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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re K.W. et al., Persons Coming Under  
the Juvenile Court Law.

SAN BERNARDINO COUNTY  
CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

A.W.,

Defendant and Appellant.

E085673

(Super.Ct.Nos. J302237-38)

OPINION

APPEAL from the Superior Court of San Bernardino County. Steven A. Mapes, Judge. Affirmed.

Mansi Thakkar, under appointment by the Court of Appeal, for Defendant and Appellant.

Tom Bunton, County Counsel, Dawn M. Martin, Deputy County Counsel for Plaintiff and Respondent.

In this dependency case, the juvenile court terminated its jurisdiction over K.O.W. and K.E.W. (collectively, the Children) with a family law exit order. The family law order gave the Children's mother, V.G. (Mother), sole legal and physical custody and granted their father, A.W. (Father), supervised visitation. Father contends the juvenile court erred by ordering his visitation be supervised. Alternatively, Father contends the court erred by ordering his visits be supervised by Mother's delegate or a paid monitor, as opposed to a person of Father's choosing. We affirm.

## FACTS

### A. BACKGROUND

In 2024, K.O.W. (Son) was 12 years old and K.E.W. (Daughter) was 10 years old. Son resided with Father in Los Angeles. Daughter typically resided with Mother in Victorville; however, Daughter spent her summer vacation living with Father.

### B. DETENTION

In May 2024, Son refused to complete his chores. Father became angry and punched Son's arm, shoulder, and chest. Son "ended up on the floor," at which point Father dragged Son across the carpet.

The Los Angeles County Department of Children and Family Services (LA CFS) recommended a plan of family maintenance because (1) Son did not fear Father, (2) Son did not want to be removed from Father's home because Son wanted to continue playing on his sports team, and (3) Son could speak with his coaches if issues arose with Father.

At the detention hearing, the Children's attorney requested the Children be detained from Father and placed with Mother. The Children's attorney said, "And I can't

tell everything that my clients told me, but I can say that the abuse has been occurring, it is extensive, it's happened numerous times. It's been going on for a long time and if the court does not intervene and detain, it will continue to happen. I don't think my clients are safe from physical or emotional harm in the Father's home, and based upon my conversations with them, I don't think they feel safe."

The Los Angeles County juvenile court (the LA court) ordered the Children placed in Mother's custody. The LA court granted Father supervised visitation with the Children for a minimum of three visits per week, for three hours each visit. The person supervising Father's visits had to be approved by LA CFS.

#### C. JURISDICTION, DISPOSITION, AND TRANSFER

At the jurisdiction hearing, the LA court found true the allegation that Father used excessive physical punishment against Son by punching Son and dragging him on the floor, and that such conduct places the Children at risk of serious physical harm. (Welf. & Inst. Code, § 300, subds. (a) & (b).) The order placing the Children in Mother's care and the supervised visitation order remained in place. The LA court transferred the case to the San Bernardino County juvenile court (the juvenile court) because the Children were residing in Victorville.

#### D. VISITS

The Children's grandmother supervised Father's visits. The Children told a social worker from San Bernardino County Children and Family Services (the Department) that they enjoyed visiting Father and their grandmother. Mother told the social worker that

she had no concerns about the Children visiting Father, as long as the visits continued to be supervised.

Father completed a 12-week parenting class, a 20-week anger management class, and individual counseling. In February 2025, the Department changed Father's visits to unsupervised due to having no concerns about the Children's safety. Father had two unsupervised visits with the Children. During those visits, Father and the Children visited a museum and went to the grandmother's house.

E. DISMISSAL

Mother sought to have the case dismissed with a family law order giving her sole legal and physical custody, and with Father having supervised visits. The Department and Father requested that Father's visits with the Children be unsupervised. In March 2025, the juvenile court held a contested hearing under section 364 to determine whether Father "actually had an[] intrinsic change . . . that translates into safety and security for his children."

When testifying about the incident that led to the Children's removal, Father said, "I did use physical discipline. Nothing too extreme, but he is 12, and he is a teenager, so things got out of hand." Father testified that he disagreed with the jurisdiction findings in that his punishment of Son was not excessive. When asked what he learned from his parenting classes, Father responded, "I learned that the system is not gonna ever be for you, so the best thing you can do is have patience, patience overall." When asked what Father would have done differently regarding the incident that led to the Children's removal, Father said, "I don't apologize for disciplining my Son . . . but . . . I would have

took a deep breath and talked to him differently . . . I think the physical part was the response of him being physical because, again, he's a teenager."

In giving a tentative ruling, the juvenile court said it was concerned by Father's "grave minimization as to . . . why we're here." The juvenile court noted that Father denied excessively disciplining Son, which meant Father was "not accepting responsibility," which indicated "there's still some thick denial there, and it's concerning." The juvenile court said it was inclined to have Father's visits be supervised. After listening to arguments, the juvenile court said, "I am concerned about the lack of internalization, so I would order that the visits be supervised by Mother's delegate or paid monitor at [Father's] expense, over his objection."

## DISCUSSION

### A. SUPERVISED VISITS

Father contends the juvenile court erred by ordering his visits to be supervised. "[T]here are situations in which a juvenile court may reasonably determine that continued [jurisdiction] of the minor as a dependent child is not necessary for the child's protection, and at the same time conclude that conditions on visitation are necessary to minimize, if not eliminate, the danger that visits might subject the minor to the same risk of physical abuse or emotional harm that previously led to the dependency adjudication."

(*In re Chantal S.* (1996) 13 Cal.4th 196, 204.)

"One of the dependency court's responsibilities is to define the rights of the parties to visitation by balancing the rights of the parent with the best interests of the child.

[Citation.] We review an order setting visitation for abuse of discretion.” (*In re R.R.* (2010) 187 Cal.App.4th 1264, 1284.)

Father punched Son’s arm, shoulder, and chest. Son “ended up on the floor,” at which point Father dragged Son across the carpet. Father testified that the foregoing punishment was not excessive or extreme. Father’s testimony reflects his failure to understand that it is abusive to punish a child by punching a child until he is on the ground, and then continuing to harm the child by dragging him. Given that Father believes abusive actions are an acceptable form of punishment, the Children’s best interests are served by Father’s visits being supervised.

Father highlights the following evidence: no abuse occurred during his visits with the Children, Father learned patience and non-physical methods of discipline from his reunification services, the Children did not fear Father, and the Department had no safety concerns for the Children. The foregoing evidence supports the juvenile court terminating its jurisdiction and ordering ongoing visits between Father and the Children. However, given that Father continues to believe that abusive punishment is an acceptable form of discipline, it was within reason for the juvenile court to order that Father’s visits be supervised.

B. SELECTION OF THE VISITATION SUPERVISOR

1. *PROCEDURAL HISTORY*

At the hearing in which the juvenile court made its exit orders, the Children’s attorney requested that Father’s visits be “loosely supervised . . . where they have a relative or another individual present.” Mother asked that Father’s visits be supervised

by a person of Mother's choosing and not supervised by the Children's paternal relatives. Mother made the request because she believed the Children and their paternal relatives were protective of Father regarding his abusive behavior. In response, Father requested unsupervised visits.

In ordering that Father's visits be supervised by Mother's delegate or a paid monitor, the juvenile court said it was doing so because "it's not an uncommon thing for a child who is a victim of abuse to seek favor from the abuser . . . it's actually well-documented in the literature."

## 2. ANALYSIS

Father contends the juvenile court erred by ordering that his visits be supervised by Mother's delegate or by a paid monitor. Father notes that, during the case, there were no such restrictions on the person who supervised the visits. These restrictions were not in place during the case because, while the Children were dependents, LA CFS/the Department was required to approve of the person supervising Father's visits.

We now turn to the juvenile court's decision. At the beginning of the case Son failed to make a complete disclosure of the abuse he suffered because he wanted to continue playing on his sports team. Son appeared nervous and hesitant when speaking with the social worker about the abuse. Given Son's hesitancy to fully disclose the abuse he suffered, it was reasonable for the juvenile court to be concerned that a monitor selected by Father could present a risk of any further abuse being concealed. Accordingly, the requirement that the visitation supervisor be Mother's delegate or a paid monitor was within the bounds of reason. The juvenile court did not abuse its discretion.

## **DISPOSITION**

The order is affirmed.

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MILLER

J.

We concur:

McKINSTRE

Acting P. J.

MENETREZ

J.