Filed 9/23/13 In re A.H. CA2/4

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re A.H., A Person Coming Under the Juvenile Court Law.	B243109 (Los Angeles County Super. Ct. No. CK84588)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. MARISA S., Defendant and Appellant.	

APPEAL from orders of the Superior Court of Los Angeles County, Steven R. Klaif, Juvenile Court Referee. Affirmed in part, reversed in part and remanded with directions.

Neale B. Gold, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, Office of the County Counsel, James M. Owens, Assistant County Counsel and Jeanette Cauble for Plaintiff and Respondent.

Appellant Marisa S. (Mother) appeals the juvenile court's exit order requiring that her visitation with her daughter AH be monitored, and providing that if she and the child's father Raymond H. (Father) cannot agree on a monitor, Father is empowered to choose the monitor. She also appeals the portion of a restraining order issued by the court at Father's request, requiring her to stay 100 yards away from AH and her school. We reverse the restraining order in part, concluding there was no evidence to support that Mother intended to violate any prior order or that AH needed the protection of a restraining order. We otherwise affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Mother has two children, AR, now almost 18, and AH, currently 8. The family came to the attention of the Department of Children and Family Services (DCFS) in October 2010, when AR was 14 and AH was 5. DCFS's investigation uncovered evidence that Mother had punched AR, beat her with a belt, called her offensive names and threw her out of the family home. In addition, Mother was a regular binge drinker and had on one occasion driven while extremely intoxicated with AR in the car. She also showed evidence of anger management problems and had initiated a car chase with Father when he, his fianceé, Kathryn H., and AH were in another car, and had thrown a hot drink at Father.

The court found jurisdiction appropriate under Welfare and Institutions Code section 300, subdivision (a) (serious physical harm), finding true that Mother physically abused AR by striking her with a belt and hitting her in the face, and that these actions "endanger[ed] the child's physical and emotional health and safety" and placed both AR and AH "at risk of physical and emotional harm,

damage, danger, [and] physical abuse . . . ."[1] The court also found jurisdiction appropriate under section 300, subdivision (b) (failure to protect), finding true (1) that Mother created "a detrimental and endangering situation" for AR by driving the child in a vehicle while she was under the influence of alcohol; (2) that Mother created "a detrimental and endangering situation" for AH by chasing [Father's] vehicle while the child was a passenger in the vehicle and attempting to remove the child from the vehicle; (3) that Mother had "a history of alcohol abuse," was "a current abuser of alcohol," and was "under the influence of alcohol while the children were in [her] care and supervision," rendering her "unable to provide regular care for the children," "endanger[ing] the children's physical and emotional health and safety," and "creat[ing] a detrimental home environment"; (4) that Mother excluded AR from the home without making an appropriate plan for her care and supervision, "endanger[ing] her physical and emotional health and safety," "creating a detrimental home environment"; and (5) that Mother "left the children home alone without adult supervision throughout the night," "endanger[ing] the children's physical and emotional health and safety," and "creat[ing] a detrimental home environment." The court-ordered disposition plan placed AH with Father, placed AR with the maternal grandfather, and required Mother to attend an alcohol abuse program with random testing, parenting classes, and individual counseling to address case issues, including anger management, and required Mother to be evaluated by a psychiatrist and to take medication if prescribed.[2] Mother appealed the jurisdictional order. By opinion and order filed

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[1] Undesignated statutory references are to the Welfare and Institutions Code.

[2] Mother was also directed to attend conjoint counseling with AR when recommended by the girl's therapist. Mother stated at the hearing that she wanted nothing to do with AR. Throughout the proceedings, Mother continued to state she wanted nothing more to do with AR and blamed her for Mother's loss of custody of AH.

November 21, 2011, this court affirmed the jurisdictional findings and the decision to remove AH from Mother's custody.

In July 2011, while the appeal was pending, DCFS reported that the monitored visits between AH and Mother had gone well, and sought the court's permission to liberalize the visits at DCFS's discretion.[3] In August, the court granted Mother unmonitored four-hour daytime visitation, but denied DCFS discretion to liberalize further.

In September 2011, DCFS reported that Mother was complying with the case plan by completing a parenting class, enrolling in an alcohol abuse program, and testing negative for drugs and alcohol.[4] Mother's therapist stated that Mother was actively participating in therapy and did not pose a threat to her children. He recommended overnight visits between Mother and AH with the goal of returning AH to Mother's custody. However, the caseworker reported that there remained a great deal of animosity between Mother and Father, and that despite counseling, Mother did not appear to have achieved the ability to appropriately communicate

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[3] The caseworker who had observed the monitored visits subsequently reported that Mother brought toys and nutritious food and engaged AH in games and activities throughout the visits, and that the two were affectionate towards each other. On a visit in May 2011, Mother asked AH who did her hair and AH hesitantly said it was Father's new wife, Kathryn. Mother redid her hair. Prior to another visit that same month, AH showed the caseworker some earrings Kathryn had bought her, but indicated she was reluctant to bring Kathryn's name up with Mother. When Mother noticed the earrings and asked AH about them, AH grew fidgety and changed the subject.

[4] With respect to the psychiatric evaluation, Mother reported that she had contacted the mental health programs to which she had been referred by the caseworker, and that they were unwilling to conduct a psychological evaluation. The caseworker confirmed that the area clinics would not provide a psychological evaluation unless it appeared the patient would need psychotropic medication or the court ordered an Evidence Code section 730 evaluation. There was no indication from the therapist that Mother needed such medication. At the October 25, 2011 hearing, the court stated it would order a section 730 evaluation if DCFS agreed to pay for it. There is no indication in the record that an order enabling Mother to obtain a psychiatric evaluation was ever issued.

concerns and frustrations in the heat of the moment. Moreover, although Mother was able to articulate the poor choices she had made with respect to AR, she refused to accept that there had been any reason to remove AH. AH's therapist reported that the child suffered from anxiety due to the conflict between her parents and felt obliged to make particular efforts to avoid angering Mother. For example, AH had scratched herself while trying to scrape polish off her nails; the polish had been applied by Kathryn and AH was nervous about Mother seeing it.[5]

In its September 7, 2011 report, DCFS recommended that the unmonitored visitation be increased in length, with "progression to overnight visits." DCFS also recommended that reunification services be continued. At the September 7 review hearing, counsel for Father and counsel for AH informed the court that the caseworker had not interviewed all the family members who had information about Mother's behavior, and that the report had not expressed all of Father's concerns. The court continued the hearing and asked for a supplemental report.

On September 23, 2011 DCFS filed a new report prepared by a new caseworker. The report related Father's observation that AH was prone to misbehavior after visits with Mother. Moreover, on smelling marijuana smoke at a park, AH told Father that it smelled like something Mother and her boyfriend smoked. AH had also stated that she and Mother had "sp[ied]" on the maternal grandfather during one of the visits. On learning that Mother had a regular boyfriend, the caseworker attempted to have him live scanned, but Mother denied he lived with her or spent any significant amount of time with AH, and refused to provide information about him. Mother denied smoking marijuana, pointing out that her drug tests had been negative. She admitted that she had briefly followed

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[5] AH's therapist belatedly advised that "any change from supervised visits will require . . . regular individual family therapy until the parents make the changes needed."

the grandfather after seeing his car at a gas station because she was curious about who he was with.

At the hearing on October 24, 2011, counsel for DCFS and AH's counsel submitted portions of the delivered services log, indicating that in August, Mother had told the caseworker she was through with drug testing and was not going to try anymore if she did not get AH back. In addition, the log reflected that Mother had made a number of unsolicited negative remarks about AR, calling her a "whore" and saying she could "go to hell" or "just die," and that Mother objected to AH having visits with her older sister because AR was "consumed by the devil." Despite Mother's statements to the caseworker, DCFS did not change its recommendation in favor of lengthening Mother's unmonitored daytime visits with AH and granting DCFS discretion to liberalize to overnight. Mother, testifying to her understanding of why visits with AH were restricted, stated "Father's personal issues of vendetta against me." She further testified that she had no interest in reunifying with AR, calling her a liar and blaming her for instigating the dependency proceedings. AH's attorney objected to liberalizing visitation and expressed concern about Mother having unmonitored visits of any length, arguing that her testimony demonstrated she had made little progress. The court granted unmonitored weekly eight-hour daytime visitation, extended jurisdiction so the situation could continue to be monitored, and set a review hearing for April 24, 2012.[6]

In the formal report prepared for the April 24 hearing, the caseworker stated that Mother had continued to refuse to submit to substance abuse testing, and that she "verbal[ly] assault[ed]" Father, Kathryn, DCFS, AR, and the caseworker and discussed case issues in AH's presence. Mother had told AH not to talk to AR at

[6] At that time, Father was seeking to have dependency jurisdiction terminated, leaving physical custody with him and allowing Mother unmonitored daytime visits.

family functions and continued to insist that AR was at fault for Mother's loss of AH's custody. AH said she liked being with Mother and wanted to stay with her, although she also enjoyed living with Father. Mother's therapist reported that Mother was doing well in therapy sessions, opined that she did not pose a danger to her children, and recommended that she be permitted unmonitored visitation and overnight stays. DCFS recommended leaving custody with Father, continuing to permit Mother eight-hour unmonitored daytime visits, terminating Mother's reunification services, and closing the case.

On April 24, 2012, DCFS filed a last minute information for the court, stating that Mother had not been drug testing, and further stating that Mother had continued to "verbal[ly] assault" the caseworker and to discuss case issues with her while AH was in her car. DCFS recommended that Mother's visitation with AH revert to monitored. On that same day, AH's attorney filed a petition for modification under section 388, seeking to have Mother's visitation restricted to monitored. The minor's petition stated that Mother "continues to be inappropriate on visits including, but not limited to, unapologetically telling [AH] that it is her sister [AR's] fault that [AH] was removed from [Mother], leaving threatening voicemails for [AH's] father while [AH] is with her, [and] making inappropriate promises about [AH] returning to [Mother's custody]." The petition alleged that AH's behavior had been negatively affected by Mother and that "Mother's behavior shows that she has learned nothing from her programs . . . ." The court ordered that visitation between AH and Mother revert to monitored, and set a hearing on the petition on the same date as the next scheduled review hearing: June 6, 2012.

On June 6, the caseworker prepared a last minute information for the court, stating that during monitored visits with AH, Mother continued to allude to case issues and ask AH questions about Father and Kathryn. On one occasion, Mother

had cursed at the caseworker because she did not allow a visit to commence early when AH was present, but the monitor had not yet arrived. The last minute information stated that Mother had been volunteering at AH's school and having lunch with AH for a period after the court's April 24 order changing visitation to monitored, but that those activities had come to an end on May 15, as the school could not guarantee that a monitor would be available.

On June 6 and 7, 2012, the court held a combined section 364 hearing and hearing on the petition for modification.[7] At the hearing, Father presented tapes and transcripts of six obscenity-laden voicemails Mother had left on his phone on March 4, 2012, each between one and three minutes long, threatening Father and Kathryn, contending they were not taking appropriate care of AH, and demanding that the girl be returned to her.[8] Father filed a request for a restraining order, requiring Mother to stay away from him, Kathryn and AH, except during court-ordered visitation. The caseworker testified that during the time Mother had unsupervised visitation with AH, immediately after picking up AH, she would call and leave voicemail messages for the caseworker that were "verbally assaultive" toward Father. The caseworker further testified that after the June 6 hearing, Mother had followed her car, honking and gesturing at the caseworker to call her.

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[7] Section 364 applies when the dependency court takes jurisdiction of a child, but does not remove the child from the physical custody of the parent. "If a child is declared a dependent, but is not removed from the parent's physical custody, the court must schedule a review hearing under section 364 within six months of the date of the declaration of dependency and every six months thereafter. [Citations.] At the time of such review hearing, the court must terminate dependency jurisdiction unless the social services agency establishes that conditions still exist that justify the court taking jurisdiction of the child." (*In re Alexandria M.* (2007) 156 Cal.App.4th 1088, 1095.)

[8] The transcripts of the voicemail messages were introduced into evidence. The juvenile court accurately described the voicemails as "outrageous, venomous[,] . . . scathing," and "horrendous."

The caseworker expressed concern that AH was suffering emotional abuse from Mother's behavior.

Counsel for AH, counsel for Father and counsel for DCFS joined in requesting that Mother's visits be restricted to monitored.[9] Observing that Mother constantly appeared to be on the verge of or losing control in the courtroom, the court granted the section 388 petition, explaining: "I'm basing this on the overwhelming evidence . . . that Mother is not appropriate and not able to control herself and stay appropriate for even a short period of time." The court also terminated Mother's reunification services and granted the temporary restraining order requested by Father, requiring Mother to stay 100 yards from Father, Kathryn and AH, except during permitted visitation and to stay away from AH's school.

At a hearing on June 8, the court terminated jurisdiction and stayed the order pending the preparation of an exit order and the hearing on the restraining order.[10] At a hearing on July 16, the court granted a restraining order with an expiration date of July 16, 2015 and issued the exit order.[11] The exit order provided Mother eight hours monitored visitation with AH on alternate Saturdays and four hours

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[9] During AH's counsel's closing argument, she stated that Mother had been inappropriate with AH, cursing and screaming and telling AH that it was AR's fault that AH had been removed from Mother's custody. Mother interrupted to say "which is true." Thereafter, Mother continued to speak out and interrupt court proceedings.

[10] Custody and visitation orders issue when the court terminates dependency jurisdiction under section 362.4 and transfers jurisdiction over custody matters to family law court are referred to as "exit" orders or "family law" orders. (See *In re Chantal S.* (1996) 13 Cal.4th 196, 202; *In re John W.* (1996) 41 Cal.App.4th 961, 970.)

[11] During the hearing, Mother repeatedly interrupted the judge and threatened to leave, despite the court's instruction that she remain in order to be served with its final order.

monitored visitation on Wednesdays. The monitor was to be anyone "agreed upon by parents." In the absence of an agreement, "father chooses." Mother appealed.

DISCUSSION

A. *Order Reverting Visitation to Monitored*

Mother contends that the court's June 2012 order changing her visitation with AH from unmonitored to monitored was unsupported. Specifically, she contends that (1) the minor's section 388 petition did not present a prima facie case sufficient to justify setting a hearing; (2) nothing significant had changed between October 2011 -- when the court, over the objections of minor's counsel, extended the period of unmonitored visitation from four hours to eight hours -- and April 2012, when the court issued the order restricting visitation; and (3) the order restricting visitation was not in AH's best interests.

Section 388 permits "[a]ny . . . person having an interest in a child who is a dependent child of the juvenile court" to petition "for a hearing to change, modify, or set aside any order of court previously made or to terminate the jurisdiction of the court" on grounds of "change of circumstance or new evidence." (§ 388, subd. (a)(1).) A petition for modification need not be set for a hearing, but may be denied ex parte if the moving party does not present sufficient new evidence to establish a change of circumstances warranting a change to a previous order. (*In re Lesly G.* (2008) 162 Cal.App.4th 904, 912.) To trigger the right to a full hearing, the party filing a petition for modification must generally present evidence sufficient to sustain a favorable decision if credited (*In re Anthony W.* (2001) 87 Cal.App.4th 246, 250), and successful petitions are commonly supported by "declarations or other attachments which demonstrate the showing the petitioner will make at a hearing of the change in circumstances or new evidence." (*Ibid.*) Nevertheless, the decision to grant a full hearing lies within the discretion of the

juvenile court, and we will not reverse unless clear abuse is shown. (See *In re C.J.W.* (2007) 157 Cal.App.4th 1075, 1079.)

Here, the petition was supported by counsel's statement that Mother had left threatening voicemails for Father while AH was with her. This was new evidence, not previously considered by the court. Although counsel did not supply a declaration, the court did not abuse its discretion in deciding to proceed with a hearing on the petition based on counsel's unsworn representation. Moreover, even if the petition itself presented no new evidence, the last minute information filed by the caseworker the same day as the petition also recommended restricting Mother's visitation based on the caseworker's continuing investigation. As the issue of visitation was to be addressed at the next review hearing, counsel for AH would have been entitled to present evidence addressing the issue, regardless of whether the court scheduled a hearing on the minor's petition. Accordingly, even had the court erred in setting a hearing on the minor's petition, there was no prejudice to Mother.

Mother further contends the evidence presented at the hearing did not support a change in circumstances or demonstrate that reverting visitation to monitored would be in AH's best interests. She notes that the court was aware that Mother was not substance abuse testing and had not obtained a psychiatric evaluation in October 2011, when it ordered unmonitored visitation to continue, extending the time period from four hours to eight. She asserts that the minor's petition and the recommendation in DCFS's June 2012 last minute information represented an improper collateral attack on the prior visitation order.

Preliminarily, we note that the juvenile court has authority under section 385 to change, modify or set aside its prior order sua sponte, with or without the presentation of new evidence by a party. (*Nickolas F. v. Superior Court* (2006) 144 Cal.App.4th 92, 116.) When the court liberalized visitation in October 2011, it

recognized that the family's situation was volatile, and that Mother had not exhibited much progress in dealing with her anger and other psychological issues. The court could have terminated jurisdiction at that point, leaving AH in the custody of Father and issuing a family law order permitting Mother unmonitored visitation. Rather than do so, the court extended jurisdiction so the situation could continue to be monitored.

More important, there was significant new evidence that Mother's condition had deteriorated sufficiently to justify a change in the visitation order in the period following the court's decision to liberalize visitation. First and foremost were the six lengthy, vituperative and obscenity-laden voicemail messages Mother left for Father and Kathryn in March 2012. Second was the evidence supplied by the caseworker that when Mother had been permitted unmonitored visitation, she would call the caseworker immediately after picking up AH and verbally abuse Father and others involved in the case. Mother's behavior strongly suggested not only that she had failed to progress with respect to dealing with her anger management and other psychological issues, but that she was backsliding and falling into the same behavior that had led to the removal of AR and AH.

Mother downplays this evidence and contends the court should have focused on the positive aspects of her relationship with AH, in particular, AH's enjoyment of the visits and her consistently expressed desire to live with Mother. Mother erroneously believes that AH's love and affection toward her outweigh all other factors in determining the child's best interests.[12] AH was removed from Mother's custody because Mother's anger led her to physically attack others, particularly her

[12] As Mother points out in her brief, the court did not permit Mother's counsel to call AH, then six years old, to testify at the June 2012 hearings. However, the court stated that it would presume AH would say she wanted to visit Mother and enjoyed visiting Mother.

ex-husband and older daughter, and to engage in dangerous behavior, such as a car chase when AH was in the other car. The evidence established that despite the therapy and other services provided, Mother had gained no control over her anger and no insight into how it affected her children.

The focus of dependency proceedings is on "averting harm to the child." (*In re Cole C.* (2009) 174 Cal.App.4th 900, 917.) Mother overlooks the emotional harm to the child caused by her verbal assaults on AH's family members. AH's therapist described the girl as suffering from anxiety due to the effort of avoiding situations or conversations that would lead Mother to an angry outburst. The caseworker documented several occasions when conduct approved by Father and Kathryn caused Mother to become upset, and instances when AH was afraid even to mention Kathryn's name. As the caseworker's notes reflect, Mother had difficulty avoiding inappropriate comments even when the visits were monitored. When the visits were unsupervised, she had no compunction against allowing AH to bear witness to lengthy tirades against others, including Father and AR, whom Mother continued to insist was responsible for Mother's separation from AH. This evidence supported the court's conclusion that Mother's visits with AH should be supervised, and that monitored visitation was in the child's best interests.

B. *Final Visitation Order*

Mother contends the court's final custody and visitation order was not in AH's best interests and allowed Father excessive discretion over her visitation rights. We have addressed AH's best interests with respect to the court's decision to restrict her visitation with Mother. With respect to the discretion afforded Father, courts have consistently held that "[t]he power to determine the right and extent of visitation by a noncustodial parent in a dependency case resides with the court and may not be delegated to nonjudicial officials or private parties." (*In re*

T.H. (2010) 190 Cal.App.4th 1119, 1123; accord, *In re S.H.* (2003) 111 Cal.App.4th 310, 317-318; *In re Julie M.* (1999) 69 Cal.App.4th 41, 51; *In re Donnovan J.* (1997) 58 Cal.App.4th 1474, 1477-1478.) "This rule of nondelegation applies to exit orders issued when dependency jurisdiction is terminated." (*In re T.H.*, *supra*, at p. 1123.) Here, however, the court did not delegate the power to determine whether visitation took place. The exit order provided specific dates and times for visitation to occur. It left the choice of monitor in the parties' hands, and, if they could not agree, in Father's. This did not grant Father the authority to prevent visits from occurring, but simply allowed Father to manage one detail of the visits. As long as ultimate supervision and control was not left to third parties, the court did not err in delegating the responsibility for managing that detail. (See *ibid.*)

C. *Restraining Order*

Mother contends substantial evidence did not support the court's decision to add AH as a protected person in the restraining order. We agree.[13]

Section 213.5 permits the juvenile court to issue orders "enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, . . . destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the child" or "any parent, legal guardian, or current caretaker of the child . . . ." A restraining order issued after notice and hearing may remain in effect up to three years. (§ 213.5, subd. (d)(1).) In determining whether to issue the restraining order, the court may review and

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[13] Respondent takes no position on this issue. Father did not file a brief.

consider the contents of the DCFS file, including the caseworker's written reports. (Cal. Rules of Court, rule 5.630(f)(1) & (h)(2); see § 281.)

A restraining order issued in a juvenile dependency proceeding under section 213.5 is directly appealable. (*In re Cassandra B.* (2004) 125 Cal.App.4th 199, 208.) An appellate court applies the substantial evidence standard of review to the trial court's factual findings in support of the order. (*Sabbah v. Sabbah* (2007) 151 Cal.App.4th 818, 822.) Challenges to the sufficiency of the evidence are viewed in a light most favorable to the respondent, and we indulge all legitimate and reasonable inferences to uphold the juvenile court' determination. (*In re Cassandra B.*, *supra*, at p. 210.) "If there is substantial evidence supporting the order, the court's issuance of the restraining order may not be disturbed." (*Id.* at pp. 210-211.)

Other than in subdivision (j)(2), which requires the court to consider certain criminal offenses and "any violation of a prior restraining order," section 213.5 does not specify the evidence which must be presented to support a restraining order or the criteria to be applied by the court in determining whether one should issue. In *In re B.S.* (2009) 172 Cal.App.4th 183, 193, the court concluded that as the statute permits issuance of an order enjoining a person from "'molesting, attacking, striking, sexually assaulting, stalking, or battering'" a child, evidence that the restrained person had engaged in instances of the specified behavior would "certainly [be] sufficient" to support such order. (*Ibid.*; see, e.g., *In re Brittany K.* (2005) 127 Cal.App.4th 1497, 1512 [restrained party "concealed herself at a scheduled visitation between the minors and their birth mother . . . ; surreptitiously searched out and located the confidential location of the foster residence . . . ; hired a private detective to spy on the minor's comings and goings at their foster home; and showed up unannounced at each of the minors' schools, where she [made] defamatory accusations about the foster parents to school authorities and attempted

to make unauthorized contact with the minors"]; *In re Cassandra B., supra*, 125 Cal.App.4th at pp. 205, 210-213 [restrained party repeatedly made threatening calls to caretakers' home, tried to enter caretakers' apartment when minor was alone with babysitter and appeared at minor's school].) The court in *In re B.S.* held that the criteria set forth in the analogous Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.) was directly relevant. The Act "permits the issuance of a protective order . . . in the first instance, if 'failure to make [the order] may jeopardize the safety of the petitioner . . . .'" (*In re B.S., supra,* 172 Cal.App.4th at p. 194, quoting Fam. Code, § 6340, subd. (a); see also Fam. Code, § 6220 [purposes of restraining orders "are to prevent the recurrence of acts of violence and sexual abuse and to provide for a separation of the persons involved in the domestic violence for a period sufficient to enable these persons to seek a resolution of the causes of the violence"].)

The evidence here did not establish that Mother had ever engaged in harassing behavior with respect to AH, or that issuance of such an order was needed to ensure AH's safety. There was no evidence that Mother had appeared at Father's home when AH was there, spied on AH, tried to kidnap AH or attempted to take her on unauthorized outings.[14] For a brief period following the April 2012 order restricting Mother's formerly unmonitored visits, she continued to volunteer at AH's school. However, there is no evidence that she behaved inappropriately there. Moreover, that contact ceased when the school indicated it was unable to ensure a monitor, and there was no evidence Mother intended to continue to volunteer at the school in disregard of the school's decision. Accordingly, we conclude that substantial evidence did not support the court's decision to include

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[14] In any event, the portion of the order unchallenged by Mother would continue to require her to stay away from A.H.'s home, where Father and Kathryn also live.

AH as a person protected in the restraining order. (See *In re C.Q.* (August 2, 2013, B244998) __Cal.App.4th__[2013 LEXIS 703].)

DISPOSITION

The juvenile court is ordered to modify the restraining order by deleting the name of AH as a protected person. In all other respects, the court's orders are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

MANELLA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.