAGE, COUNTY COUNSEL,
KAREN L. CHRISTENSEN, SUPERVISING DEPUTY,
AURELIO TORRE, SENIOR DEPUTY – SBN 228920,
DEBORAH B. MORSE, DEPUTY - SBN 265331, and
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Attorneys for Real Party in Interest,
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REAL PARTY IN INTEREST ORANGE COUNTY SOCIAL SERVICES AGENCY'S REQUEST FOR JUDICIAL NOTICE

Pursuant to Evidence Code sections 452 and 459, and California Rules of Court, rules 8.252 and 8.520, Real Party in Interest, the Orange County Social Services Agency (SSA), hereby requests that this Court take judicial notice of the minute order memorializing the proceedings from October 18, 2021 in Orange County Superior Court case number 19DP1381, attached here as Exhibit A.

This request is based on the attached Memorandum of Points and Authorities.

Dated: April 21, 2022

Respectfully submitted,

LEON J. PAGE,
COUNTY COUNSEL,
KAREN L. CHRISTENSEN,
SUPERVISING DEPUTY,
AURELIO TORRE, SENIOR DEPUTY,
DEBORAH B. MORSE, DEPUTY, and
JEANNIE SU, SENIOR DEPUTY

By 
Jeannie Su, Deputy

Attorneys for Real Party in Interest,
Orange County Social Services Agency

MEMORANDUM OF POINTS AND AUTHORITIES

Evidence Code section 459, subdivision (a) specifies that a reviewing court may take judicial notice of any matter specified in Evidence Code section 452. Section 452, subdivision (d)(1) permits judicial notice of the records of any court of this state. SSA requests that this Court take judicial notice of the minute order memorializing the proceedings from October 18, 2021 in Orange County Superior Court case number 19DP1381, attached here as Exhibit A.¹ SSA files the present motion in order to inform this Court of relevant developments below.

As detailed in the enclosed minute order, the juvenile court has ordered a permanent plan of legal guardianship for the subject minor, and dependency proceedings have been terminated. No appeal has been taken from that October 2021 order, and it has thus become final. (*In re Carrie M.* (2001) 90 Cal.App.4th 530, 533-534.) As a result, the present case is factually moot, as this Court can grant no effective relief even if it concludes that reunification services were terminated in error as Petitioner contends. (*In re Anna S.* (2010) 180 Cal.App.4th 1489, 1498.)

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¹ Due to confidentiality reasons, the relevant parties' names in the minute order are redacted except for first and last initials.

This development notwithstanding, SSA recognizes that this Court may reach the merits of the present case given the importance of the issue now before this Court and its likelihood to otherwise evade review. (See, e.g., *In re Caden C.* (2021) 11 Cal.5th 614, 629, fn. 3.)

Dated: April 21, 2022

Respectfully submitted,

LEON J. PAGE,
COUNTY COUNSEL,
KAREN L. CHRISTENSEN,
SUPERVISING DEPUTY,
AURELIO TORRE, SENIOR DEPUTY,
DEBORAH B. MORSE, DEPUTY, and
JEANNIE SU, SENIOR DEPUTY

By 
Jeannie Su, Deputy

Attorneys for Real Party in Interest,
Orange County Social Services Agency

DECLARATION OF JEANNIE SU

1. I am an attorney duly licensed to practice law before all courts of the State of California. I am a deputy of the County Counsel of Orange County, California, and attorney of record for Real Party In Interest Orange County Social Services Agency (SSA) in the above-captioned action.

2. The instant matter arises out of a decision by the Court of Appeal Fourth Appellate District, Division Three, Case No. G060407 (*Michael G. v. Superior Court* (2021) 69 Cal.App.5th 1133) denying a petition for extraordinary writ relief to the Superior Court for the County of Orange, Case No. 19DP1381. The document sought to be judicially noticed is substantially relevant to the claims raised in Petitioner's opening brief on the merits.

3. Exhibit A is a certified copy of the minute order memorializing the proceedings from October 18, 2021 in Orange County Superior Court case number 19DP1381.

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

EXECUTED April 21, 2022, in Santa Ana, California.



Jeannie Su, Declarant

EXHIBIT A

**SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF ORANGE
JUVENILE COURT
MINUTE ORDER
10/18/2021**

Judicial Officer: VIBHAV MITTAL

Department: L34E at 8:30 AM

Clerk: S. WESTFORTH

Bailliff: A. CORRAO

Reporter: K. CAGNEY 10850

Social Worker: E. CABATU

Case Type: DEPENDENCY - ORIGINAL

Case Number: 19DP1381 IN RE: G [REDACTED], A [REDACTED]

Appearances:

K [REDACTED] G [REDACTED], BIOLOGICAL MOTHER

M [REDACTED] G [REDACTED], PRESUMED FATHER

LAW OFFICES OF HAROLD LAFLAMME, ATTORNEY FOR MINOR, GUARDIAN AD LITEM (ADB)

JUVENILE DEFENDERS LLP, ATTORNEY FOR MOTHER

PUBLIC DEFENDER, ATTORNEY FOR PRESUMED FATHER

COUNTY COUNSEL, ATTORNEY FOR PLAINTIFF

Attorney for Petitioner

STEPHANIE MORRIS

Attorney for Child

HANNAH GARDNER

Attorney for Mother

AMANDA TARBY

Attorney for Father

BRIAN OKAMOTO

Allegation(s)

W&I 300(b)(1) - FAILURE TO PROTECT

Hearing Type:

HEARING - TERM. OF PARENTAL RIGHTS - CONTESTED WIC 366.26

Father present, participating via video/Teams.

Mother present, participating via telephonically, speaker phone of Counsel.

Motion by Petitioner Social Services Report dated October 18, 2021 be admitted into evidence.

Court aware of the issue as to previously stricken sentence and scrivener error, page 3 of today's report.

Submitted.

Social Services Report dated October 18, 2021 admitted into evidence.

No further evidence.

Argument by Counsel.

Submitted.

Court read, considered and previously accepted into evidence Social Services court report(s) dated October 18, 2021.

Court finds by clear and convincing evidence:

Court finds Mother, Father received proper notice.

Court finds child 10 years of age or older, not present, received proper notice of their right to attend the hearing.

Court has considered the wishes of the child, consistent with the child's age, and all findings and orders are made in the best interest of the child.

Court finds the child's placement is necessary and appropriate.

Court finds a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances of Sec. 366.26 (c)(1)(B)(iv).

Court finds the permanent plan of legal guardianship is appropriate and is ordered as the permanent plan.

Court appoints D [REDACTED] F [REDACTED] as the legal guardian of the child.

Court to issue letters of guardianship.

Court finds the child does not have siblings under the court's jurisdiction.

Court finds the child was in foster care at 16 years of age and remains eligible for Independent Living services. The county agency is ordered to ensure the continued provision of those services as stated in the child's care plan and Transitional Independent Living Plan.

Court finds the child's educational, physical, mental health, and developmental needs are being met.

The child is enrolled in and attending Corona Del Mar High School.

Court finds the agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary, to finalize the permanent placement of the child.

Court adopts recommendation of Social Services Agency per report of October 18, 2021.

Dependent child proceedings terminated.

Clerk to file visitation orders with Orange County Superior Court Juvenile Court Division (Legal Guardianship cases).

Orders pursuant to Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (JV-400).

Both Mother, Father object to setting of 366.26 and reserve all appellate issues.

Court read, considered and accepted into evidence proposed orders and findings.

Minute Order entered on October 18, 2021 by S. Westforth.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court at the County of Orange, California, this 18th day of October, 2021.

BY: _____
SHERI L. WESTFORTH, CLERK OF COURT



I hereby certify the foregoing instrument consisting of 3 page(s)
is a true and correct copy of the original on file in this court.



ATTEST: (DATE) 4/11/22
DAVID H. YAMASAKI, EXECUTIVE OFFICER AND CLERK OF THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

BY *[Signature]*, DEPUTY

PROOF OF SERVICE

I do hereby declare that I am a citizen of the United States employed in the County of Orange, over 18 years old and that my business address is POB 119, Santa Ana, California; and my e-mail address is paul.tu@coco.ocgov.com. I am not a party to the within action.

On **April 21, 2022**, I e-filed the foregoing **REAL PARTY IN INTEREST ORANGE COUNTY SOCIAL SERVICES AGENCY’S REQUEST FOR JUDICIAL NOTICE; SUPPORTING MEMORANDUM; DECLARATION OF JEANNIE SU** through ImageSoft’s TrueFiling system in the Supreme Court of the State of California, with service on the parties to this action in the following manner:

(BY ELECTRONIC TRANSMISSION (EMAIL)) Email transmission by ImageSoft’s TrueFiling system in the Court of Appeal, Fourth District, Division Three to the parties in this action listed below.

(BY U.S. MAIL) I placed a sealed envelope(s) addressed as shown below for collection and mailing at Santa Ana, California, following our ordinary business practices. I am readily familiar with this office’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

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

EXECUTED April 21, 2022, in Santa Ana, California.

Paul S. Tu
Paul S. Tu

NAME AND ADDRESS TO WHOM SERVICE WAS MADE

SEE ATTACHED SERVICE LIST

SERVICE LIST

Office of the Court Clerk
(Hon. Antony C. Ufland, Judge)
Appellate Div. Juvenile
341 The City Drive, South
Orange, CA 92868
Trial Court

Clerk, California Court of Appeal
Fourth Appellate District,
Division Three
601 W. Santa Ana Blvd.
Santa Ana, CA 92701
Court of Appeal

Orange County Public Defender
brian.okamoto@pubdef.ocgov.com
Counsel for Petitioner, Michael G.

Donna P. Chirco
sdpc10@yahoo.com
Appellate Counsel for Petitioner, K.G.

Juvenile Defenders
juveniledefenders@gmail.com
Trial Counsel for Petitioner, K.G.

Law Offices of Harold LaFlamme
hlaflamme@gmail.com
Counsel for Minor, A.G.

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **G. (MICHAEL) v. S.C. ORANGE COUNTY SOCIAL SERVICES AGENCY**
Case Number: **S271809**
Lower Court Case Number: **G060407**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **jeannie.su@coco.ocgov.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
BRIEF	S271809-MichaelG-Answer Brief
REQUEST FOR JUDICIAL NOTICE	S271809-MichaelG-RJN

Service Recipients:

Person Served	Email Address	Type	Date / Time
Jeannie Su Office of the County Counsel 207005	jeannie.su@coco.ocgov.com	e-Serve	4/21/2022 11:48:21 AM
Harold Laflamme Court Added	hlaflamme@gmail.com	e-Serve	4/21/2022 11:48:21 AM
Donna Chirco Juvenile Defenders 199841	sdpc10@yahoo.com	e-Serve	4/21/2022 11:48:21 AM
Brian Okamoto Orange County Public Defender 217338	Brian.Okamoto@pubdef.ocgov.com	e-Serve	4/21/2022 11:48:21 AM
Juvenile Defenders 183565	juveniledefenders@gmail.com	e-Serve	4/21/2022 11:48:21 AM
County Counsel, County of Orange 654321	OCCoCo.Appeals-Service@coco.ocgov.com	e-Serve	4/21/2022 11:48:21 AM

This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

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

4/21/2022

Date

/s/Paul Tu

Signature

SU, JEANNIE (207005)

Last Name, First Name (PNum)

Orange County Counsel

Law Firm