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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION EIGHT

In re S.T., a Person Coming  
Under the Juvenile Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

VERONICA P.,

Defendant and Appellant.

B284958

(Los Angeles County  
Super. Ct. No. CK94126)

APPEAL from an order of the Superior Court of Los Angeles County, Robert S. Wada, Juvenile Court Referee.  
Affirmed.

Daniel G. Rooney, under appointment by the Court of Appeal, for Defendant and Appellant.

Amir Pichvai for Plaintiff and Respondent.

\* \* \* \* \*

Mother, Veronica P., appeals from the grant of a three-year restraining order entered April 19, 2017, protecting father Jorge T. and S.T., one of her three children, from her. She argues there was no substantial evidence she was a threat to father or S.T. We disagree and affirm.

### **BACKGROUND**

S.T. was seven years old when she was detained for the second time from mother. S.T. had previously been declared a dependent child from June 2012 to February 2014 due to mother's domestic violence with maternal grandmother. The court terminated dependency jurisdiction over S.T. in early 2014 with a family law order granting joint legal and physical custody to mother and father, the primary residence to be with father.

This second time, S.T. was detained due to mother's domestic violence with her male companion Jonathan A., the father of a younger half sibling. Mother pled no contest to an amended petition that alleged mother had pulled S.T.'s hair and struck her arms, shoulders and back with her hands, which conduct placed S.T. at risk of serious physical harm. The court also sustained the amended petition allegations that mother and Jonathan A., have a history of engaging in altercations, including an incident on September 2, 2016, when Jonathan A. grabbed mother's shirt, pushed her, and threatened to kill her, in the presence of S.T.'s younger half sibling. The court also sustained allegations that S.T. was a prior dependent of the court due to mother engaging in altercations, which conduct placed the children at risk of serious physical harm. S.T. was detained from mother and placed with her father, Jorge T. Jorge T. is a nonoffending parent with no history of domestic violence, except the violence he suffered at the hands of mother.

The following pertinent facts are in the jurisdiction and disposition report. S.T. told father she witnessed a fight between

her mother and Jonathan A., who got on top of mother and “started pounding her.” Mother hit him back, then maternal grandmother hit Jonathan A. with a car battery. In addition to fights within the home, S.T. told her father she saw mother get into conflicts with “random people on the street,” during which mother would say things like “what are you looking at b---- I’ll f you up.” Father told the social worker that S.T. “cries and screams that she does not want to go with her mother because of the things that happen in her home. If she does not obey her [mother] will basically hit her.” He said, “I confronted [mother] about these issues and she did not deny it. She said that is the way she disciplines her.”

Father reported further that S.T. told him mother locked her in the room with no lights on, knowing S.T. is afraid of the dark. S.T. told father that mother curses at her and is very aggressive toward her. S.T. said her mother sometimes grabs her by the arm and pulls her ear. When father asked mother about that, she responded “[S.T.] does not listen and what am I supposed to do.”

Father also reported his own experiences and observations of mother’s violent and erratic behavior. He described an incident in 2010 when he returned home late from work one night, and mother accused him of cheating on her. She hit him, and when he tried to leave the room, mother put him in a choke hold and told him he was not going anywhere.

Once when father and his mother were at a Ross store with mother, mother pushed an employee to the ground and started hitting her because mother did not like the way the employee was looking at her. Another time, mother attacked father’s coworker at Whole Foods. Mother showed up because she wanted money. When father walked away from mother, his coworker asked mother if she needed help, whereupon mother assaulted the

coworker, pounding her face until she bled. Father was fired because of this incident.

S.T. told the social worker, “I want to live with my dad because when I visit my mom sometimes she would hit me and I wouldn’t even be bad. I don’t want to live with her because I don’t want her to spank me.”

The following pertinent facts are in the February 9, 2017 status review report. The principal of S.T.’s school reported to the social worker that mother was walking the school grounds where S.T. attended second grade, looking for S.T.’s previous teachers. Mother approached S.T.’s first grade teacher to ask her to write a letter. When the principal spoke with mother, mother asked for a letter from another teacher. S.T. did not encounter mother that day. However, S.T. heard that “a woman with colored hair was wandering around her school,” and her teachers confirmed it was her mother. S.T. said she was scared, she did not want to see her mother that day at school, and she is not comfortable being around her mother without a monitor. “Mother wandering around the school had an emotional impact on the child. The child’s therapist . . . stated [S.T.] currently suffers from extreme fear of her mother.”

The status review report included as an attachment a letter from S.T.’s therapist. The letter in part states: “[S.T.] currently suffers from extreme fear of her mother and mother’s boyfriend as well as anxiety surrounding the domestic violence and physical abuse she experienced and witnessed. One of [S.T.]’s treatment goals . . . is to decrease her symptoms of Post-Traumatic Stress including her fear that something bad might happen to her again, reoccurring memories of the abuse and domestic violence and fear of being alone. Another goal is for [S.T.] to process her feelings about her mother and increase her coping skills for when she is required to visit her mother. [S.T.]

has expressed feeling upset, fearful and anxious when she has visitations. It is strongly recommended that [S.T.] continue with therapy . . . and for her health and well-being for the foreseeable future, that she not be left alone with her mother.”

On February 9, 2017, father filed a request for a restraining order to protect himself and S.T. from mother. The request described the conduct warranting issuance of a restraining order as follows: “The mother has previously struck the father in the face in the presence of the child. Further, recently, the mother has been coming to the child’s school during the school day distracting the child and causing the child’s principal great concern for the safety of [S.T.]” The child also reported that the mother makes her feel uncomfortable and that “she just wants her to stop bothering her.”

The court issued the three-year restraining order on April 19, 2017, restraining mother from molesting, attacking, striking, stalking, threatening, battering, harassing, destroying the personal property or disturbing the peace of father and S.T., and restraining mother from contacting father and S.T., except for supervised visitation with S.T.

### **DISCUSSION**

Mother contends there was no substantial evidence she was a threat to the children or father that warranted issuance of the restraining order. We disagree.

Welfare and Institutions Code section 213.5, subdivision (a) provides that, once a juvenile dependency petition has been filed, the juvenile court may issue a temporary restraining order protecting the dependent child from any caregivers of the child.<sup>1</sup> (*In re Cassandra B.* (2004) 125 Cal.App.4th 199, 211 (*Cassandra*

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<sup>1</sup> Undesignated statutory references are to the Welfare and Institutions Code.

B.).) The statute provides for two types of restraining orders: “(1) temporary orders that may be issued without notice and a hearing, and which may remain in effect for a maximum of 25 days [citation]; and (2) restraining orders that may be issued after notice and a hearing and which can remain in effect for a period of up to three years [citation].” (*In re Jonathan V.* (2018) 19 Cal.App.5th 236, 241.)

Under section 213.5, the court may issue an order “enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace” of any child or parent. (§ 213.5, subd. (a).)

We review the court’s issuance of a restraining order for substantial evidence. (*Cassandra B., supra*, 125 Cal.App.4th at pp. 210-211.) “[W]e view the evidence in a light most favorable to the respondent, and indulge all legitimate and reasonable inferences to uphold the juvenile court’s determination.” (*Id.* at p. 210.)

Section 213.5 does not require the trial court to find evidence of any particular kind of behavior before issuing a restraining order. While evidence that the restrained person has engaged in the conduct the restraining order targets is sufficient to support the issuance of the order, such evidence is not necessary. (*In re B.S.* (2009) 172 Cal.App.4th 183, 193.)

The facts summarized above are substantial evidence that mother needed to be restrained from molesting, attacking, striking, battering and harassing both father and S.T. Given mother’s history of physically assaulting father and S.T., as well

as others, and S.T.'s severe fear of her mother, the court acted well within its discretion in finding that father and S.T.'s safety was in jeopardy without the protection of a restraining order.

**DISPOSITION**

We affirm the order issuing a restraining order.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

RUBIN, J.