

Filed 11/30/17 In re M.N. CA2/1

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re M.N., a Person Coming
Under the Juvenile Court Law.

B268756
(Los Angeles County
Super. Ct. No. DK12287)

LOS ANGELES COUNTY
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES,

Plaintiff and Respondent,

v.

PAMELA E.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles
County. Teresa T. Sullivan, Judge. Affirmed.

Pamela E., in pro. per.; and Terence M. Chucas, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Tracey F. Dodds, Principal Deputy County Counsel, for Plaintiff and Respondent.

Defendant and appellant Pamela E. (Mother) filed this appeal on October 7, 2015 (first appeal). Mother challenges the juvenile court's September 30, 2015 jurisdictional findings and dispositional orders, which adjudged Mother's daughter (Daughter) a dependent of the court, removed Daughter from Mother's care, and placed Daughter with her father (Father).

While Mother's first appeal was pending, the dependency case continued below. Mother made requests to substitute or remove her attorney, unsuccessful requests to transfer the case to a department that handles cases involving Indian children, and unsuccessful peremptory challenges and/or requests to "recuse" the juvenile court. Although Mother attended therapy sessions and visited with Daughter, it was reported she was not compliant with the court-ordered case plan, acted inappropriately with the case social worker, and exhibited some inappropriate behavior during visits with Daughter. Eventually, in May 2016, the juvenile court terminated jurisdiction and awarded sole physical custody to Father. On May 23, 2016, Mother filed four notices of appeal, which became appeal number B276567 (second appeal). This court dismissed the second appeal for lack of any arguable issues. (*In re Phoenix H.* (2009) 47 Cal.4th 835; *In re Sade C.*

(1996) 13 Cal.4th 952, 994.) Remittitur issued in the second appeal on March 13, 2017.

Thus, we now have before us Mother's first appeal, which, despite termination of the underlying case and dismissal of the second appeal, is not moot. Because the juvenile court's jurisdictional findings and dispositional orders form the basis for its final orders, we address the issues raised in the first appeal. "The fact that the dependency action has been dismissed should not preclude review of a significant basis for the assertion of jurisdiction where exercise of that jurisdiction has resulted in orders which continue to adversely affect appellant. If the jurisdictional basis for orders restricting appellant's visitation with, and custody of, [appellant's child] is found by direct appeal to be faulty, the orders would be invalid." (*In re Joshua C.* (1994) 24 Cal.App.4th 1544, 1548.)

Turning now to the merits of the first appeal, and as explained below, we affirm the juvenile court's jurisdictional findings and dispositional orders.¹

¹ Also while this appeal was pending, and after appointed counsel filed an opening brief, Mother requested on two separate occasions to replace her appointed counsel and to proceed in propria persona. We denied her first request, but granted her second request. We also granted Mother's request to file a supplemental opening brief.

Mother also requested and received multiple continuances for oral argument. Originally, this case was scheduled to be heard on our August 2017 calendar. At Mother's request, we continued argument for two months, setting the case on our October 2017 calendar. Although Mother appeared late in our courtroom on the rescheduled argument date, she orally requested another continuance, which we granted. Ruling from the bench, we set the case for argument on our November 2017

BACKGROUND

At the time these proceedings began, Daughter was six years old. She was living with Mother and visited with Father. Mother worked in the real estate business managing various properties and tenants. Mother and Father were involved in a family court matter concerning the custody of Daughter. Father was a non-offending parent below and is not a party to this appeal. As a result of these proceedings, Father was awarded custody of Daughter.

1. Events Preceding Section 300 Petition

In June 2015, Mother went to the hospital because she thought she might have been sexually assaulted by an unknown person while she and Daughter were sleeping in the same bed. Mother brought Daughter with her to the hospital and, while Mother was being examined, Daughter stated Father had punched her in the stomach so hard she vomited. As a result of Daughter's statement, a mandated reporter at the hospital made a referral to the Los Angeles County Department of Children and Family Services (Department).

calendar. Although Mother appeared on the scheduled November date, she was approximately two hours late. Mother was given the opportunity to argue, however, approximately 10 minutes into her argument, she insisted on retrieving materials from bags our courtroom security had required her to leave outside the courtroom. We allowed her to leave the courtroom to retrieve what she needed. However, a few minutes later, a security officer indicated Mother refused to return to the courtroom because security would not allow her to bring her cell phones inside the courtroom. When we asked the officer to have Mother come back inside the courtroom, he indicated she had left the area. At that point, opposing counsel indicated she had nothing to add, and we submitted the case.

A Department social worker was assigned to investigate the referral. During her investigation, the social worker discovered Mother had made an earlier referral in 2014, alleging general neglect by Father. The Department had concluded the 2014 referral was unfounded.

Two days after the instant referral, a deputy sheriff contacted the Department social worker. The deputy told the social worker Daughter both retracted her statement about Father and said Mother had told Daughter to say Father hit her. The deputy told the social worker he was closing his investigation.

A few days later, the social worker interviewed Mother and Daughter at Mother's home. Mother was surprised and upset that the social worker was not a "therapist" who would talk with Daughter for an hour. Although the social worker explained she was not a therapist, Mother kept calling her a therapist. With respect to Daughter's statement about Father, Mother reported Daughter "just blurted it out" when they were at the hospital, but had since recanted it. Mother also stated she disciplines Daughter by talking to her or sometimes spanking her. Mother would not answer any other questions and told the social worker she should have alerted Mother before coming to her home as to what questions would be asked. Mother did not want the social worker to see Daughter's bedroom, would not sign the forms the social worker brought, and would not provide any collaterals.

The social worker interviewed Daughter separately. Daughter appeared healthy and well cared for. Daughter told the social worker Father did not hit her in the stomach. When asked if someone told her to say that, Daughter looked around the room before answering "no." Daughter told the social worker she was

not scared of Father and felt safe with him. Although she answered the same with respect to Mother, Daughter hesitated and looked around the room before answering the questions related to Mother.

Two weeks later, on June 25, 2015, Mother and Daughter came to a Department office for an interview. While Daughter played in another room, Mother spoke with the social worker and her supervisor. Mother explained previous “horrible” experiences she had with the Department and law enforcement. Mother restated she needed to know any questions in advance so she could be prepared. She also insisted the current allegation (that Father hit Daughter) was the same as the earlier 2014 allegation of general neglect against Father. The social worker and her supervisor told Mother they did not release questions in advance and that every allegation is different. Mother became increasingly agitated and refused to do anything without her lawyer present. Thus, the meeting was concluded and the social worker went to get Daughter. As Mother waited in the lobby, she began to yell, stating, “I am going to call congress and report you.” Then she yelled at the social worker in front of Daughter and said, “you are a liar how you gonna come to my house and lie on me?” Eventually, security had to ask Mother to leave, which she did, all the while yelling inappropriate things in front of Daughter. The Department receptionist said she saw Daughter run away from Mother when they were in the parking lot and Mother had to chase Daughter and put her in the car. Later that day, Mother texted the social worker, telling her she was going to file “a federal lawsuit.”

That same day, the social worker interviewed Father at his home. Father denied hitting or physically abusing Daughter and

believed Mother was making the allegations against him. Father expressed concern with Mother's mental health. He said on his days with Daughter Mother follows them and often calls the police to report it is not his day to be with Daughter. Father said Mother has filed many lawsuits against people and many lawsuits have been filed against her. He also stated Mother sells the new clothes and shoes he buys for Daughter. Father reported Daughter asks to stay with him every time she visits.

A few days later, an ex parte hearing was held in the parents' family law case, for which the social worker was subpoenaed. While waiting outside the courtroom, Mother questioned the social worker and again called her a liar. Mother believed the social worker never read the allegations in the report to Mother and asked the social worker to read the report to her. The social worker began to read the report, but Mother cut her off after the first sentence, saying, "that report is a lie, I never said that! I am going to report that therapist, this is false." Mother continued to call the social worker a liar and seemed to have forgotten their meeting at the Department offices a few days earlier.

The social worker also interviewed the paternal grandmother and Daughter's school principal. The paternal grandmother expressed concern with Mother's mental health. She believed Mother "is completely irrational and has no logic behind her thinking." Paternal grandmother reported Mother lies about and threatens Father, tells Daughter to lie, has thrown out new clothes Father bought for Daughter, does not brush or wash Daughter's hair, and on one occasion put an entire loaf of bread and package of bologna in Daughter's school backpack for her lunch. Similarly, based on Mother's behavior at Daughter's

school, the school principal expressed concern with Mother's mental health. The principal reported Mother most recently tried to pick up Daughter from school when it was Father's day to do so. When the school did not allow Mother to take Daughter, Mother called the police. The police spoke with Daughter, who told the police Mother had told her to say Father hit her. Daughter also told the school counselor the same thing. Because Daughter was not released to Mother that day, Mother threatened to call the school board and requested the officer's supervisor's information. The principal stated, "from the moment [Daughter] was enrolled, we can tell there was something just not right, it's just not positive."

Finally, another Department social worker familiar with the family reported she also had concerns about Mother's mental health, stating she believed Mother "appeared mentally incompetent."

On July 9, 2015, on the Department's application, the superior court issued a removal order, detaining Daughter from Mother.

2. Section 300 Petition

On July 17, 2015, the Department filed a one-count petition under Welfare and Institutions Code section 300, subdivision (b)² on behalf of Daughter. The petition alleged Mother had "unresolved mental and emotional problems, including disorganized and delusional thoughts," which rendered Mother unable to care for and supervise Daughter. The petition also stated Mother had not sought mental health treatment and had coached Daughter to make false accusations against Father.

² Subsequent undesignated statutory references are to the Welfare and Institutions Code.

At the detention hearing held the same day, Mother denied the allegations of the petition. The court continued the hearing for a few days because Mother was not satisfied with her appointed counsel and wanted to hire her own attorney. Nonetheless, the juvenile court made emergency findings at the July 17 hearing and ordered Daughter detained from Mother and placed with Father. Mother was given monitored visits, but was otherwise ordered to stay away from Father, Daughter, and paternal grandmother. At the continued hearing held a few days later, Mother appeared with retained counsel. The juvenile court maintained its initial findings, including Daughter's detention from Mother and placement with Father. The court granted Mother's request for additional visitation time, but also ordered the stay-away order to remain in effect.

3. Adjudication

a. Documentary Evidence

Prior to the jurisdiction hearing, the Department filed multiple reports and documents with the juvenile court.

In its August 19, 2015 jurisdiction and disposition report, the Department summarized interviews conducted by a Department social worker. During her interview, Daughter stated she did not feel safe with Mother. When asked why, Daughter stated, "Because sometimes she leaves me in the car when she goes places like the bank." Daughter also said Mother "wants people to get in jail." Daughter reported she did not like her telephone calls with Mother because "She wants me to tell her where I am so she can take me away. Sometimes she does stuff that is wrong to other people." Daughter again explained Father did not hit her but Mother told her to say he did.

Daughter said she liked living with Father and wanted to stay with him.

Father was also interviewed and again denied hitting Daughter. With respect to Mother, Father told the social worker he noticed changes in her behavior, including “an increase in random behaviors,” approximately three years earlier. He stated he was concerned for Daughter’s safety when with Mother, explaining “she keeps people after her . . . she has had so many court cases for financial fraud, bank institution fraud, she had problems with her home owners association, she accuses people of things and she has said that she was raped in her sleep.” Father reported Mother had not yet visited with Daughter, but she had spoken with Daughter on the phone. Father stated that, during those phone calls, Mother told Daughter inappropriate things like “these people took her away from her” and sometimes Daughter ended the calls on her own.

During his interview, Father gave the social worker a copy of a three-page letter Mother had distributed in paternal grandmother’s neighborhood. The letter included both a picture of Daughter and her name. In the letter, Mother alleged a host of businesses, agencies, judicial officers, attorneys, and other individuals (some named, some unnamed) were harassing, discriminating against, or trying to harm Mother, her tenants and her friends. Midway through the letter, Mother details Father’s alleged efforts to take Daughter away from her and a superior court judge’s alleged misconduct in the family law case. The letter also claims paternal grandmother “possibl[y]” drugged Daughter and an unnamed doctor failed to investigate. The letter stated her mother, maternal grandmother, was sick and Mother believed “someone may have attempted to harm her

knowing I rely on her for physical support of my daughter.” Mother ended the letter by stating, “If anyone has any information that would be helpful to me and my daughter as I am not sure if I am actually a free citizen with rights living here in the Los Angeles area much less when I travel outside of Los Angeles.” She included her phone number and e-mail address and offered “a monetary reward of \$5000 to \$25,000 for anyone with information on any of the above information and the welfare of my daughter.” She asked if anyone was interested in “walking with me to protest the unlawful treatment of me and my daughter.”

Although the social worker made many attempts to interview Mother, she was unable to do so. At first, Mother was out of town on business. After she returned, however, Mother canceled three separate interviews that she and the social worker had scheduled.

Included with its jurisdiction and disposition report, the Department attached a printout of a series of text messages between Mother and a Department social worker. As described by the social worker, the text messages “document the mother’s random and erratic behaviors and thought process.” For example, at one point in her messaging, Mother expressed her belief the Department social worker “and others” would “use my daughter for retaliating against me by lawsuits I filed against people of power on earth. its against, sox, dcfs policy, welfare and institutions code, 14 amendment, false claims act, etc. minorities have allpwwd the system to imprison many people and children by continuing abusive practices through the positions afforded us via civil rights laws.” (*Sic.*) And, later, Mother texted: “[Daughter], a 6yr who has just realized how easy it is for women,

mothers of children like her, to participate in the unlawful slave and trade system of minority children. God is not mocked, judgement is near for he created the sun, moon, and earth, and all that are in it (I.e. [Daughter]) are his. for he gave his only begotten son Jesus Christ, crucified (like me) on the cross to save the world. he rose the third day for to carryout Gods plan. I and [Daughter] will be other kids rock for justice and servants as best we can due to our sacrafice.” (*Sic.*)

In an August 19, 2015 last minute report to the court, the Department summarized another social worker’s interviews with Daughter and Father. That social worker reported Daughter did not want to talk to Mother because she asked a lot of questions and Daughter said she was afraid Mother would try to take her away from Father. Daughter was happy with Father and wanted to stay with him. Father told the social worker Mother called Daughter four to six times a day.

The adjudication hearing was originally scheduled to begin August 19, 2015. On that date, however, the juvenile court found notice for the hearing was not proper and, therefore, continued adjudication to September 18, 2015. Nonetheless, at the August 19 hearing, the juvenile court granted Mother’s request to substitute her previously retained attorney for a new retained attorney. Her newly retained counsel filed an exhibit list, witness list, and a series of declarations on Mother’s behalf. Then, just a few days before the adjudication hearing was scheduled to begin, Mother again sought to represent herself. However, the juvenile court denied her request.

On September 18, 2015, the first day of the adjudication hearing, the Department filed a supplemental report informing the juvenile court of events in the month since the Department

filed its August 19 jurisdiction and disposition report. In that time, a Department social worker had interviewed Mother in the presence of both Mother's attorney as well as the Department's counsel. In the report, the social worker described Mother as "evasive" during the interview. And, at the time of the report, Mother had not yet consented to allow the Department to speak with her therapist or medical providers.

During her interview, Mother told the social worker she had participated in group counseling for work-related stress and sought counseling from her uncle on previous occasions. She also reported seeing a therapist weekly. Mother stated that in 2011 she was prescribed anti-anxiety medication and in 2012 or 2013 she was prescribed sleeping medication. But Mother said she did not like taking medication and took the anxiety and sleeping medications only a "couple of times." She said she was not currently taking prescribed medication. When asked how she manages her anxiety without medication, Mother explained weekly therapy, church, prayer, and talking to people all help her. The social worker also asked Mother if anyone had ever told her she was delusional or had mental health problems. Although Mother said she had no medical diagnosis for any mental health problem, she also stated "the Asian man said" she had mental health problems. Mother's attorney explained Mother was referring to an Asian man involved in the family law matter who claimed Mother was delusional and disorganized.

The social worker also asked Mother about her June 2015 hospital visit for a possible sexual assault while asleep. Mother stated a "rape kit" was not done because she believed people doubted her story and were not helpful. Mother said she decided to leave the hospital and come back the next day because it was

after 9:00 or 10:00 at night and “there was so much trauma going on with her and me and I was not in a good frame of mind to go to the emergency room.” Mother explained Daughter was with her in the same bed when the possible assault occurred. But Mother also explained the assault was not confirmed and that she was “asking for confirmation but don’t know when it occurred.” Mother said she did not know why Daughter said Father hit her.

Mother also discussed two instances when she had concerns about Father’s ability to care for Daughter. First, Mother described a time when, after a visit with Father, Daughter returned with a cut in her groin area. Father later explained to Mother the mark was caused by the life jacket Daughter had used. Second, Mother described another occasion when Father took Daughter to the hospital. It is unclear exactly what happened, but Mother stated Daughter’s eyebrows were partially shaved and she had a scratch above one eye. Mother also mentioned many medications had been prescribed for Daughter but Mother was not sure why.

Finally, the social worker asked Mother about sending an entire loaf of bread and package of bologna to school with Daughter. Mother denied doing that. She explained she was rushed that morning so she put some bread in the bag the loaf of bread comes in, but it was not the entire loaf, and only a couple slices of bologna. Mother also said she combed Daughter’s hair every day and Daughter took a bath every day.

The Department included with its September 18 report a declaration from Mother, three character declarations submitted on her behalf, a declaration from Daughter’s preschool teacher, and a declaration from Daughter’s kindergarten aide. The social worker attempted to speak with each of Mother’s character

references, but was able to speak with only one, Randy B., who reiterated the positive things he had to say about Mother in his declaration. He had known Mother for 20 years and had no concerns about her mental health or her ability to care for Daughter. However, Randy B. thought Father was a “strange guy.” Everyone reported Daughter was a friendly and happy child.

The Department social worker also spoke with a maternal aunt, who stated she had no concerns with either Mother’s ability to care for Daughter or Mother’s mental health. She had never seen Mother exhibit delusional or abnormal behaviors. The maternal aunt said she was a “federal employee” and took “issues surrounding seniors and children . . . seriously.”

b. Testimony

The adjudication hearing began September 18, 2015, continued on September 21, 2015, and concluded on September 30, 2015. Mother was represented by retained counsel throughout the hearings. Mother testified on the first and second day of the adjudication. She reiterated much of what she had already told the Department social workers during their investigation. She testified about her worker’s compensation claim, which resulted in her going to therapy and, for a certain amount of time, taking prescribed medication for anxiety, depression, and back pain. Mother explained she remained partially disabled as a result of “an issue” with her short-term memory and generally being “slower.” Mother also testified about her visit to the hospital when she thought she might have been sexually assaulted while sleeping. She was still unsure whether she had been assaulted. Mother explained she was surprised when, while at the hospital, Daughter simply “blurted

out” Father had hit her. Mother denied telling Daughter to say that. Mother also testified about her June 25 visit to the Department offices. She denied yelling at the social worker or that Daughter ran away from her in the parking lot. However, she conceded she called the social worker a liar out of frustration and, as they left, Daughter ran to play in a nearby fountain outside.

Daughter testified in chambers on the second day of the adjudication hearing. The juvenile court limited counsel’s questions to whether Mother told Daughter to say anything about Father and, for dispositional purposes only, where Daughter wanted to live and why. Daughter testified she did not remember telling anyone at the hospital that she had been hit and Mother did not tell her to say anything about being hit. She did remember, however, telling a police officer that Mother told her to say Father hit her. Daughter also testified she liked living with both Mother and Father and was happy to see both of them. But, although she felt safe at Father’s home, she said she did not feel safe at Mother’s home. When asked why she did not feel safe at Mother’s home, Daughter responded, “I don’t know.”

On September 30, 2015, the last day of the adjudication hearing, the Department social worker who prepared the detention report testified in the morning. She reiterated and elaborated on some of the events and interviews detailed in the detention report. The social worker testified that, when she interviewed Daughter, Daughter hesitated only when answering questions related to Mother. The social worker also explained her concerns with Mother’s mental health. The social worker observed Mother’s behavior firsthand, including her many text messages and her antagonistic visit to the Department offices in

June. According to the social worker, Mother talked “in circles” about unknown things not related to the investigation. Based on the social worker’s observations, the Department requested a professional mental health assessment for Mother.

Finally, the juvenile court denied Mother’s request to call Father to testify. Counsel for Mother stated Father would testify to both Mother’s mental health, as well as to events that happened in 2014. The juvenile court stated it was not considering Father’s observations to support the allegations of Mother’s mental health issues and that the other events were not relevant.

c. September 30 Report

At the start of the afternoon session of the final day of the adjudication hearing, counsel for Mother indicated she had just received a last minute report submitted by the Department (September 30 report). In its four-page September 30 report, the Department detailed two events that occurred after the second day of the adjudication hearing. First, the Department reported Mother had behaved inappropriately with another Department social worker and generally had become “increasingly aggressive” and called the social worker 10 to 20 or more times a day. In particular, Mother became confrontational and agitated while discussing her visitation schedule with a Department social worker. Mother was upset because Father’s work schedule did not permit her to visit Daughter on weekends. Mother raised her voice and called the social worker and the Department liars. Eventually, the social worker ended the meeting because of Mother’s increasingly combative behavior, and maternal grandmother (who was with Mother) told Mother, “I did not raise you to act like this now move forward we need to leave.” As they

were leaving, Mother continued to yell and maternal grandmother apologized for Mother's behavior.

Second, in its September 30 report, the Department reported Mother had acted inappropriately during a recent visit with Daughter, discussed the case with Daughter, and was considered a flight risk. About one week before the final day of the adjudication, Mother met Father and Daughter at a park for a visit. When Daughter arrived, Mother immediately put her in the car, locked the door, and drove off. Father was unable to stop her and did not see a booster seat for Daughter in Mother's car. Father reported Daughter was extremely upset and crying when she returned and did not want to visit with Mother again. Daughter said Mother was mad at her because Mother believed Daughter had lied to the judge. Mother told Daughter to say she wanted to live with Mother and not with Father. Daughter told the social worker there was no booster seat in Mother's car. Daughter also hugged the social worker and cried when explaining how Mother yelled at her for supposedly lying to the judge. The social worker also spoke with Mother about that visit. Mother became angry when the social worker asked if Mother had a car seat for Daughter. Mother stated, "Of course I did!" and "How dare you ask me if I have a car seat!" Mother eventually asked to speak with the social worker's supervisor and accused the social worker of "discriminating" against her because of her "disability."

Counsel for Father indicated he would move to admit the September 30 report into evidence for purposes of disposition only. The juvenile court stated it would not consider the September 30 report for purposes of its jurisdictional findings, but would consider it at disposition.

d. Juvenile Court Findings

The juvenile court sustained the petition, finding Daughter was a person described by section 300, subdivision (b). The court noted a parent's mental health issues alone do not support dependency jurisdiction. The court found, however, it had "before it many non-interested parties [the sheriff's deputy, school principal, and social workers] all who indicate that they are concerned about the mother's instability and behavior, specifically, as it relates to the safety of the child, in that the child was told to make a false report about the father." The juvenile court also found Daughter appeared fearful of Mother and Mother's "angry violent outbursts all affect the proceedings and continue despite jurisdiction while this [case] has been pending."

4. Disposition

After sustaining the petition, the juvenile court immediately turned to dispositional issues. Mother's counsel requested to cross-examine the social worker who prepared the September 30 report and to have either Mother, a maternal aunt, or maternal grandmother testify about the contents of the report. The social worker was not readily available and, at the court's prompting, counsel requested more time so the social worker could testify. The juvenile court refused to continue the disposition hearing and admitted the September 30 report for purposes of disposition only. However, the court permitted Mother's counsel to call either Mother or maternal grandmother to testify about the events described in the September 30 report. The court held it would be cumulative to allow both Mother and maternal grandmother to testify and, therefore, directed counsel to choose one or the other. It was decided Mother would testify.

Mother denied yelling or screaming at the social worker when they were discussing Mother's visitation schedule. Mother stated she was "a pretty calm person." She also denied maternal grandmother said, "I did not raise you to act like this," or urged Mother to leave the Department offices. Mother testified the social worker told her the juvenile court had already ruled against Mother. And Mother denied ever threatening Father or Daughter. With respect to her most recent visit with Daughter, Mother denied speeding off with Daughter in the car. Mother testified Father objected to maternal grandmother monitoring the visit. As a result, Mother called her sister and asked her to act as monitor. Mother testified the maternal aunt agreed and Daughter went with the maternal aunt in her car, while Mother followed in her car.

Mother's counsel argued Daughter should remain with Mother with Department oversight. Counsel conceded there were conflicting statements with respect to whether Daughter felt safe with Mother and whether she ran away from her at the end of a visit to Department offices.

The juvenile court ordered Daughter to remain removed from Mother and placed with Father, who was given family maintenance services. The court-ordered case plan for Mother included individual counseling and mental health evaluations and assessments.

5. Appeal

On October 7, 2015, Mother appealed the juvenile court's September 30, 2015 findings and orders.

DISCUSSION

We discuss the arguments raised both by Mother's appointed counsel and by Mother in propria persona. Mother's

appointed counsel argues Mother was denied both a fair jurisdiction trial and disposition trial because the juvenile court denied her request to call Father and maternal grandmother as witnesses, denied her request to cross-examine a social worker, and accepted a late last minute report but refused to continue the disposition hearing so that Mother could have a chance to refute the report. Mother claims these errors resulted in the removal of Daughter from her care and, therefore, were prejudicial. Acting in propria persona, Mother makes a number of arguments that are unsupported both factually and legally. As explained below, we affirm.

1. Standard of Review

We review questions of law de novo and the juvenile court's jurisdictional findings and dispositional orders for substantial evidence. "In reviewing the jurisdictional findings and the disposition, we look to see if substantial evidence, contradicted or uncontradicted, supports them. [Citation.] In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we note that issues of fact and credibility are the province of the trial court." (*In re Heather A.* (1996) 52 Cal.App.4th 183, 193, disapproved on other grounds in *In re R.T.* (2017) 3 Cal.5th 622, 628.) "We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court." (*In re Matthew S.* (1988) 201 Cal.App.3d 315, 321.) "All conflicts must be resolved in favor of the respondent and all legitimate inferences indulged in to uphold the verdict, if possible. Where there is more than one inference which can

reasonably be deduced from the facts, the appellate court is without power to substitute its deductions for those of the trier of fact.’ ” (*In re David H.* (2008) 165 Cal.App.4th 1626, 1633.)

In addition, trial court error does not require automatic reversal. We reverse only for prejudicial error. (Cal. Const., art. VI, § 13; *Nazari v. Ayrapetyan* (2009) 171 Cal.App.4th 690, 697 [“improperly admitted evidence only requires reversal or modification when it is reasonably probable a result more favorable to the complaining party would have been reached absent the error”].) In other words, “[w]e will not reverse for error unless it appears reasonably probable that, absent the error, the appellant would have obtained a more favorable result.” (*In re Jonathan B.* (1992) 5 Cal.App.4th 873, 876.) “Error in the process of a dependency proceeding is decided under a harmless error analysis.” (*R.H. v. Superior Court* (2012) 209 Cal.App.4th 364, 374 (*R.H.*).)

2. Issues Raised By Mother’s Appointed Counsel

The issues Mother’s appointed counsel raises on appeal are issues of law, which we review de novo. Mother claims her fundamental liberty interests and substantive due process rights were violated as a result of the juvenile court errors discussed below. In conclusory fashion, Mother states the alleged errors “were not harmless errors; these errors resulted in dispositional orders which removed [Daughter] from [Mother].”

a. Mother’s Request to Call Father as a Witness

Mother argues the juvenile court erred when it denied Mother’s request to call Father as a witness during the adjudication hearing. Mother’s counsel stated she would ask Father about statements Mother made concerning events in 2014 when Father took Daughter to the doctor and had medication

prescribed for her. Counsel also wanted to ask Father about his relationship with Mother as well as the Department's 2014 investigation, which was closed as unfounded. The juvenile court denied Mother's request, stating the proffered testimony was not relevant and the court would not consider Father's statements about Mother's mental health for purposes of adjudication.

Mother argues the juvenile court erred nonetheless because it considered Father's statements for purposes of disposition. In her opening brief on appeal, however, Mother cites no legal authority (other than her right to call relevant witnesses) for her position. Mother gives no indication how Father's testimony might have changed the juvenile court's dispositional orders. And we cannot think of a reason how the absence of Father's testimony might have prejudiced Mother. Thus, assuming the juvenile court erred in denying Mother's request to call Father as a witness, it was harmless error for which we will not reverse. (*R.H.*, *supra*, 209 Cal.App.4th at p. 374.)

b. Mother's Objection to the September 30 Report and Related Issues

Counsel's remaining claims on appeal are related to the September 30 report. As noted above, the Department provided the September 30 report on the last day of the adjudication hearing, which was also the day of the disposition hearing. The juvenile court admitted the report into evidence for dispositional purposes only. Mother argues it was error (i) to allow the report into evidence, (ii) to deny a continuance of the disposition hearing because of the late report, (iii) to deny cross-examination of the social worker who prepared the September 30 report, and (iv) to deny testimony from maternal grandmother with respect to

events described in the September 30 report. As explained below, we are not persuaded.

As with her argument concerning Father's testimony, Mother fails to explain how any of the alleged errors with respect to the September 30 report were prejudicial to her. In other words, there is no indication the juvenile court's dispositional orders would have been more favorable to Mother had the juvenile court either rejected the September 30 report altogether or allowed the testimony Mother requested. Even without the September 30 report, there is ample evidence in the record supporting the juvenile court's decision to remove Daughter from Mother's care. There were statements from the sheriff's deputy, school principal, and social worker stating Daughter had reported Mother told her to say Father hit her; Mother generally was not cooperative with the Department social workers, texted or called them excessively, at times became aggressive with them, and repeatedly threatened to "report" or sue the Department, school, police, or anyone who disagreed with her; Mother also publically distributed an alarming letter depicting daughter's photograph and name, as well as texted a social worker that she and Daughter would be "servants" and make "sacrafices [sic]"; Daughter said on more than one occasion she did not feel safe with Mother (who at times left Daughter unattended in the car) and feared Mother might "take [her] away"; and multiple people reported a concern with Mother's mental health. In addition, there is substantial evidence supporting the juvenile court's order restricting Mother's visits with Daughter. As already noted, Daughter stated she did not feel safe with Mother and feared Mother might take her away. Thus, even if we agreed with Mother that the juvenile court made a series of errors with

respect to the September 30 report, we conclude the claimed errors were harmless and, therefore, not grounds for reversal. (*R.H.*, *supra*, 209 Cal.App.4th at p. 374.)

3. Issues Raised By Mother In Propria Persona.

With our permission, Mother filed a supplemental opening brief and a reply brief in propria persona. She raises a host of arguments on appeal, most of which were not raised below, almost none of which is supported by citation to the record on appeal, and many of which we cannot decipher. To the extent we can decipher Mother's arguments, we address them below. Initially, however, we note Mother's briefs filed in propria persona violate multiple rules of appellate review, a result of which is many of her arguments have been waived.

a. Rules of Appellate Review

We reiterate the following well-established rules, with which unfortunately pro se litigants are not always familiar. First, "an appealed judgment is presumed correct, and appellant bears the burden of overcoming the presumption of correctness." (*Boyle v. CertainTeed Corp.* (2006) 137 Cal.App.4th 645, 649–650.) "The appellant has the burden of showing error occurred. [Citations.] An appellant must support his argument in the briefs by appropriate references to the record, which includes providing exact page citation. [Citations.] 'An appellate court is not required to search the record to determine whether or not [it] supports appellants' claim of error. It is the duty of counsel to refer the reviewing court to the portions of the record which support appellants' position.'" (*Byars v. SCME Mortgage Bankers, Inc.* (2003) 109 Cal.App.4th 1134, 1140–1141.) This requirement is found in California Rules of Court, rule 8.204(a)(1)(C), which states a brief on appeal "must" "[s]upport

any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears.” The reviewing court “ “cannot be expected to search through a voluminous record to discover evidence on a point raised by [a party] when his brief makes no reference to the pages where the evidence on the point can be found in the record.” ’ ” (*Myers v. Trendwest Resorts, Inc.* (2009) 178 Cal.App.4th 735, 745 (*Myers*).) Similarly, the appellant must support her position on appeal with cognizable legal argument and citations to authority. (*Cahill v. San Diego Gas & Electric Co.* (2011) 194 Cal.App.4th 939, 956 (*Cahill*).)

Second, an appellant generally may not raise new issues for the first time on appeal. “Appellate courts are loath to reverse a judgment on grounds that the opposing party did not have an opportunity to argue and the trial court did not have an opportunity to consider. . . . Bait and switch on appeal not only subjects the parties to avoidable expense, but also wreaks havoc on a judicial system too burdened to retry cases on theories that could have been raised earlier.” (*JRS Products, Inc. v. Matsushita Electric Corp. of America* (2004) 115 Cal.App.4th 168, 178.)

When these basic rules of appellate review are violated, the reviewing court may disregard the unsupported arguments and consider the new arguments waived. When a party fails to provide a single citation to the record on appeal to support her arguments, we may properly disregard the brief and treat the unsupported issues as waived or forfeited. (*Lonely Maiden Productions, LLC v. GoldenTree Asset Management, LP* (2011) 201 Cal.App.4th 368, 384 (*Lonely Maiden*).) “We look askance at this practice of stating what purport to be facts—and not

unimportant facts—without support in the record. This is a violation of the rules . . . with the consequence that such assertions will, at a minimum, be disregarded.” (*Liberty National Enterprises, L.P. v. Chicago Title Ins. Co.* (2011) 194 Cal.App.4th 839, 846.) Similarly, “new arguments may be deemed waived, based on common notions of fairness.” (*Brandwein v. Butler* (2013) 218 Cal.App.4th 1485, 1519 (*Brandwein*); *Dietz v. Meisenheimer & Herron* (2009) 177 Cal.App.4th 771, 799–801 [several contentions on appeal “forfeited” because appellant failed to provide a single record citation demonstrating it raised those contentions at trial].) And “ “[w]hen an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived.” ’ [Citation.] ‘We are not bound to develop appellants’ arguments for them. [Citation.] The absence of cogent legal argument or citation to authority allows this court to treat the contention as waived.’ ” (*Cahill, supra*, 194 Cal.App.4th at p. 956.)

Finally, a party who chooses to represent herself on appeal “is to be treated like any other party and is entitled to the same, but no greater consideration than other litigants and attorneys.” (*Barton v. New United Motor Manufacturing, Inc.* (1996) 43 Cal.App.4th 1200, 1210; *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.)

b. Indian Child Welfare Act

Mother argues the juvenile court and the Department made a variety of errors with respect to the Indian Child Welfare Act of 1978, 25 United States Code section 1901 et seq. (ICWA). Because Mother fails to cite to the record on appeal, it is unclear which if any of the alleged errors were raised below. Indeed, some of the alleged errors appear to have occurred after this

appeal was filed. As explained above, we need not reach issues that either are not supported by citations to the record or are raised for the first time on appeal. (*Lonely Maiden, supra*, 201 Cal.App.4th at p. 384; *Brandwein, supra*, 218 Cal.App.4th at p. 1519.)

Nonetheless, we exercise our discretion to address briefly the application of ICWA to this case. Because Daughter was placed with Father, her parent, ICWA does not apply. “ICWA and its attendant notice requirements do not apply to a proceeding in which a dependent child is removed from one parent and placed with another.” (*In re M.R.* (2017) 7 Cal.App.5th 886, 904.) “‘[B]y its own terms, [ICWA] requires notice only when child welfare authorities seek permanent foster care or termination of parental rights; it does not require notice *anytime* a child of possible or actual Native American descent is involved in a dependency proceeding.’” (*In re Alexis H.* (2005) 132 Cal.App.4th 11, 14; see also *In re J.B.* (2009) 178 Cal.App.4th 751, 758 [finding that ‘ICWA does not apply to a proceeding to place an Indian child with a *parent*’].)” (*In re M.R., supra*, 7 Cal.App.5th at p. 904.) Thus, there was no reversible error with respect to ICWA.

c. Ineffective Assistance of Counsel

Mother also argues we should reverse the juvenile court’s findings and orders because each of her successive attorneys below was allegedly ineffective. Mother also claims Daughter’s attorney was ineffective. Mother claims her appointed attorney and then retained attorneys did not communicate sufficiently with her, did not present evidence or witnesses she provided to them, did not object to the Department’s reports, did not request that the juvenile court judge recuse herself, did not succeed in

obtaining a fast-tracked trial of the petition, and did not have the case dismissed. Mother also states her attorneys and Daughter's attorney were somehow "associated with" the juvenile court judge and people related to Mother's previous job and, therefore, may have purposely failed adequately to represent Mother and Daughter.

Again, however, Mother includes no citation to the record on appeal to show where the alleged errors or ineffective assistance of counsel occurred.³ Accordingly, we are unable to assess Mother's claims of ineffective assistance of counsel and deem those issues waived. (*Lonely Maiden, supra*, 201 Cal.App.4th at p. 384; *Myers, supra*, 178 Cal.App.4th at p. 745.)

**d. Jurisdiction of the Juvenile Court and
Impartiality of the Juvenile Court Judge**

Mother also argues the juvenile court did not have jurisdiction of this case. She claims, instead, the family court (where her custody dispute with Father was pending) had jurisdiction. She appears to claim Father and his attorney preferred to have the juvenile court rather than the family court decide the matter of Daughter's custody. First, and again, Mother does not include a single record citation to support her argument. For that reason alone, we cannot assess the accuracy or strength of her argument. (*Lonely Maiden, supra*, 201 Cal.App.4th at p. 384; *Myers, supra*, 178 Cal.App.4th at p. 745.) Second, as a purely legal matter, we see no error in the jurisdiction of the juvenile court here. The Department (not Father or his attorney) instituted these proceedings after

³ Although Mother cites once to the reporter's transcript of the July 17, 2015 hearing, which we have reviewed, no error or ineffective assistance of counsel is apparent.

receiving a referral alleging Father hit Daughter. That referral led to the Department's investigation and eventual determination not only that Father had not hit Daughter but also Daughter was at risk in Mother's care. The purpose and goal of the petition, as well as dependency law generally, is to protect children who are at risk. "The paramount purpose underlying dependency proceedings is the protection of the child." (*In re Jason L.* (1990) 222 Cal.App.3d 1206, 1214.) Custody issues often arise in that context, but that does not mean a dependency case is not properly before the juvenile court. We are not persuaded by Mother's argument on this point.

Mother also argues the juvenile court judge should have recused herself. Specifically, Mother claims the juvenile court judge is "associated" with people at Mother's former job, possibly lives next door to a "county counsel" attorney, and has a personal interest in at least some of Mother's real estate properties, all of which motivated the judge to remove Daughter from Mother's care and to ignore alleged rulings of the family law court. Mother also believed the judge's family had an interest in some of Mother's real estate. As a result of these alleged "associations" and the court's rulings against Mother, Mother claims she and Daughter were denied due process and a fair trial. First, Mother did not raise this argument or object to the juvenile court below. Second, and like all her arguments, Mother fails to provide specific citations to the record on appeal to support her argument. Accordingly, we deem this issue waived. (*Lonely Maiden, supra*, 201 Cal.App.4th at p. 384; *Brandwein, supra*, 218 Cal.App.4th at p. 1519.)

e. Section 300 Issues

Although not entirely clear, it appears Mother makes the following arguments with respect to section 300. Mother argues she did not abuse Daughter, does not have delusional thoughts, and Daughter was not a person described by section 300, subdivision (b). Mother notes Daughter did well in school and enjoyed many extracurricular activities. Mother also argues the Department failed to investigate properly the allegations against Mother as well as failed to assess properly the safety and well-being of Daughter. Mother asserts the juvenile court improperly relied on Daughter's "perception of the risk of . . . harm or illness" and that "[a]dditional inquiries" should have been made. Finally, Mother appears to argue the evidence was insufficient to support the juvenile court's jurisdictional finding.

In addition, intertwined with her section 300 arguments, Mother again lists and describes the many people who allegedly have conspired against her and Daughter, including Father, attorneys, and court and Department personnel. Mother argues Daughter is the victim of other people's desire to harm and retaliate against Mother. She claims Father purposely distracted her in 2014 so that he and others "could steal [Mother's] real estate property." Mother also states people "have caused tracking devices to be placed on their cars and have moved into their neighborhoods living next door, two doors down, across the street, down the street, in back of them, etc.—even out of state. They moved further to cause more than four (4) men to become friends of [Mother] and used them to obtain information about her and her family and financial documents and computer flash drives, and pictures. Further, they caused her to be interviewed and hired for jobs by persons they knew to continually monitor

and harass her which led to her being displaced several times including with ACS, Inc./Xerox Corporation in July 2011.”

To the extent we can decipher Mother’s section 300 arguments, we are not persuaded. As with her other arguments, Mother fails to provide either specific citations to the record on appeal⁴ or cogent legal argument to support her position. Accordingly, we deem the issues waived. (See *Lonely Maiden*, *supra*, 201 Cal.App.4th at p. 384; *Brandwein*, *supra*, 218 Cal.App.4th at p. 1519; *Cahill*, *supra*, 194 Cal.App.4th at p. 956.)

Nonetheless, we address Mother’s points—to the extent we understand them—briefly here. First, although Mother stresses she did not abuse Daughter and argues the Department failed to investigate allegations of abuse, past physical abuse is not an issue before this court. In other words, it is undisputed Daughter had not been physically abused. Although the initial referral to the Department in June 2015 alleged *Father* physically abused Daughter, the Department promptly investigated that claim and determined Father had not abused Daughter. During the course of its investigation, however, the Department concluded Mother’s unresolved mental health issues put Daughter at risk of physical harm. For that reason (and not because Daughter had actually been abused), the Department filed the one-count section 300 petition. Thus, Mother’s arguments related to physical abuse are of no moment here. “Although section 300 generally requires proof the child is subject to the defined risk of harm at the time of the jurisdiction hearing [citations], the court need not wait until a child is seriously abused or injured to assume jurisdiction and

⁴ Although in her reply brief Mother includes a handful of record citations, they are few and far between and still unquestionably insufficient for appellate review.

take steps necessary to protect the child.” (*In re Christopher R.* (2014) 225 Cal.App.4th 1210, 1215–1216.)

Second, to the extent Mother claims that, in ordering Daughter removed from Mother’s care, the juvenile court relied solely on Daughter’s statements, the record is contrary to that assertion. In addition to Daughter’s statements, the juvenile court had before it statements and testimony from a number of other witnesses, which bore on Daughter’s removal. Accordingly, we see no merit in this contention.

Finally, to the extent Mother argues there was insufficient evidence to support the juvenile court’s jurisdictional findings, we disagree. As noted above, we review the jurisdictional findings for substantial evidence, which means if there is substantial evidence in the record on appeal to support the juvenile court’s findings—even if that evidence is contradicted by other evidence or testimony, or contested by the appellant—we must affirm. (*In re David H.*, *supra*, 165 Cal.App.4th at p. 1633; *In re Heather A.*, *supra*, 52 Cal.App.4th at p. 193, disapproved on other grounds in *In re R.T.*, *supra*, 3 Cal.5th at p. 628.) Even when, as is the case here, there are conflicting statements or testimony on issues, we do not reweigh the evidence on appeal. (*In re Matthew S.*, *supra*, 201 Cal.App.3d at p. 321.) As the facts discussed in detail above demonstrate, there is substantial evidence in the record properly before us to support the juvenile court’s jurisdictional findings.

**f. Discrimination, Retaliation, Malicious
Prosecution, Federal and State Civil Rights
Violations, Federal Whistleblower Statute,
Housing Discrimination, and Entrapment**

Mother’s remaining arguments appear to revolve around her strongly held and oft-repeated belief that a host of people and

organizations are retaliating and discriminating against her because she sued her former employer and because they want to profit from her financially. Although her arguments are difficult to follow, she appears to claim people and organizations—including judges, attorneys, banks, social workers, doctors, Father, and others “possibly associated with” or somehow connected to them—have all conspired against her. Mother states “she was retaliated and continually harassed by persons related to and/or associated with [Father].” “Although [Mother] filed grievances with the federal and state government, the managers and/or related companies and her lender(s) have continued to retaliate and harass her and her family members and brought forth the Juvenile case to intentionally harm and threaten her and her family.” Among other things, Mother argues a variety of federal and state laws have been broken and her constitutional rights violated. According to Mother, this dependency case fits into the alleged conspiracy because, by taking Daughter away from her, the alleged conspirators sought to weaken or harass Mother, retaliate against her, and profit from her. In other words, Daughter has been used as a pawn in a massive conspiracy against Mother.

Again, however, Mother cites to no evidence in the record on appeal to support these contentions. And the evidence to which Mother does cite is not properly before this court. Moreover, Mother fails to support her many legal theories with reasoned argument. Accordingly, we deem these issues waived. (*Lonely Maiden, supra*, 201 Cal.App.4th at p. 384; *Brandwein, supra*, 218 Cal.App.4th at p. 1519; *Cahill, supra*, 194 Cal.App.4th at p. 956.)

g. Motions

During the pendency of this appeal, Mother acting in propria persona filed a number of motions and requests, many of which this court has already resolved. At this time, the following four motions remain pending, all of which we deny as noted below.

(i) *“Request to Take Evidence on Appeal” filed May 26, 2017.* Mother requests that we take judicial notice of documents or take additional evidence on appeal (May 26 motion). The documents Mother seeks to submit to this court include: lists (some with handwritten notes) of names, addresses, and phone numbers of people Mother claims to be associated with or related to others who seek to harm her and Daughter; insurance-related documents; documents from other court proceedings; medical records; mortgage/foreclosure records; excerpts of the reporter’s transcript below; and a table of what appears to be further excerpts of the reporter’s transcripts below, to which Mother added handwritten notations and comments.

Mother argues we must consider this evidence because it constitutes “competent and sufficient and relative evidence that she and [Daughter] did not receive due process pursuant to the U.S. Constitution (Amendments 4th, 5th, 8th, and 14th) and a fair trial.” Mother’s argument is based on her strongly held belief that people associated not only with this case (including judges, attorneys, doctors, and social workers) but also with other court proceedings, her real estate business, investments, and her former employment have all conspired against her and Daughter to do them harm. For example, Mother states the proffered evidence “shows that [Mother] appears to have been targeted by [many people] who interfered with her real estate business,

investments, and employment. Additionally, [Mother] has been at all times in the last ten (10) plus years harassed at both her home . . . similar to a concentration camp where they could monitor her and her family members and they also sent persons to her church and daughter's school."

Mother's May 26 motion fails to state legal grounds for taking new evidence on appeal or taking judicial notice on appeal. "It has long been the general rule and understanding that 'an appeal reviews the correctness of a judgment as of the time of its rendition, upon a record of matters which were before the trial court for its consideration.' [Citation.] This rule reflects an 'essential distinction between the trial and the appellate court . . . that it is the province of the trial court to decide questions of fact and of the appellate court to decide questions of law' [Citation.] The rule promotes the orderly settling of factual questions and disputes in the trial court, provides a meaningful record for review, and serves to avoid prolonged delays on appeal. 'Although appellate courts are authorized to make findings of fact on appeal by Code of Civil Procedure section 909 and rule [8.252] of the California Rules of Court, the authority should be exercised sparingly. [Citation.] *Absent exceptional circumstances, no such findings should be made.*' " (*In re Zeth S.* (2003) 31 Cal.4th 396, 405.) Despite her strong belief in wrongdoing, Mother's purported evidence of such wrongdoing is neither admissible evidence nor subject to judicial notice on appeal. (See Evid. Code, § 459.) The May 26 motion is denied.

(ii) "*Amended Motion to Take Evidence on Appeal*" filed June 19, 2017. Although captioned as an "amended" motion, this motion is in fact a second motion requesting this court to take judicial notice of additional documents or take new evidence

on appeal (second motion).⁵ Mother attaches additional documents to her second motion, which include: juvenile court documents already in the record on appeal but with handwritten notes added, and additional lists (some with handwritten notes) of names, addresses, and phone numbers of people Mother claims to be associated with or related to others who seek to harm her and Daughter.

As with her May 26 motion, Mother's second motion is rooted in her belief that a host of people have conspired to harm her and Daughter. Mother claims the documents attached to her second motion reveal discrepancies in the juvenile court documents (for example, the use of different stamps); discrepancies with Father's birth date and possible aliases Father might have used such that he might not be who he says he is and, therefore, the juvenile court never had jurisdiction over the case; and additional possible associations among judges, attorneys (including those assigned or retained to represent Mother in the juvenile court and on appeal), social workers, court personnel, school staff, and a sheriff's deputy. Mother argues the documents submitted show the juvenile court may not have had jurisdiction over Daughter.

As with her May 26 motion, Mother's purported evidence of wrongdoing attached to her second motion is neither admissible

⁵ Within her second motion regarding evidence on appeal, Mother also states the juvenile court case below should be dismissed. However, that is not proper relief on a motion to take judicial notice or to take evidence on appeal. Moreover, Mother filed a separate motion to dismiss the juvenile court case, which we address below.

evidence nor subject to judicial notice on appeal. (See Evid. Code, § 459.) The second motion is denied.

(iii) *“Motion to Dismiss the Juvenile Trial Court Case of Minor M.N.” filed June 19, 2017.* Mother argues the juvenile court case should be dismissed because the entire case is the result of allegedly rampant fraud and a massive conspiracy which Mother has been caught up in for years. Mother claims the conspirators, including Father, used Daughter as a pawn in their scheme to realize financial gain and to harm Mother. Mother states Father “and some of the parties in the [juvenile court case] have unlawfully impersonated themselves by assuming a false identity with an intent to gain a monetary benefit for himself, his family members and other persons he worked for and were partners in a conspiracy to defraud [Mother] of her real estate and to harm and injure her, her daughter and other family members.” Mother also alleges this juvenile dependency case was instituted “for the sole benefit to continually harass and retaliate against [Mother] and to defraud her of the real estate properties she owned.”

Despite Mother’s strongly held belief of wrongdoing, her motion to dismiss fails to state a legally cognizable ground for dismissing the juvenile court case. Accordingly, her motion to dismiss is denied.

(iv) *“Amended Motion to Change Venue and/or Districts in the Case of Minor M.N.” filed June 19, 2017.* Mother again claims a litany of people working on this dependency case (including, among others, judges, social workers and attorneys) have conspired against her and Daughter for years. As support for her motion, Mother attaches a number of exhibits, which are primarily lists of hundreds of names and addresses of people who Mother claims are “possibly associated with,” “possibly related to,” or “possible aliases” of people somehow related to this dependency case or Mother’s former employer and a grand scheme to harass, discriminate against, defraud, or otherwise harm Mother and Daughter. Therefore, Mother requests this court “approve this Amended Motion to Change Venue and/or District.” Mother has neither articulated a sound legal basis nor relied on admissible evidence to support her contentions. The motion is denied.

CONCLUSION

In sum, on the record properly before this court, we conclude substantial evidence supports the juvenile court’s findings and orders. We are not persuaded by the arguments made either by Mother in propria persona or by her appointed counsel. We perceive no error in the juvenile court’s determination to sustain the one count of the petition and to remove Daughter from Mother and place her with Father.

DISPOSITION

The orders are affirmed.

NOT TO BE PUBLISHED.

LUI, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.