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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION EIGHT

In re E.R. et al., Persons Coming  
Under the Juvenile Court Law.

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

P.R.,

Defendant and Appellant.

B298841

(Los Angeles County  
Super. Ct. No. DK22761A-B)

APPEAL from an order of the Superior Court of Los Angeles  
County, Julie Fox Bradshaw, Judge. Affirmed.

Robert McLaughlin, under appointment by the Court of  
Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles,  
Assistant County Counsel, and Jessica S. Mitchell, Deputy County  
Counsel, for Plaintiff and Respondent.

\* \* \* \* \*

Father P.R. appeals the termination of his parental rights to his two young daughters. His only contention on appeal is the beneficial parent-child relationship precluded termination of his parental rights. We affirm the order.

### **BACKGROUND**

Father's two-year-old and four-year-old daughters were detained from their parents after the Los Angeles County Department of Children and Family Services (Department) received a referral that father was violating a criminal court protective order that he stay away from mother (who is not a party to this appeal). Father was on three years probation as a result of his conviction of possessing a firearm and domestic violence against mother. The court declared the children dependents and ordered family reunification, including monitored visits for father. Father visited the children once a week for two hours at the Department's offices during the first six months of reunification, and his visits were reported to be "appropriate." The court then liberalized visits to unmonitored at a local McDonald's restaurant.

After the criminal court vacated the protective order, the parents told the Department they wanted to resume their relationship. Father had a new residence that he shared with a male roommate, but he would not permit the Department to inspect it and he would not give the Department any information about his roommate. Finding partial compliance with the reunification plan, the juvenile court ordered another six months of reunification services.

Father began having unmonitored weekend visits with the children. He and mother told the Department they no longer wanted to continue a relationship. However, mother went to father's home one day because she had nowhere else to go, where she found him drinking with friends, and he punched her, causing

her to report spousal abuse and false imprisonment to the sheriff's department. Father denied the incident. The parents' visitation reverted to monitored.

Some months later, the Department filed a Welfare and Institutions Code section 342 petition alleging both parents sexually abused the children, and both failed to protect the children from the other's sexual abuse. (All further statutory references are to the Welfare and Institutions Code.) Father's visits were suspended while these charges were investigated. After monitored visits were resumed, father was offered more frequent visitation, but he said he was fine with once a week due to his work and therapy schedule.

Meanwhile, the foster parents with whom the children had lived for a year asked the Department to find them a new home. The children adapted well to their new foster home. The new foster parents worked with their therapists to deal with their bedwetting and nightmares due to past trauma.

During a monitored visit, one of the girls leaned into father and asked him to massage her groin area, and when a social worker asked her about it later, she covered her eyes and would not discuss it. The new foster parents asked the Department to find a new home for the children due to their sexualized behavior. The children were placed in their third foster placement on August 1, 2018. The Department obtained a sheriff's department report that both children said father touched them with his fingers in their vaginal and buttocks areas.

The court sustained the section 342 petition, terminated reunification services, and set a section 366.26 hearing to select a permanent plan for the children, finding the parents had made minimal progress.

The children thrived in their third foster home, and shared a “stronger connection” with their foster parents than with mother and father. The foster parents were committed to adopting them, fully supported them, and treated them with open arms and love. The children referred to them as “Mami” and “Papi.” The prospective adoptive parents had an approved adoptive home study.

Father’s visits were generally “appropriate,” and the children reported they enjoyed visiting with father. However, the older child sometimes returned from visits “upset and crying.”

At the June 25, 2019 contested section 366.26 hearing, father testified he visited the children twice weekly, they played together, the children were happy to see him and sad to leave him. He spoke by telephone with the children every day and told them to behave well and asked how they were doing in school. He admitted the children had not lived with him the past year, and he had not taken them to see a doctor or a therapist.

The children’s counsel and the Department asked the court to find the beneficial parent-child relationship did not apply. The court found neither parent had filled a parental role in the children’s lives for the past two years that created the type of bond that could not be severed without detriment, whereas the children had lived for nearly a year and thrived with their prospective adoptive parents. The court terminated parental rights.

Mother and father timely appealed. Mother’s appeal was dismissed after her counsel filed a “no merit” brief pursuant to *In re Phoenix H.* (2009) 47 Cal.4th 835, and mother failed to raise any arguable issues to this court.

## **DISCUSSION**

Father contends the trial court erred in terminating his parental rights because his daughters would benefit from continuing their relationship with him. Father contends he

maintained regular visitation, and that he was “consistently appropriate, affectionate, and attentive to the children’s needs.”

After reunification services are terminated, “ ‘the focus shifts to the needs of the child for permanency and stability.’ ” (*In re Celine R.* (2003) 31 Cal.4th 45, 52.) A hearing under section 366.26 is held to select and implement a permanent plan for the child. At the section 366.26 hearing, the court must terminate parental rights and order the child placed for adoption if it determines, under the clear and convincing standard, that it is likely the child will be adopted. (§ 366.26, subd. (c)(1).)

“ ‘Adoption is the Legislature’s first choice because it gives the child the best chance at [a full] emotional commitment from a responsible caretaker.’ ” (*In re Celine R.*, *supra*, 31 Cal.4th at p. 53; see also § 366.26, subd. (c)(1).) A statutory exception to the general rule requiring the court to choose adoption exists where “[t]he court finds a *compelling reason* for determining that termination would be detrimental to the child” (§ 366.26, subd. (c)(1)(B), *italics added*) because “[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.” (*Id.*, subd. (c)(1)(B)(i); see *In re Casey D.* (1999) 70 Cal.App.4th 38, 50.)

In deciding whether the parent-child beneficial relationship exception applies, “the court balances the strength and quality of the natural parent[-]child relationship in a tenuous placement against the security and the sense of belonging a new family would confer.” (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 575.) “If severing the natural parent[-]child relationship would deprive the child of a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent’s rights are not terminated.” (*Ibid.*) The parent-child relationship must “promote[] the well-

being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents.” (*Ibid.*)

The parent-child relationship “exception does not permit a parent who has failed to reunify with an adoptable child to derail an adoption merely by showing the child would derive some benefit from continuing a relationship maintained during periods of visitation with the parent.” (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1348.) “[I]t is only in an extraordinary case that preservation of the parent’s rights will prevail over the Legislature’s preference for adoptive placement.” (*Id.* at p. 1350.)

“We apply the substantial evidence standard of review to the factual issue of the existence of a beneficial parental relationship, and the abuse of discretion standard to the determination of whether there is a compelling reason for finding that termination would be detrimental to the child. [Citations.]” (*In re Anthony B.* (2015) 239 Cal.App.4th 389, 395.) We cannot find an abuse of discretion unless the juvenile court exceeded the bounds of reason. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.) “ ‘ “When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court.” ’ ” (*Ibid.*)

In this case, there is no evidence that father and the children shared such a bond that termination of father’s parental rights would be detrimental to the children. Although father’s visits generally went well, he did not occupy a parental role in the children’s lives. He did not accompany them to the doctor or therapist. Due to the sustained sexual abuse allegations, his visits were strictly monitored, and he was not permitted to be physically affectionate with the girls. The children were thriving in their adoptive placement, and referred to their adoptive parents as

“Mami” and “Papi.” On this record, the juvenile court reasonably concluded that any limited benefit the children derived from their relationship with father was outweighed by the benefits of permanency.

**DISPOSITION**

The order is affirmed.

GRIMES, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.