Filed 7/18/25 D.W. v. County of Stanislaus CA5

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

D.W., Plaintiff and Appellant, v. COUNTY OF STANISLAUS, Defendant and Respondent.	F088116 (Super. Ct. No. CV-22-003212) **OPINION**

APPEAL from a judgment of the Superior Court of Stanislaus County. Sonny S. Sandhu, Judge.

Herman Law, Charles Y. Huang, Chantel E. LaFrades, and Jason A. Rose for Plaintiff and Appellant.

Rivera Hewitt Paul, Jill B. Nathan and Jonathan B. Paul for Defendant and Respondent.

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Plaintiff D.W.[1] appeals from a judgment of dismissal entered March 25, 2024, in favor of defendant County of Stanislaus (County) following sustention of a demurrer without leave to amend. In the operative complaint,[2] D.W.—citing Code of Civil Procedure section 340.1—claimed negligent acts and/or omissions of County and/or County's employees proximately caused the childhood sexual assault that resulted in her injuries. In view of statutes granting discretionary immunity to public employees and derivative immunity to public entity employers (see Gov. Code, §§ 815.2, subd. (b), 820.2), we conclude the demurrer was properly sustained and affirm the judgment. In so doing, we follow the decision of this court in *K.C. v. County of Merced* (2025) 109 Cal.App.5th 606, 617, review granted June 25, 2025, S290435 (*K.C.*).

BACKGROUND[3]

According to the complaint, D.W. "was sexually abused and assaulted in foster care while under the legal custody, care, and control of" County and consequently suffered "physical, psychological, and emotional injuries." The following facts were pleaded:

> "25. In approximately 1962, [County] placed [D.W.] in the foster home of [PERPETRATOR] located in Modesto, California.

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[1] A pseudonym was used in the complaint. We refer to plaintiff by the initials of her pseudonym. (See Cal. Rules of Court, rule 8.90.)

[2] D.W. filed her original complaint on July 14, 2022, and an amended complaint, i.e., the operative complaint, on February 14, 2023.

[3] "Because this appeal arises from a dismissal following a demurrer, we rely on [the operative] complaint . . . for a summary of the factual background. We accept as true all properly pleaded allegations without concern for proof problems." (*Gordon v. Law Offices of Aguirre & Meyer* (1999) 70 Cal.App.4th 972, 975, fn. 2.)

"26. From approximately 1962 to 1963, when [D.W.] was approximately four (4) to five (5) years old, [D.W.] was sexually abused and assaulted by PERPETRATOR, [D.W.]'s foster father, approximately twenty (20) to thirty (30) times over a period of one (1) year while [D.W.] resided in the foster home. The acts of sexual abuse and assault took place at the foster home.

"27. The acts of sexual abuse and assault perpetrated against [D.W.] by PERPETRATOR include, by way of example: PERPETRATOR digitally penetrated [D.W.]'s vagina; PERPETRATOR forced [D.W.] to perform oral copulation on PERPETRATOR's penis, and PERPETRATOR vaginally penetrated [D.W.] with PERPETRATOR's penis.

"28. During the course of the ongoing aforementioned sexual abuse and assault, [D.W.] disclosed the abuse to her social worker . . . . Despite the foregoing, no action was taken to immediately remove [D.W.] from the home, [D.W.] remained in the [PERPETRATOR's] foster home for one (1) to two (2) additional months, and PERPETRATOR continued to sexually abuse and assault [D.W.]."

D.W. raised a cause of action for negligence. She alleged, among other things:

"[County's] employees, agents, and/or independent contractors, who were responsible for supervising [D.W.] and other similarly situated children, knew, or should have known, of the PERPETRATOR's sexual assault and abuse of minors placed there. Yet, those employees and/or independent contractors of [County] failed to properly investigate such abuse and failed to remove [D.W.] from the aforementioned foster care placement, as a result of which [D.W.] suffered sexual assault and abuse."

D.W. asserted County was "vicariously liable for [her] injuries proximately caused by the acts and/or omissions of [its] employees, agents, and/or independent contractors."

In a demurrer filed November 30, 2023, County argued it was entitled to discretionary immunity pursuant to Government Code sections 815.2, subdivision (b) and 820.2. A hearing thereon was held January 23, 2024. On March 25, 2024, the superior court entered an order sustaining County's demurrer without leave to amend the complaint. The court pronounced in part:

"The Court . . . finds that [D.W.] alleges facts sufficient to state a cause of action against [County] based on the doctrine of respondeat superior.

However, the Court also finds that a social worker has immunity for removal, detention, and placement decisions. [Citations.]"

DISCUSSION

I. Pertinent law

a. *Reviving time-barred claims relating to childhood sexual assault occurring before January 1, 2024*

Prior to January 1, 2024, Code of Civil Procedure section 340.1, as amended by Statutes 2022, chapter 444, section 1, read in part:

> "(a) In an action for recovery of damages suffered as a result of childhood sexual assault, the time for commencement of the action shall be within 22 years of the date the plaintiff attains the age of majority or within five years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by sexual assault, whichever period expires later, for any of the following actions:
>
> > "(1) An action against any person for committing an act of childhood sexual assault.
> >
> > "(2) An action for liability against any person or entity who owed a duty of care to the plaintiff, if a wrongful or negligent act by that person or entity was a legal cause of the childhood sexual assault that resulted in the injury to the plaintiff.
> >
> > "(3) An action for liability against any person or entity if an intentional act by that person or entity was a legal cause of the childhood sexual assault that resulted in the injury to the plaintiff. [¶] . . . [¶]
>
> "(c) An action described in paragraph (2) or (3) of subdivision (a) shall not be commenced on or after the plaintiff's 40th birthday unless the person or entity knew or had reason to know, or was otherwise on notice, of any misconduct that creates a risk of childhood sexual assault by an employee, volunteer, representative, or agent, or the person or entity failed to take reasonable steps or to implement reasonable safeguards to avoid acts of childhood sexual assault. For purposes of this subdivision, providing or requiring counseling is not sufficient, in and of itself, to constitute a reasonable step or reasonable safeguard. Nothing in this subdivision shall be construed to constitute a substantive change in negligence law.

"(d) 'Childhood sexual assault' as used in this section includes any act committed against the plaintiff that occurred when the plaintiff was under the age of 18 years and that would have been proscribed by Section 266j of the Penal Code; Section 285 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c), of Section 286 of the Penal Code; subdivision (a) or (b) of Section 288 of the Penal Code; paragraph (1) or (2) of subdivision (b), or of subdivision (c), of Section 287 or of former Section 288a of the Penal Code; subdivision (h), (i), or (j) of Section 289 of the Penal Code; any sexual contact as defined in paragraph (1) of subdivision (d) of Section 311.4 of the Penal Code; Section 647.6 of the Penal Code; or any prior laws of this state of similar effect at the time the act was committed. This subdivision does not limit the availability of causes of action permitted under subdivision (a), including causes of action against persons or entities other than the alleged perpetrator of the abuse. [¶] . . . [¶]

"(q) Notwithstanding any other law, a claim for damages described in paragraphs (1) through (3), inclusive, of subdivision (a) that has not been litigated to finality and that would otherwise be barred as of January 1, 2020, because the applicable statute of limitations, claim presentation deadline, or any other time limit had expired, is revived, and these claims may be commenced within three years of January 1, 2020. A plaintiff shall have the later of the three-year time period under this subdivision or the time period under subdivision (a) as amended by the act that added this subdivision. [¶] . . . [¶]

"(s) Notwithstanding any other law, including Chapter 1 of Part 3 of Division 3.6 of Title 1 of the Government Code (commencing with Section 900) and Chapter 2 of Part 3 of Division 3.6 of Title 1 of the Government Code (commencing with Section 910), a claim for damages described in paragraphs (1) through (3), inclusive, of subdivision (a), is not required to be presented to any government entity prior to the commencement of an action."[4]

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[4] After D.W. filed the operative complaint and before the challenged order was entered, the Legislature enacted Assembly Bill No. 452 (2023–2024 Reg. Sess.) (Assembly Bill No. 452) and Senate Bill No. 558 (2023–2024 Reg. Sess.) (Senate Bill No. 558).

Assembly Bill No. 452 amended Code of Civil Procedure section 340.1. (See Stats. 2023, ch. 655, § 1.) The current statute no longer imposes "time limits for the commencement of actions for the recovery of damages suffered as a result of childhood sexual assault" or "the prohibition on certain actions proceeding on or after the plaintiff's 40th birthday unless specified conditions are met" (Legis. Counsel's Dig., Assem. Bill

b. *Governmental tort liability*

"Except as otherwise provided by statute . . . , a public employee is liable for injury caused by his act or omission to the same extent as a private person." (Gov. Code, § 820, subd. (a).) "A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative." (*Id.*, § 815.2, subd. (a).)

c. *Immunity*

A defendant may raise immunity as the basis for a demurrer. (See, e.g., *Caldwell v. Montoya* (1995) 10 Cal.4th 972, 977 (*Caldwell*).) "An 'immunity' is '[a]ny exemption from a duty [or] liability . . . .' [Citation.] It ' "avoids liability in tort under all circumstances, within the limits of the immunity itself; it is conferred, not because of the particular facts, but because of the status or position of the favored defendant; and it does not deny the tort, but [rather] the resulting liability. . . ." [Citation.]' [Citation.] When the law grants an immunity, it does not mean that the defendant's conduct is not tortious, but rather that the defendant is absolved from liability." (*Blanks v. Seyfarth Shaw LLP* (2009) 171 Cal.App.4th 336, 378.) Generally, a court initially determines whether a defendant owes a duty to a plaintiff before it determines whether the former is immune. (See *Caldwell*, *supra*, at p. 978, fn. 3 [" 'duty before immunity' " doctrine].) However, the court may elect to proceed directly to the immunity issue on the grounds of

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No. 452 (2023–2024 Reg. Sess.) Stats. 2023, ch. 655), but these revisions only apply to claims "in which the childhood sexual assault occurred on and after January 1, 2024" (Code Civ. Proc., § 340.1, subd. (p)).

Senate Bill No. 558 added Code of Civil Procedure section 340.11 (see Stats. 2023, ch. 877, § 1), which "applies only to those instances of childhood sexual assault that occur before January 1, 2024" (Legis. Counsel's Dig., Sen. Bill No. 558 (2023–2024 Reg. Sess.)). This new statute is more or less identical to the pre-January 1, 2024 version of Code of Civil Procedure section 340.1, incorporating the language that was deleted by Assembly Bill No. 452. (See Code Civ. Proc., § 340.11, subds. (a), (c).)

expediency and judicial economy. (*Cruz v. Briseno* (2000) 22 Cal.4th 568, 572; *Caldwell*, *supra*, at p. 978, fn. 3; *Kisbey v. State of California* (1984) 36 Cal.3d 415, 418.)

"Except as otherwise provided by statute, a public employee is not liable for an injury resulting from his act or omission where the act or omission was the result of the exercise of the discretion vested in him, whether or not such discretion be abused." (Gov. Code, § 820.2; accord, *Jacqueline T. v. Alameda County Child Protective Services* (2007) 155 Cal.App.4th 456, 465 (*Jacqueline*); *Kemmerer v. County of Fresno* (1988) 200 Cal.App.3d 1426, 1435 (*Kemmerer*), disapproved in part on another ground by *Quigley v. Garden Valley Fire Protection Dist.* (2019) 7 Cal.5th 798, 815, fn. 8.)

"Except as otherwise provided by statute, a public entity is not liable for an injury resulting from an act or omission of an employee of the public entity where the employee is immune from liability." (Gov. Code, § 815.2, subd. (b).) In other words, "if the employee is immune, so too is the [public entity]." (*Kemmerer*, *supra*, 200 Cal.App.3d at p. 1435; accord, *Jacqueline*, *supra*, 155 Cal.App.4th at pp. 468–469; see *McCarty v. Department of Transportation* (2008) 164 Cal.App.4th 955, 979 [public entity cannot be derivatively liable under theory of respondeat superior if relevant public employee has discretionary immunity].)

II. Standard of review

"A demurrer tests the legal sufficiency of the complaint. [Citation.] On appeal from a judgment of dismissal following an order sustaining a demurrer, we examine the complaint de novo in order to ascertain 'whether it alleges facts sufficient to state a cause of action under any legal theory, such facts being assumed true for this purpose.' [Citation.] We give the complaint a reasonable interpretation, reading it as a whole and viewing its parts in context. [Citations.] We assume the truth of the properly pleaded factual allegations, facts that can be reasonably inferred from those pleaded, and facts of which judicial notice can be taken. [Citation.] But we do not assume the truth of pleaded contentions and legal conclusions. [Citations.] And we may disregard allegations which

are contrary to law or to a fact of which judicial notice may be taken. [Citation.]" (*In re Social Services Payment Cases* (2008) 166 Cal.App.4th 1249, 1263 (*Social Services*).) On appeal, the plaintiff bears the burden of demonstrating that the superior court erred in sustaining the demurrer. (*Brown v. Crandall* (2011) 198 Cal.App.4th 1, 8; *Vaughn v. LJ Internat., Inc.* (2009) 174 Cal.App.4th 213, 219.) "The judgment will be affirmed if it is proper on any of the grounds raised in the demurrer, even if the court did not rely on those grounds." (*Woods v. Fox Broadcasting Sub., Inc.* (2005) 129 Cal.App.4th 344, 350.)

III. Analysis

The operative complaint alleged D.W. was sexually assaulted by her foster father multiple times over a one-year period. Though she reported the abuse to her social worker, D.W. remained at the foster home for "one (1) to two (2) additional months." Since the complaint indicated the social worker "failed to properly investigate" and "failed to remove [D.W.] from the aforementioned foster care placement," we infer D.W.'s eventual removal from the home was not in response to the reported abuse. (See *Social Services*, *supra*, 166 Cal.App.4th at p. 1263.)

"Whether or not a public employee is immune from liability under [Government Code] section 820.2 depends . . . upon whether the act [or omission] in question was 'discretionary.' " (*McCorkle v. City of Los Angeles* (1969) 70 Cal.2d 252, 260; see *Caldwell*, *supra*, 10 Cal.4th at p. 983 [no finding of immunity "solely on grounds that 'the [affected] employee's *general course of duties* is "discretionary" ' "]; see also *Kemmerer*, *supra*, 200 Cal.App.3d at p. 1437 [" 'Generally speaking, a discretionary act is one which requires the exercise of judgment or choice.' "].) However, discretionary immunity "is limited to policy and planning decisions, and does not reach 'lower level decisions that merely implement a basic policy already formulated.' [Citation.]" (*Jacqueline*, *supra*, 155 Cal.App.4th at p. 465.) "Immunity for 'discretionary' activities serves no purpose except to assure that courts refuse to pass judgment on policy decisions

in the province of coordinate branches of government." (*Johnson v. State of California* (1968) 69 Cal.2d 782, 794, fn. 8 (*Johnson*).)

Here, as in *K.C.*, the social worker's purported failures "relate to 'the investigation of child abuse' [citation] and discontinuation of a foster home placement [citation] 'based upon suspicion of abuse' [citation]. They not only 'involve[] the exercise of analysis and judgment as to what is just and proper under the circumstances" [citation] but also constitute 'sensitive policy decision[s] that require[] judicial abstention to avoid affecting a coordinate governmental entity's decisionmaking or planning process' [citation]." (*K.C.*, *supra*, 109 Cal.App.5th at p. 617, rev. granted; see *Alicia T. v. County of Los Angeles* (1990) 222 Cal.App.3d 869, 883 [continuing exercise of discretion "in favor of the protection of minor children"].)[5] "These qualities hold true for, as here, 'preliminary determinations' that 'reports of possible abuse' 'did not warrant initiation' of further action."[6] (*K.C.*, *supra*, at p. 617, quoting *Jacqueline*, *supra*, 155 Cal.App.4th at p. 468; see *Ortega v. Sacramento County Dept. of Health & Human Services* (2008) 161 Cal.App.4th 713, 733 ["[E]valuation of information is an integral part of 'the exercise of the discretion' immunized by [Government Code] section 820.2."]; cf. *Conway v. County*

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[5] We point out D.W. does not cite any laws existing at the time of the alleged incidents that compelled social workers responding to childhood sexual assault claims to achieve a particular result or left them " 'no choice' " (*McCorkle v. City of Los Angeles*, *supra*, 70 Cal.2d at p. 261) as to how to handle such claims.

[6] By definition, a preliminary determination *not* to proceed cannot also be a "subsequent ministerial action[] in the implementation of that [determination]." (*Johnson*, *supra*, 69 Cal.2d at p. 797; cf. *Barner v. Leeds* (2000) 24 Cal.4th 676, 686 ["[A] public employee's initial decision whether to provide professional services to an individual might involve the exercise of discretion pursuant to [Government Code] section 820.2, but . . . once the employee undertakes to render such services, he or she is not immune for the negligent performance of professional duties that do not amount to policy or planning decisions."]; *Conway v. County of Tuolumne* (2014) 231 Cal.App.4th 1005, 1015 [Gov. Code, § 820.2 does not apply to "an officer's conduct of an accident investigation after the officer made the discretionary decision to undertake the investigation].)

of Tuolumne, *supra*, 231 Cal.App.4th at p. 1015 [police officer's decision "to investigate or not investigate" a vehicle accident immunized by Gov. Code, § 820.2].)

On appeal, D.W. contends a social worker's failure to take investigative or corrective action is "not [a] discretionary, policy-type decision[] entitled to immunity under [Government] Code [section] 820.2" because it is made "in the normal course of supervising a foster child in the County's custody." She remarks:

> "The decision to remove a child from his or her natural parents and have the child placed in custodial foster care must be distinguished from decisions made in the course of supervising a child already in foster care. The latter decisions serve to *implement* the decisions previously made to initiate dependency proceedings, undertake custody, and have the child placed in foster care. While the decisions relating to removal from natural parents and initiation of dependency proceedings may be discretionary, the latter decisions made in the course of implementing foster care are operational and ministerial, and thus not entitled to discretionary act immunity."

As in *K.C.*, this court finds this argument unpersuasive. "We do not dispute that decisions pertaining to foster care placement are discretionary acts within the meaning of Government Code section 820.2." (*K.C.*, *supra*, 109 Cal.App.5th at p. 619, rev. granted, citing *Gabrielle A. v. County of Orange* (2017) 10 Cal.App.5th 1268, 1285 (*Gabrielle*); *Christina C. v. County of Orange* (2013) 220 Cal.App.4th 1371, 1381.) "Nor do we question that 'maintenance of a child in a foster home involves an obligation of continued supervision' and much of what is required 'in terms of continued administration of the child's welfare undoubtedly constitutes simple and uncomplicated surveillance which reasonably could be characterized as ministerial.' [Citation.]" (*K.C.*, *supra*, at p. 619; see *Elton v. County of Orange* (1970) 3 Cal.App.3d 1053, 1058 [decisions made "with respect to the maintenance, care or supervision of" "a dependent child" constitute "subsequent ministerial acts in implementing" initial foster home placement].) "However, decisions as to whether to undertake investigative or corrective action in response to reported child abuse fall outside the ambit of such surveillance and are '[no]

less "discretionary" for purposes of the immunity of Government Code section 820.2 than the original placement decision.' [Citation.]" (*K.C.*, *supra*, at p. 619.) "We do not accept the notion that a 'subjective decisionmaking process' 'could [be] transmute[d]' 'into a ministerial act' [citation] simply because that process assesses incidents that occurred within a foster home." (*Ibid.*)[7]

Next, citing *Johnson*, D.W. contends County's demurrer should have been overruled because "there is nothing in [her] pleading to indicate that a County employee in fact engaged in *any* conscious or considered decision-making in response to notice that [she] was at risk of abuse in the Foster Home."

At the outset, we point out our Supreme Court clarified that *Johnson* "requires a showing that 'the specific conduct giving rise to the suit' involved an actual exercise of discretion, i.e., a '[conscious] balancing [of] risks and advantages' " (*Caldwell*, *supra*, 10 Cal.4th at p. 983, italics omitted) but "does not require a strictly careful, thorough, formal, or correct evaluation" (*ibid.*, italics omitted). (Accord, *K.C.*, *supra*, 109 Cal.App.5th at p. 619, rev. granted.) Otherwise, such an exacting standard "would swallow an immunity designed to protect against claims of carelessness, malice, bad judgment, or abuse of discretion in the formulation of policy." (*Caldwell*, *supra*, at pp. 983–984; accord, *K.C.*, *supra*, at p. 619; see, e.g., *Gabrielle*, *supra*, 10 Cal.App.5th at p. 1285 ["Courts have determined immunity applies to such decisions no matter how horrible the outcome, including a situation where a social worker returned a child to a father, who stabbed the child in the heart and lungs shortly thereafter."]; *Christina C. v. County of Orange*, *supra*, 220 Cal.App.4th at p. 1381 [discretionary immunity "applies

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[7] In *Elton v. County of Orange*, *supra*, 3 Cal.App.3d at page 1058, Division One of the Fourth Appellate District also found "[d]ecisions made . . . in connection with [a dependent child's] placement in a particular home" are ministerial. To the extent *Elton* stands for the proposition a decision as to whether to undertake investigative or corrective action in response to reported child abuse is ministerial, we reject it.

even to 'lousy' decisions in which the [social] worker abuses his or her discretion, including decisions based on 'woefully inadequate information.' "].) Furthermore, in the context of an appeal concerning a demurrer, the high court employed a "fair reading of the instant complaint." (*Caldwell*, *supra*, at p. 984; accord, *K.C.*, *supra*, at p. 619.)

Here, as in *K.C.*, a fair reading of the operative complaint reveals D.W. "essentially alleged [her] social worker[] w[as] confronted with reports of sexual abuse that should have prompted investigative or corrective action, but [she] failed to properly exercise [her] discretion to do so." (*K.C.*, *supra*, 109 Cal.App.5th at pp. 619–620, rev. granted; see *Social Services*, *supra*, 166 Cal.App.4th at p. 1263 [appellate courts "give the complaint a reasonable interpretation"].) "The complaint admits of no theory that the [social worker] acted unconsciously" (*Caldwell*, *supra*, 10 Cal.4th at p. 984), signifying her inaction was volitional. (See *Social Services*, *supra*, at p. 1263 [appellate courts "assume the truth of" "facts that can be reasonably inferred from those pleaded"].) Whether the social worker's decision not to take investigative or corrective action was based on carelessness, malice, bad judgment, or the like is ultimately inconsequential because immunity under Government Code section 820.2 applies in each scenario. (See *Caldwell*, *supra*, at pp. 983–984; see also *id.* at p. 984 ["[C]laims of improper evaluation cannot divest a discretionary policy decision of its immunity." (italics omitted)].)

In her reply brief, D.W. cites *D.G. v. Orange County Social Services Agency* (2025) 108 Cal.App.5th 465 (*D.G.*), an opinion handed down by Division Three of the Fourth Appellate District pending this appeal. That case addressed—inter alia—whether discretionary immunity was a proper basis for granting summary judgment. (See generally *ibid.*) "Summary judgment . . . provides a method by which, if the pleadings are *not* defective, the court may determine whether the triable issues apparently raised by them are real or merely the product of an adept pleading." (*Leo F. Piazza Paving Co. v. Foundation Constructors, Inc.* (1981) 128 Cal.App.3d 583, 591, fn. 4; accord, *K.C.*, *supra*, 109 Cal.App.5th at p. 620, fn. 9, rev. granted.) On the other hand, "[t]he purpose

of a demurrer is to test the legal sufficiency of a pleading, not to test the evidence or other extrinsic matters." (*Leo F. Piazza Paving Co. v. Foundation Constructors, Inc.*, *supra*, at p. 591, fn. 4; accord, *K.C.*, *supra*, at p. 620, fn. 9.) In contrast to *D.G.*, the instant case involves a defective complaint. (See *ante*, at p. 12; see also *D.G.*, *supra*, at pp. 469–470 [three-sentence overview of complaint].)

D.G. also described the following two-part test regarding Government Code section 820.2's applicability: (1) "whether the decision at issue is a discretionary, as opposed to a ministerial one" (*D.G.*, *supra*, 108 Cal.App.5th at p. 473); and (2) "whether the employee who made the decision at issue 'actually reached a considered decision knowingly and deliberately encountering the risks that give rise to plaintiff[']s complaint' " (*ibid.*). This opinion incorporates the first prong in its analysis. (See *ante*, at pp. 8–11.) With respect to the second prong, however, *D.G.*'s language—which was lifted from *Johnson* (see *D.G.*, *supra*, at pp. 473–474)—can be construed to suggest the immunity is limited to meticulous determinations. As noted, *Caldwell*—which postdates *Johnson*—opposes such a restriction. (See *ante*, at p. 11.)

Finally, as this court detailed in *K.C.*, " 'there are strong policy considerations in favor of upholding immunity' for social workers." (*K.C.*, *supra*, 109 Cal.App.5th at p. 618, rev. granted, quoting *Kemmerer*, *supra*, 200 Cal.App.3d at p. 1438; see *Johnson*, *supra*, 69 Cal.2d at p. 789 [eschewing "purely mechanical analysis of 'discretionary' in favor of greater reliance on the policy considerations relevant to the purposes of granting immunity to the governmental agency whose employees act in discretionary capacities"].) " ' "[E]xperience has shown that the common good is best served by permitting [public employees] to perform their assigned tasks without fear of being called to account in a civil action . . ." [citation].' [Citation.] ' "The subjection of officials, the innocent as well as the guilty, to the burden of a trial and to the danger of its outcome would impair their zeal in the performance of their functions, and it is better to leave the injury unredressed than to subject [them] to the constant dread of retaliation.

[Citation.]" ' [Citation.] ' "The social worker must make a quick decision based on perhaps incomplete information as to whether to commence investigations and initiate proceedings against [those] who may have abused their children. The social worker's independence . . . would be compromised were the social worker constantly in fear that a mistake could result in a time-consuming and financially devastating civil suit." [Citations.]' [Citation.]" (*K.C.*, *supra*, at p. 618; see *Gabrielle*, *supra*, 10 Cal.App.5th at p. 1287 ["The law does not grant immunity to social workers because it believes they are perfect, or should never be questioned or called to account for their actions. The law grants them immunity because otherwise they would simply not be able to do their jobs. If every time they removed a child, based on the information they had at the time, they had to fear a lawsuit if they were later proved wrong, the system would be paralyzed and children would be in danger. Nor would we ever find qualified people willing to become social workers under such conditions."].) "Because '[i]t is necessary to protect social workers in their vital work from the harassment of civil suits' [citation], 'social workers must be absolutely immune from suits alleging the improper investigation of child abuse' and 'removal of a minor' 'based upon suspicion of abuse.' " (*K.C.*, *supra*, at p. 618, quoting *Alicia T. v. County of Los Angeles*, *supra*, 222 Cal.App.3d at p. 881.)

We conclude Government Code section 820.2 applies in the instant case and County is immune by virtue of Government Code section 815.2, subdivision (b). (See *K.C.*, *supra*, 109 Cal.App.5th at p. 620, rev. granted.) Therefore, County's demurrer was properly sustained.[8]

[8] Having decided the demurrer was properly sustained, we need not address any other grounds for demurrer asserted by County. (See *Padilla v. City of San Jose* (2022) 78 Cal.App.5th 1073, 1080.)

DISPOSITION

The judgment of dismissal is affirmed. Costs on appeal are awarded to defendant and respondent County of Stanislaus.

DETJEN, J.

WE CONCUR:

LEVY, Acting P. J.

PEÑA, J.