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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re KASSIDY C., a Person  
Coming Under the Juvenile  
Court Law.

B283031  
B279803

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

(Los Angeles County  
Super. Ct. No. DK16061)

Plaintiff and Respondent,  
v.

KIMBERLY D.,

Defendant and Appellant.

APPEAL from a judgment and orders of the Superior Court of Los Angeles County. Steff Padilla, Juvenile Court Referee, and Frank Menetrez, Judge. Case No. B279803 dismissed. Case No. B283031 affirmed.

John L. Dodd, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Jessica S. Mitchell, Deputy County Counsel for Plaintiff and Respondent.

Joseph T. Tavano, under appointment by the Court of Appeal, for Respondent Eric C. in Case No. B283031.

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Dependent child Kassidy C. was removed from the custody of her mother, Kimberly D., and placed with her previously noncustodial father, Eric C. Subsequently, the juvenile court granted protective orders against Mother to Father, Kassidy, and five employees of the Department of Children and Family Services; awarded sole legal and physical custody of Kassidy to Father; granted Mother monitored visitation; and terminated dependency court jurisdiction. Mother appeals. We affirm.

### **FACTUAL AND PROCEDURAL BACKGROUND**

Kassidy, born in late 2014, came to the attention of DCFS due to conflict between her parents. In March 2016 Kassidy was detained from Mother and released to Father after an altercation between the parents in which the police determined that Mother had been the aggressor. Kassidy was subsequently determined to be a dependent child of the juvenile court under Welfare and Institutions Code,<sup>1</sup> section 300, subdivision (b). The court removed her from Mother's custody, placed her with Father, and continued dependency court supervision. Mother appealed Kassidy's placement in Case No. B279803.

While Case No. B279803 was pending, in March 2017 DCFS employees Elise Matz, Edward Bielecki, Kassandra Love, Sonia Contreras, and Lynne Condon obtained restraining orders against Mother that required Mother to communicate with them only through her attorney. Mother filed a notice of appeal.

In April 2017, the court entered an order awarding Father sole physical and legal custody of Kassidy and terminating dependency court jurisdiction. Mother was granted monitored

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

visitation. The court also issued restraining orders against Mother to protect Father, Kassidy, Kassidy's paternal grandmother, and DCFS employee Rene Sandoval.<sup>2</sup> Mother appealed. The appeals from the March and April 2017 hearings form Case No. B283031.<sup>3</sup>

## DISCUSSION

### I. Case No. B283031: Termination of Jurisdiction

When a juvenile court orders the removal of a child from a parent, the court must first determine whether there is a non-custodial parent who desires to assume custody. (§ 361.2, subd. (a).) If so, the court shall place the child with that parent absent a finding that the placement would be detrimental to the child's safety, protection, or physical or emotional well-being. (*Ibid.*) If the court places the child with the previously noncustodial parent and chooses to continue court supervision, at a later review hearing it may order that the parent become the legal and physical custodian of the child and terminate its dependency jurisdiction. (§§ 361.2, subd. (b)(3); 366.21, subd. (e)(6).) Mother appeals the termination of jurisdiction over Kassidy, claiming she was denied the opportunity to present relevant evidence.

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<sup>2</sup> Mother was authorized by the restraining order to contact Sandoval through her attorney of record.

<sup>3</sup> We advised the parties that we would consider the cases together for purposes of oral argument and decision.

### A. Six-Month Review Hearing

Prior to the six-month review hearing DCFS recommended that the court terminate jurisdiction and grant sole physical and legal custody of Kassidy to Father with monitored visitation to Mother. Mother's attorney requested a contested hearing concerning the "return of Kassidy to her care . . . and the issue of whether the Department provided reasonable services to her." She requested that two social workers be present for cross-examination on the reasonableness of the services. Mother's counsel argued that Kassidy would be returned to Mother's custody if the reunification services were not reasonable. The court expressed doubt that inadequate services would be "a legally sufficient basis for return or even for continued jurisdiction," but placed the social workers on call.

At the review hearing, the court tentatively denied Mother a contested hearing on the issue of reasonable services based on its understanding that no determination of the reasonableness of reunification services was necessary at a hearing on the termination of jurisdiction over a child in the custody of the formerly noncustodial parent. Mother's counsel told the court that she "underst[oo]d the court's analysis with regards to the reasonable services issue." She still sought to cross-examine the two social workers, however, to "establish that the Department really has not fulfilled its obligation to assure that Kassidy has been properly taken care of . . . ." She contended that DCFS had abdicated its responsibility to supervise Kassidy, who had deteriorated and suffered harm in Father's care. Mother's attorney concluded, "[T]hat is why the mother [asks], as she has asked from the very beginning of the case, that her child be

returned to her.” The court declined to hold a contested hearing on the reasonableness of reunification services.

Mother declined to present additional argument on the other contested issue, her request for the return of Kassidy to her custody. The court denied Mother’s request, stating that the evidence was “overwhelmingly in support of a finding that return to the mother would create a substantial risk of detriment to Kassidy.”

Last, the court said, “So all that remains is the recommendation to close the case, and that was not set for contest. And, in any event, I do find that the evidence shows that supervision is no longer needed.” The court indicated its intent to grant physical and legal custody of Kassidy to Father, with Mother receiving monitored visitation. Mother’s counsel was offered the opportunity to argue regarding the termination and exit order but merely asked that her objection be noted. She did not request continued dependency court supervision of Kassidy or contend that the quality of DCFS supervision of and services to Kassidy was relevant to the question of whether continued court supervision was needed. The court held that continued supervision of Kassidy was unnecessary and terminated dependency court jurisdiction.

#### B. Mother’s Appellate Arguments

Mother argues that the court abused its discretion and denied her due process when it declined to take evidence as to the reasonableness of the services provided to Kassidy, because this information was relevant to the question of whether continued jurisdiction was necessary. She argues that she “was entitled to present her own evidence and cross-examine the social workers

concerning the reasonableness of the services provided to Kassidy, which would include whether or not DCFS actually was supervising the placement with [F]ather.” She contends that the evidence concerning Kassidy’s placement with her father was “virtually non-existent,” that there was no report concerning Kassidy’s speech therapy services, that there was no evidence that Father had begun therapy, and that there was no information in the reports concerning any other residents of the home. She argues that the exclusion of her “proffered evidence” requires reversal per se; in the alternative, it was prejudicial because “it is reasonably probable the court would have required an additional period of court supervision had it considered this additional evidence . . . .”

We first observe that Mother has not identified any instance in the record, nor have we located any, in which she requested and was denied the opportunity to “present her own evidence” at the hearing. Our review of the record indicates that Mother sought only to cross-examine two social workers. Moreover, Mother did not argue to the juvenile court that the cross-examination of the social workers, or any other evidence, was relevant to the issue of whether there existed a continuing need for dependency court jurisdiction. Had she done so, the court could have considered her claim, and, if it found her argument meritorious, permitted her to cross-examine the social workers and present any other evidence relevant to the question of a continuing need for supervision. “A party may not assert theories on appeal which were not raised in the trial court.” (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 222.)

## II. Case No. B283031: Visitation Order

Section 362.4 vests the juvenile court with broad discretionary authority to make custody and visitation orders when it terminates dependency court jurisdiction. (*In re Chantal S.* (1996) 13 Cal.4th 196, 203-204; *In re Cole Y.* (2015) 233 Cal.App.4th 1444, 1455-1456.) Such an order commonly is referred to as an “exit order” and remains in effect until modified or terminated by the family court. (*In re Cole Y.*, at p. 1455.) The exit order here required Mother’s visitation to be monitored by a mutually agreed upon professional monitor. Mother seeks reversal of this requirement on the ground that it impermissibly delegates the court’s authority to decide visitation to Father, “because if he does not agree to a monitor, he effectively can block visitation entirely . . . .”

Mother relies on *In re T.H.* (2010) 190 Cal.App.4th 1119, at page 1123, in which the court held that a “visitation order may delegate to a third party the responsibility for managing the details of visits, including their time, place and manner,” as long as the order does not go so far as to delegate the discretion to determine whether visitation will occur at all. Here, the visitation order does not confer on any third party the discretion to determine whether visitation will occur. To the contrary, the order specifies that Mother shall have visitation with Kassidy three times per week, for two hours each visit. Father is involved in only one aspect of the manner of the visit—the identity of the professional monitor—and the order does not give him the power to preclude visitation. Mother has not established any error.

### III. Case No. B283031: Protective Orders

Section 213.5, subdivision (a), permits a juvenile court to issue an order “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, any parent, or the child’s current or former social worker. Section 213.5 has been analogized to Family Code section 6340, which governs restraining orders under the Domestic Violence Prevention Act (DVPA). (*In re B.S.* (2009) 172 Cal.App.4th 183, 194.) That statute “permits the issuance of a protective order under the [DVPA] in the first instance, if ‘failure to make [the order] may jeopardize the safety of the petitioner. . . .’ [Citations.]” (*Ibid.*) In determining whether to issue a restraining order under section 213.5, the court may review and consider the contents of the DCFS file, including the caseworker’s written reports. (Cal. Rules of Court, rule 5.630(d)(1).) “Issuance of a restraining order under section 213.5 does not require ‘evidence that the restrained person has previously molested, attacked, struck, sexually assaulted, stalked, or battered the child.’ [Citation.] Nor does it require evidence of a reasonable apprehension of future abuse.” (*In re C.Q.* (2013) 219 Cal.App.4th 355, 363.)

Section 340.5 provides that when a social worker is assigned to provide child welfare services, family reunification services, or other services to a dependent child, the juvenile court may issue an order restraining the child’s parents from threatening the social worker, or any member of the social worker’s family, with physical harm. (§ 340.5, subd. (a).)



Code of Civil Procedure section 527.8 authorizes an employer “whose employee has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, [to] seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.”

We apply the substantial evidence standard of review to the court’s factual findings in support of a restraining order (*Sabbah v. Sabbah* (2007) 151 Cal.App.4th 818, 822) and an abuse of discretion standard to review the grant of the order. (*In re Brittany K.* (2005) 127 Cal.App.4th 1497, 1512; but see *San Jose v. Garbett* (2010) 190 Cal.App.4th 526, 538 [injunction under Code Civ. Proc. § 527.8 reviewed for substantial evidence].) The trial court abuses its discretion when its ruling exceeds the bounds of reason. (*Shamblin v. Brattain* (1988) 44 Cal.3d 474, 478.) “When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court.” (*Id.* at pp. 478-479.)

Mother appeals three of the protective orders issued by the juvenile court: one protecting Father, Cassidy, and Cassidy’s paternal grandmother; one protecting DCFS Assistant Regional Administrator Rene Sandoval; and one protecting DCFS social workers Elise Matz and Kassandra Love, Assistant Regional

Administrator Edward Bielecki, Regional Administrator Sonia Contreras, and Human Resources Manager Lynne Condon.<sup>4</sup>

A. Kassidy

The juvenile court did not abuse its discretion by including Kassidy as a protected person on the restraining order. The court could reasonably conclude on the evidence before it that Kassidy would be in jeopardy in the absence of a protective order and that it was necessary to protect her after the termination of dependency jurisdiction. The record is replete with evidence that Mother, who previously had been convicted of stalking, endangered Kassidy when she harassed her father and grandmother. In a December 2015 incident, Mother double parked her car in the street, leaving the door open, and assaulted Father. Mother left the infant Kassidy unattended in the car, which was blocking traffic, during the attack.

On one occasion, while Kassidy was in her father's car, Mother swerved her car in front of Father, forcing him to swerve to avoid her. In a different incident, Mother crossed multiple traffic lanes and blocked traffic to wait for Father, who again had Kassidy in his car, to reach an intersection. When Father approached, Mother veered in front of him; he had to swerve to escape a collision. On another occasion, Mother kept changing lanes on the freeway so that she was in front of Father no matter which lane he used. When Father moved to exit the freeway, Mother nearly collided with another car as she changed lanes in pursuit. Mother also followed the paternal grandmother and

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<sup>4</sup> Mother does not challenge portions of the restraining orders that pertain to Father, the paternal grandmother, and Matz.

swerved toward her car as the grandmother drove Kassidy home after a visit.

Mother contends that the restraining order was improperly granted. She first asserts that because Kassidy was not covered by the earlier restraining order Father obtained, Father was required to show that Mother had harassed Kassidy after the date of that prior order. Mother offers no citation to authority to support this purported limit on the evidence the court may consider, nor are we aware of any. To the contrary, to evaluate a request for a protective order the court must be able to consider the information newly presented to the court within the context of prior events.

Mother next argues that because “there was no substantial evidence of harassing or threatening behavior directed toward the minor,” the restraining order protecting Kassidy cannot stand. The fact that Mother was targeting not Kassidy but Father and the paternal grandmother when she engaged in the dangerous and threatening behavior is not relevant. Viewed in the light most favorable to the respondent, and indulging all legitimate and reasonable inferences to uphold the juvenile court’s order, as we must, the evidence permitted the court to reasonably find that failure to issue a protective order might jeopardize Kassidy’s safety. (*In re B.S.*, *supra*, 172 Cal.App.4th at p. 194.) The court did not abuse its discretion.

Mother also argues that although the protective order expires in in three years it must be modified to state that expiration date “for clarity and to prevent possible future controversy.” As section 213.5, subdivision (d)(1) limits restraining orders to three years unless extended by consent or court order, no modification is required.

## B. DCFS Employees

The record reflects a steady stream of express and implied threats by Mother against DCFS staff. On May 10, 2016, Mother sent an email to the social worker then assigned to the case, Shawna Baszille, intimating that she knew where Baszille lived. She sent an email to Baszille, Bielecki, Love, Contreras, and others in which she complained about Baszille contacting Mother's other child. The email concluded, "It would be a mistake for CSW Shawna Baszil[l]e to make direct or indirect contact [with] my children in the future." Baszille understood this as a threat. Mother disclosed Baszille's home address to a number of third parties. Mother spoke multiple times about wishing death on Father and on another DCFS employee Nicolle Winbush. Baszille obtained a permanent restraining order against Mother. The court found that in the context of Mother's direct threats against other DCFS employees, Mother's repeated reminders that she knew where Baszille lived and her distribution of Baszille's home address were a threat; and that a reasonable person would be in fear as a result of Mother's actions. This restraining order is not a subject of this appeal.

Mother appeared at the DCFS office daily to demand visits with Kassidy even when no visit was scheduled. On June 14, 2016, Mother became upset that Kassidy was not made available to her. Bielecki tried to speak with Mother and defuse the situation; he ended up escorting her to the exit. As Mother left the office she told two monitors, "I'll be here every day until I kill someone."

On June 24, 2016, Mother told a DCFS social worker not involved in the case to tell Winbush that she planned to "fuck her and her husband up over my baby." In July 2016 Mother

disseminated the home addresses of Bielecki, Love, and other DCFS employees to dozens of email addressees.

In early October 2016 Children's Social Worker Matz was assigned to the case. On October 31, 2016, Matz monitored one of Mother's visits at a police station. Mother refused to leave at the end of the visit. The watch commander instructed Mother to leave; she stopped immediately outside the station and attempted to talk through the doors. The watch commander took Matz and Kassidy to the rear of the building, where Mother approached them again. Mother returned to the front of the station only when threatened with arrest. When Matz later left the station parking lot, a vehicle that looked like Mother's car drove up behind her and blew its horn repeatedly while passing her. Matz believed Mother was the driver and feared for her safety.

On December 16, 2016, Mother sent an email to Matz, Love, Bielecki, Contreras, and Condon, among others, that referred to their "hopefully soon to end miserable lives" and concluded, "I am not threatening you with retaliation, I am guaranteeing it!" Three days later, Mother sent an email to Love, Bielecki, Contreras, and other recipients that included the phrase, "I can't wait til vengeance is visited upon each of you personally."

In January 2017, Mother emailed Love, Matz, Bielecki, Contreras, among others, stating that "Every minute of your miserable ass lives you use to hurt my baby will backfire on you. I promise." She sent a message to Bielecki, Contreras, Matz, Condon, Love, and others advising that "[b]efore you bitches burn in hell" they should obey court orders and warning, "I wouldn't place my life in [the judicial officer's] hands if I were you." On January 31, 2017, Mother emailed a group that included Bielecki,

Contreras, and Love, “It’s my mission to personally Fuck You all back.” The message ended with “#RevengeIsReal.”

On a social media application Mother posted a drawing of the Statue of Liberty holding a gun and the caption, “The most dangerous place in the world is between a mother and her children.” She posted photographs of Matz, Bielecki, Contreras, the juvenile court referee, and the referee’s family.

On February 19, 2017, Mother sent an email to Bielecki, Contreras, Matz, Sandoval, Condon, and Love, among others, that said, “I am done playing nice with you Mothafuckas while you fuck over and continually to viciously assault my child both emotionally and physically. [¶] There will be NO more Warnings!”

On February 23, 2017, Matz, Love, Bielecki, Contreras, and Condon applied for a restraining order against Mother. The restraining order was granted in March 2017. The court did not identify a statutory basis for the order.

On April 3, 2017, Mother approached Sandoval in a grocery store near his home. He did not recognize her immediately because she wore sunglasses, but Mother identified herself by name as she shook his hand. She told Sandoval it was a “small world,” said she was winning her case, and then, as she walked away, called him a profane name. Mother walked to a car and then appeared to take photographs of Sandoval. Shortly afterwards Mother sent an email to Sandoval and others in which she told him that she found his conversation with the cashier at the market “quite enlightening.” She wrote, “I remember it as if it were recorded right in the store.” She concluded, “p.s. it would be great to have a photo to memorialize such a fantastic event,

wouldn't you agree?" Sandoval feared for his safety and went to the police.

On April 11, 2017, Mother sent an email to members of the public containing a photograph of Sandoval in the grocery store parking lot and Sandoval's name, title, and DCFS office, as well as the city in which the store was located.

On April 14, 2017, Sandoval requested a restraining order against Mother. The restraining order was granted on April 25, 2017. The court did not identify the statute under which it issued the order.

1. Order Protecting Matz, Bielecki, Love, Contreras, and Condon

Mother argues that because emailing is not specifically mentioned in section 213.5, subdivision (a), "blanket emailing is not conduct either justifying a restraining order or conduct subject to being enjoined." Mother consistently minimizes her conduct as an emailing campaign, ignoring the threatening content of her emails and the threats she leveled in other contexts. Although Mother emphasizes that email messages can be deleted without reading them, this fact does not nullify threats contained in emails.

Next, Mother argues that a restraining order was "especially inappropriate" because she had not been violent toward a social worker and "most of the emails were complaints the workers were not doing their jobs and the threats generally were that they would face retribution, not from her, personally, but from God, the FBI, or a jury in a lawsuit." She admits that "some emails threatened some kind of retribution" but notes that many others were not threatening or even accusatory, merely

making requests of the social workers. “It is the [juvenile] court’s role to assess the credibility of the various witnesses, to weigh the evidence[,] to resolve the conflicts in the evidence. We have no power to judge the effect or value of the evidence, to weigh the evidence, to consider the credibility of witnesses or to resolve conflicts in the evidence or the reasonable inferences which may be drawn from that evidence. [Citation.] Under the substantial evidence rule, we must accept the evidence most favorable to the order as true and discard the unfavorable evidence as not having sufficient verity to be accepted by the trier of fact. [Citation.]” (*In re Casey D.* (1999) 70 Cal.App.4th 38, 52-53.) We decline Mother’s invitation to reweigh the evidence and substitute our judgment for that of the juvenile court.

Mother also argues that the court abused its discretion when it granted the restraining order because DCFS did not establish a reasonable probability that her conduct would continue after the case was closed. Mother acknowledges that in *In re B.S.*, *supra*, 172 Cal.App.4th 183, at pages 193 and 194, the Court of Appeal rejected the argument that the issuance of a restraining order requires evidence of a reasonable apprehension of future abuse and ruled that the juvenile court needed only to find that the failure to issue a protective order might jeopardize the protected person’s safety. She attempts to distinguish that decision on the ground that the person protected by the order was the dependent child, without establishing any reason that the identity of the protected person would result in a different test for the order’s issuance. This argument does not demonstrate any error in issuing the restraining order.

Mother finally challenges the restraining order as “overbroad because it included ‘protected persons’ who had no



actual connection with this case,” specifically, Bielecki, Love, Contreras, and Condon. Section 340.5 authorizes the juvenile court to issue an order restraining a dependent child’s parent from threatening the social worker, or any member of the social worker’s family, with physical harm. (§ 340.5, subd. (a).) The statute does not require that the social worker be presently providing services to the child, only that the social worker has done so; a restraining order pursuant to this section may be issued after the social worker has been taken off the case. (*In re Matthew F.* (2005) 132 Cal.App.4th 883, 887.) The statute also is not restricted to the social worker who is assigned to the case. “[T]o be entitled to a restraining order, the department or social worker must show a threat arising from the social worker’s performance of his or her assigned duties in providing services to a dependent child of the juvenile court. . . . [T]his would include supervisory personnel, including the department’s head, who provide assigned services indirectly to the dependent child. Thus, the head of the department could seek a restraining order against a parent who threatened him or her. Other social workers, such as a social worker who supervises a parent’s visitation with the juvenile in the department’s offices, would also be able to seek a restraining order in an appropriate case. In other words . . . the statute [is] applicable to persons other than the single social worker assigned to a case. It applies to all social workers who provide services to dependent wards of the court.” (*Id.* at p. 888.)

a. Bielecki and Love

Mother asserts that the restraining order was overbroad with respect to Bielecki and Love but does not discuss the

evidence relating to these employees. She merely points out that Bielecki's and Love's declarations were among three identical declarations submitted in support of the restraining order and concludes broadly that the employees "do not fall within the statute and . . . were not individually threatened by" Mother, so the restraining order could not properly include them as protected persons. "This is no legal analysis at all. It is simply a conclusion, unsupported by any explanation" of why the restraining order was not properly granted as to Bielecki and Love. (*In re S.C.* (2006) 138 Cal.App.4th 396, 409-410.) Mother has forfeited her claim of error. (See *id.* at p. 410.)

The record, moreover, shows that both Bielecki and Love were meaningfully connected to the dependency matter, had direct contact with Mother, and received threats from her. Bielecki had been involved with the case since at least June 2016. He had attempted to defuse the situation at the DCFS office when Mother was extremely upset because she was not receiving an unscheduled visit. Bielecki escorted Mother out of the office; as she left, she said she would return to the office every day until she killed someone. The following month Mother disseminated Bielecki's home address. He received Mother's email guaranteeing retaliation. Bielecki received Mother's message describing her "mission to personally Fuck You all back," and stating "#RevengeIsReal." His photograph was posted on the social media account that also depicted a gun-wielding Statue of Liberty and warned of the danger to those standing between a mother and her children. Mother also sent Bielecki the email stating that she was done playing nice and that there would be no more warnings. The evidence was sufficient to support the issuance of a restraining order protecting him.

The record also demonstrated that Love provided social work services to Cassidy's family. She made visitation arrangements, communicated with Mother about visitation, and served as Mother's contact if she was unable to attend a scheduled visit. As the supervising social worker, Love signed reports for the court and the request for modification of the visitation order. Mother disclosed Love's home address, sent her the email guaranteeing retribution, and included her on the emails describing her mission as revenge and pledging no further warnings. Mother has not demonstrated any error in including Love as a protected person in the restraining order.

b. Contreras

Mother argues that although she occasionally mentioned Regional Administrator Contreras in her correspondence with DCFS, those messages were "an invocation of legal process rather than a criminal threat." Mother did speak of legal action against Contreras and DCFS, but she also sent threatening messages to Contreras and the employees she supervised. Mother clearly held Contreras responsible for harm to Cassidy, as she referred to the "DAMAGE IMPOSED UPON HER BY SONIA CONTRERAS AND WATERIDGE DCFS." Contreras was a recipient of the email in which Mother described their "hopefully soon to end miserable lives" and guaranteed retaliation. Mother sent Contreras the "mission" revenge email and posted her photograph on the social media site. Finally, Mother sent the "no more warnings" email to Contreras.

Mother asserts that Contreras declared that Mother "appeare[d] to be referencing me in her emails," but her citation to the record to support that statement refers the court to the

declaration of another person, not Contreras. Contreras actually stated in her declaration that she had received Mother's emails with threatening language, specifically the "no more warnings" email, and that "[h]aving received . . . numerous threatening and harassing e-mails, I believe that she poses a threat to me."

Mother states that Contreras "did not know why she was 'on the list,' having no contact with appellant." Mother offered no citation to the record to support this assertion. (*Metzenbaum v. Metzenbaum* (1950) 96 Cal.App.2d 197, 199 ["an appellate court cannot be expected to search through a voluminous record to discover evidence on a point raised by [an] appellant" whose brief does not identify where in the record the evidence can be found].)

Section 340.5, subdivision (a) protects "supervisory personnel, including the department's head, who provide assigned services indirectly to the dependent child. Thus, the head of the department could seek a restraining order against a parent who threatened him or her." (*In re Matthew F.*, *supra*, 132 Cal.App.4th at p. 887.) Mother has not established any error.

### c. Condon

Because Condon, who worked in human resources, had no contact with Mother beyond receiving threatening emails, Mother argues that a restraining order could not be issued protecting Condon under section 213.5. Assuming, without deciding, that the restraining order was not authorized under sections 213.5 or 340.5, it was authorized by Code of Civil Procedure section 527.8, which allows an employer to obtain a restraining order protecting employees subjected to unlawful violence or a credible threat of violence that reasonably could be construed to be carried out in the workplace. (Code Civ. Proc., § 527.8, subd. (a).) This statute

applies in dependency cases (*In re M.B.* (2011) 201 Cal.App.4th 1057, 1063), and was cited by DCFS in its request for the restraining order. Mother neither acknowledges this statute nor identifies any error in issuing a restraining order pursuant to it. The juvenile court's judgment is presumed to be correct, and it is appellant's burden to affirmatively show error. (*In re S.C.*, *supra*, 138 Cal.App.4th at p. 408.) Mother has not met her burden on appeal.

d. Sandoval

Mother contends that Sandoval was not personally involved in her case, but the record shows his involvement in the case from the beginning. He was the assistant regional administrator who signed the report supporting Kassidy's detention, and Mother claimed he directed social workers to kidnap Kassidy. Sandoval met with Mother in March 2016 during a visit with Kassidy, spoke with her privately and in the visitation room, and declined to seek removal of Kassidy from Father's custody based on Mother's allegations. Mother's behavior toward Sandoval on this occasion prompted the first security incident report within DCFS.

Mother asserts that Sandoval based his request for a restraining order "in part, on the mere fact he was aware of the emails" but that he "did not allege any particular threat was made to him personally, or that any particular email caused him to reasonably fear for his safety." The evidence showed that Sandoval was threatened by Mother and afraid for his safety. Mother sent Sandoval the email in which she warned DCFS employees against putting their lives in the judicial officer's hands, and the email in which she said that there would be no future warnings. In April 2017 Mother tracked Sandoval down

outside of work and approached him at his local grocery store; she then emailed him with taunts about photographs and a possible recording of his conversations at the store. This incident “brought it all together” for Sandoval. He had been receiving Mother’s emails for some time, and seeing her at his grocery store “triggered the fear.” After the encounter with Mother at the grocery store Sandoval “felt an overwhelming sense of anxiety and stress and certainly fear to the extent that I didn’t feel safe going home.” Learning that Mother subsequently sent an email to members of the public in which she posted a photograph of Sandoval in the grocery store parking lot along with his name, title, DCFS office, and the general location of the grocery store exacerbated Sandoval’s fear. The restraining order was supported by substantial evidence.

Mother argues that the incident at the grocery store did not satisfy the legal definition of stalking, but that is irrelevant to the question of whether it supports the issuance of a restraining order. While she asserts that “any claimed fear was not reasonable because mother had no history of being violent against social workers,” the evidence of Mother’s behavior, her threats against other DCFS employees and Sandoval, and her escalating confrontational behavior with him were sufficient to support the restraining order. (See *In re Casey D.*, *supra*, 70 Cal.App.4th at pp. 52-53.) Finally, she claims that the restraining order “should be limited to a prohibition of posting his likeness on the internet,” but she offers no explanation or argument to support this assertion, and we therefore need not consider it. (*In re S.C.*, *supra*, 138 Cal.App.4th at p. 408 [points asserted without argument and authority are without foundation and need not be discussed].)

#### **IV. Case No. B279803: Placement with Father at Disposition**

Our affirmance in Case No. B283031 of the award of legal and physical custody of Kassidy to Father and the termination of dependency court jurisdiction renders moot Mother's appeal from the placement of Kassidy with Father at disposition in Case No. B279803. (See *In re Pablo D.* (1998) 67 Cal.App.4th 759, 760-761 [appeal is moot when no effective remedy can be fashioned].) We therefore dismiss the appeal in Case No. B279803.

#### **DISPOSITION**

In Case No. B283031, the orders are affirmed. Case No. B279803 is dismissed as moot.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.