

CALIFORNIA COURT OF APPEAL, SIXTH APPELLATE DISTRICT

In re D.B.

In re D.B. · No. H051945 · Decided May 28, 2025

SUMMARY

The California Court of Appeal, Sixth Appellate District, held that a juvenile dependency court has authority under Welfare and Institutions Code section 213.5, subdivision (a), to issue a restraining order against a dependent child to protect a parent. The court further held that the dependency court must consider the child’s best interest when exercising that authority and concluded that substantial evidence supported the one-year restraining order against D.B. The court also rejected D.B.’s claim that the order violated her constitutional right to reunification and affirmed the order.

CASE DETAILS

COURT	California Court of Appeal, Sixth Appellate District
WRITING FOR THE COURT	Greenwood, P. J.; Danner, J.; Bromberg, J.
JURISDICTION	California Court of Appeal, Sixth Appellate District
DECIDED	May 28, 2025
DOCKET	H051945
DISPOSITION	affirmed
PROCEDURAL POSTURE	D.B., a dependent minor, appealed a juvenile dependency court's issuance of a one-year restraining order protecting her mother under Welfare and Institutions Code section 213.5.
STANDARD OF REVIEW	Statutory interpretations and legal conclusions are reviewed independently and de novo. The sufficiency of the evidence supporting factual findings is reviewed for substantial evidence. The decision to issue a restraining order under Welfare and Institutions Code section 213.5 is reviewed for abuse of discretion, with reasonable inferences indulged in support of the juvenile court’s decision.
PRECEDENTIAL VALUE	Published and certified for publication
PARTIES	D.B. v. Santa Clara County Department of Family and Children’s Services

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QUESTIONS PRESENTED

1. Whether Welfare and Institutions Code section 213.5, subdivision (a), authorizes a juvenile dependency court to issue a restraining order against a dependent child to protect a parent.
2. What factors a dependency court must consider when exercising its discretion to issue a restraining order against a dependent child.
3. Whether substantial evidence supported the juvenile court's restraining order.
4. Whether the restraining order violated D.B.'s constitutional interest in reunification with Mother.
5. Whether the appeal should be dismissed as moot because D.B. turned 18 and the restraining order expired while the appeal was pending.

HOLDINGS

1. Welfare and Institutions Code section 213.5, subdivision (a), authorizes a juvenile dependency court to issue a restraining order against a dependent child to protect a parent, because the statute permits an order against 'a person' and contains no exception for dependent children or parents whose reunification services have ended.
2. When exercising discretion under section 213.5 to issue a restraining order against a dependent child, the dependency court must consider the child's best interest. Such orders should be issued rarely, with attention to the severity of violation consequences and the particular circumstances of dependent children.
3. Section 213.5 does not require a dependency court to consider preservation of the family unit in every case when deciding whether to issue a restraining order against a dependent child, particularly after reunification services have terminated.
4. Substantial evidence supported the restraining order, and the juvenile court did not abuse its discretion in issuing it.
5. The restraining order did not violate D.B.'s constitutional interest in reunification with Mother because reunification services had already been terminated with D.B.'s agreement, and D.B. did not appeal the termination orders.
6. Although D.B. turned 18 and the restraining order expired while the appeal was pending, the court exercised its discretion to decide the appeal because it presented an issue of broad public interest likely to evade appellate review and could have continuing consequences for D.B.

KEY QUOTATIONS

“A “person” includes a dependent child.” (11)

“We thus conclude that, consistent with California’s public policy to protect dependent children, when evaluating requests for restraining orders against them under section 213.5, the dependency court must consider the best interest of the child.” (16)

“When exercising its discretion to issue or deny issuance of the requested orders, however, the juvenile dependency court must consider the child’s best interest.” (19)

FACTUAL BACKGROUND

D.B. was a dependent minor placed in protective custody after a history of conflict and alleged mutual physical violence between her and Mother, including an incident in which Mother reported that D.B. punched her and D.B. was arrested. Mother later sought a juvenile restraining order based on alleged harassment, threats, and a text message depicting Mother’s house with an image of a fire; D.B. admitted sending the message but characterized it as a joke. The juvenile court issued a one-year order prohibiting contact and requiring D.B. to stay 300 yards from Mother, relying on the family history, the evidence at the hearing, and the contents of the dependency file.

PROCEDURAL HISTORY

The Santa Clara County Department of Family and Children’s Services initiated dependency proceedings under Welfare and Institutions Code section 300, subdivision (g), and the juvenile court declared D.B. a dependent child. After Mother obtained termination of her reunification services and later sought a restraining order based on alleged threats and violence, the juvenile court issued a temporary order and then a one-year restraining order after hearing. D.B. appealed, challenging the dependency court’s statutory authority, the sufficiency of the evidence, and the order’s alleged interference with reunification. The Court of Appeal exercised its discretion to reach the otherwise potentially moot appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Damian L. (2023) 90 Cal.App.5th 357, 372
- In re Anthony Q. (2016) 5 Cal.App.5th 336, 344
- In re L.W. (2020) 44 Cal.App.5th 44, 51
- In re Carlos H. (2016) 5 Cal.App.5th 861, 866
- In re A.P. (2024) 103 Cal.App.5th 1137, 1143
- In re Lilianna C. (2024) 99 Cal.App.5th 638, 641
- In re H.D. (2024) 99 Cal.App.5th 814, 819
- Sierra Club v. Superior Court (2013) 57 Cal.4th 157, 165-166
- In re E.F. (2021) 11 Cal.5th 320, 329
- J.M. v. Huntington Beach Union High School Dist. (2017) 2 Cal.5th 648, 654

- In re Joshua A. (2015) 239 Cal.App.4th 208, 218
- In re Fernando M. (2006) 138 Cal.App.4th 529, 534
- In re Marilyn H. (1993) 5 Cal.4th 295, 306
- In re Jayden M. (2023) 93 Cal.App.5th 1261, 1271
- In re Aurora P. (2015) 241 Cal.App.4th 1142, 1166
- In re Emily L. (2021) 73 Cal.App.5th 1, 13
- City of Monterey v. Carrnshimba (2013) 215 Cal.App.4th 1068, 1079
- In re D.P. (2023) 14 Cal.5th 266, 282-287
- Sara M. v. Superior Court (2005) 36 Cal.4th 998, 1011

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