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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

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DEREK TODD,

Plaintiff and Appellant,

v.

SONDRA HOFFMAN,

Defendant and Respondent.

C070299

(Super. Ct. No. SDR36420)

Father, Derek Todd, appeals from a court order denying his request to modify a prior custody and visitation order. Father raises numerous claims on appeal: (1) the trial court violated his right to exercise religious freedom by denying his request to have visitation on Christmas; (2) the trial court erred in refusing his requests for the child's phone number and school address; and (3) the trial court erred in "upholding" the court's prior order because it was issued by a judge who later disqualified himself. None of father's claims have merit. We affirm.

## BACKGROUND

In May 2012, this court affirmed an order, entered on May 26, 2011, awarding mother Sondra Hoffman sole legal and physical custody of her then nine-year-old daughter and providing father with limited, supervised visitation. (*Todd v. Hoffman* (May 22, 2012, C068867) [nonpub. opn.] .)

In September 2011, while the prior appeal was pending, father sought an order to show cause seeking modification of the May 26, 2011, custody order. Specifically, father sought "sole legal custody, primary custody and Christmas visitation with child." In support of his request, father stated he wanted unsupervised visitation with the child at Christmas "because it is a religiously significant holiday. The child enjoys celebrating Christmas with [father], and [mother] does not celebrate."

The trial court heard father's request on December 13, 2011. Father appeared by telephone without counsel; mother made no appearance. Father argued he could not afford supervision for the visits with the child and noted mother did not celebrate Christmas because she is a Jehovah's Witness. Father made two additional requests on the record that he did not include in his written request for an order to show cause. Father asked the court to provide him with mother's home phone number and the address for the child's current elementary school. The court took the matter under submission.

The following day the trial court issued its written ruling. The court found "[father]'s current OSC supplies

virtually no grounds upon which to modify the court's final decision [regarding child custody and visitation], and as such, the request for modification must be denied." The court also found father's request for unsupervised visitation at Christmas to be "similarly unsupported by any material facts. . . . [Father] cites no facts demonstrating a change of circumstances that would justify a change in that order." The court thus denied father's request. Father appeals from that order. Mother has not filed a brief in response.

#### DISCUSSION

Father first contends the trial court violated his right to exercise his religious beliefs by refusing to allow him unsupervised visitation with the minor child at Christmas. Father's contention is without merit.<sup>1</sup>

Father has a right to practice his religion and discuss his religious beliefs with his daughter if and when he has contact with her, his freedom of religion, however, does not extend to a constitutional right to have contact with his child. (See *In re Marriage of Weiss* (1996) 42 Cal.App.4th 106, 118, citing *Zummo v. Zummo* (1990) 574 A.2d 1130, 1148 ["'parent's religious freedom may yield to other compelling interests'"] italics omitted.) The state has a compelling interest in the welfare of

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<sup>1</sup> We note father made the same claim in his appeal in the First Appellate District with regard to his son. (*Todd v. Archer* (June 27, 2012, A134445) [nonpub. opn.].) His claim fared no better in that court.

the child, and the court's order in this case was consistent with the state's interest.

Father also contends the trial court violated his right to have frequent and continuing contact with his daughter under Family Code section 3020, subdivision (b), by refusing his request for the child's home phone number, and violated his right to obtain educational information regarding his daughter by refusing his request for the child's school address. Father, however, failed to include either of these requests in his request for an order to show cause.

Due process requires notice reasonably calculated under all the circumstances to apprise interested parties of the pendency of the action and to afford them an opportunity to present their objections. (*Mullane v. Central Hanover B. & T. Co.* (1950) 339 U.S. 306, 314 [94 L.Ed. 865, 873].) The purpose of such notice is to inform the affected individual of, and permit adequate preparation for, an impending hearing. (*K.G. v. Meredith* (2012) 204 Cal.App.4th 164, 181.) Thus, the notice must be of such nature as to reasonably convey the required information and afford a reasonable time for those interested to make their appearance. (*Mullane*, at p. 314 [94 L.Ed. at p. 873].) If these conditions are reasonably met, the constitutional requirements are satisfied. (*Id.* at pp. 314-315 [94 L.Ed. at pp. 873-874].)

By failing to include his request for information in the order to show cause, father did not provide mother with adequate notice of the issues he intended to raise at the hearing. He

also denied mother the opportunity to present any objections she may have to giving father her home phone number and the child's school address because mother did not appear at the hearing on the order to show cause. Accordingly, father's request was not properly before the trial court.

Finally, father argues the trial court's order should be reversed because, he contends, in refusing to modify the May 26, 2011, custody order, the trial court erroneously affirmed an order issued by a judge who later disqualified himself under Code of Civil Procedure section 170.3. Father's claim fails, however, because it is not supported by any meaningful argument or citations to relevant legal authority. (*People v. Hardy* (1992) 2 Cal.4th 86, 150 [a reviewing court need not address any issue purportedly raised without argument or citation to relevant authority]; *Guthrey v. State of California* (1998) 63 Cal.App.4th 1108, 1115-1116 [merely setting forth general legal principles without specifically demonstrating how they establish error is insufficient to raise a cognizable issue on appeal]; *Estate of Hoffman* (1963) 213 Cal.App.2d 635, 639 ["It is the duty of counsel to support his claim by argument and citation of authority. [A reviewing court is] not obliged to perform the duty resting on counsel".].)

DISPOSITION

The orders of the trial court are affirmed.

\_\_\_\_\_ ROBIE \_\_\_\_\_, J.

We concur:

\_\_\_\_\_ HULL \_\_\_\_\_, Acting P. J.

\_\_\_\_\_ DUARTE \_\_\_\_\_, J.