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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re KARLA H., a Person Coming
Under Juvenile Court Law,

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

YOLANDA D.,

Defendant and Appellant.

B282894

(Los Angeles County
Super. Ct. No. CK90125)

APPEAL from an order of the Superior Court of Los Angeles County, Natalie Stone, Judge. Affirmed.

Aida Aslanian, under appointment by the Court of Appeal, for Defendant and Appellant.

Megan Turkat Schirn, under appointment by the Court of Appeal, for minor, Karla H.

Marissa Coffey, under appointment by the Court of Appeal, for E.S. and E.R. as Amicus Curiae on behalf of Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Tracey F. Dodds, Deputy County Counsel, for Plaintiff and Respondent.

Appellants, mother¹ and her daughter Karla H., challenge the termination of mother's parental rights with respect to Karla, arguing the court erred in finding the sibling exception under Welfare and Institutions Code section 366.26, subdivision (c)(1)(B)(v)² did not apply. We disagree and affirm.

FACTUAL AND PROCEDURAL SUMMARY

In September 2011, the Department of Children and Family Services (DCFS) filed a section 300 petition alleging that mother placed Karla H. (born in 09/2011) and her two older

¹ Karla's siblings E.S. and E.R. do not have standing to appeal from the judgment. (*In re J.T.* (2011) 195 Cal.App.4th 707, 717-718 [siblings possess no legally cognizable interest in challenging termination of parental rights on appeal under sibling exception].). Therefore, we dismiss their purported appeal for lack of standing. Recognizing that, although they do not have a legal interest in these proceedings, they have a practical interest in them, we consider their briefs as amicus curiae in support of appellants. (Cal. Rules of Court, rule 8.520(e)-(f).).

² All subsequent statutory references are to the Welfare and Institutions Code.

siblings, E.S. (born in 07/1998) and E.R. (born in 07/2001)³ in substantial danger due to her alcoholism, engagement in domestic violence, and physical discipline and neglect of the children. The children were detained and placed with foster parents named Yolanda⁴ and Heriberto. At a December 2011 combined jurisdictional and dispositional hearing, the children were declared dependents under section 300, subdivision (b), removed from mother's custody and ordered suitably placed. Mother received reunification services and made significant progress in the 18 months following the children's removal, which resulted in the children being ordered returned to her custody at the 18-month review hearing.

In November 2013, DCFS filed a section 387 petition alleging that mother had relapsed and abused alcohol. The court declared the children dependents, denied further reunification services to mother, and set a permanency planning hearing pursuant to section 366.26. E.S., E.R., and Karla again were placed with Yolanda and Heriberto. Before the permanency planning hearing, the foster parents requested that E.S. and E.R. be replaced due to alleged behavior issues, which the court granted.

The foster parents expressed their intention to adopt Karla. They were granted de facto parental status as to Karla and counsel was appointed to represent them. E.S. and E.R. filed a

³ The children also have five older siblings who are not the subject of this appeal.

⁴ Because both appellant mother and the foster mother Yolanda share the same first name, we refer to appellant mother as "mother" and the foster mother as "Yolanda."

section 388 petition requesting to participate in Karla's permanency planning hearing to argue for a legal guardianship rather than an adoption on the basis of the sibling exception in section 366.26, subdivision (c)(1)(B)(v).

The parties were referred to the Consortium for Children so that a postadoption contract could be created pursuant to section 366.29. Yolanda initially stated she would prefer no postadoption sibling visitation. Yolanda, Heriberto, E.S., and E.R. signed a postadoption contract allowing E.S. and E.R. monthly visits with Karla.

A bonding study was conducted by Dr. Kaser-Boyd, Ph.D, A.B.A.P., pursuant to section 730. She found Karla shared bonds with her foster parents and her siblings E.S. and E.R. She noted that a "contentious relationship" existed between the foster parents and the siblings and recommended that legal guardianship be pursued instead of adoption to allow the sibling relationship to continue. Yolanda stated that she tried to be cooperative and facilitate sibling visits but that the siblings were unpredictable and sometimes cancelled visits at the last minute.

At the permanency planning hearing, the court granted E.S.'s and E.R.'s 388 petition, allowing them to participate in the hearing. E.R. did not testify. E.S. testified that she and Karla were very close and attached to one another. She stated that when she lived with the foster parents, she and Karla shared a bunk bed, played together, and went to the park together. She stated that she had been seeing Karla weekly for a period of months.

Yolanda testified that, after E.S. was replaced, Karla ate little, cried for her older sister and regularly asked when she was coming back. She described Karla's relationship with E.S. as

loving and Karla's relationship with E.R. as affectionate. She stated she called the siblings' older sister Tiffany to set up a visit between Karla, E.S., and E.R. She explained she did this because she wanted Karla to see her siblings and felt "she needed them." She testified she believed it was "very important" for Karla to continue to see her siblings and that she wanted Karla to "know who her family is."

Following this testimony, the court found that due to the signed postadoption contract, it had authority under section 366.29, subdivision (c) to enforce the siblings' visitation schedule. It also found Yolanda's testimony regarding her willingness to facilitate the siblings visits credible. On those bases, it found that the sibling exception under section 366.26, subdivision (c)(1)(B)(v) did not apply because the sibling bond would not be placed at risk by Karla's adoption. The court ordered mother's parental rights terminated⁵ and placed Karla in the care of DCFS for adoptive planning and placement.

This appeal followed.

DISCUSSION

Appellant and amicus argue the trial court erred when it found the sibling exception to adoption under section 366.26, subdivision (c)(1)(B)(v) did not apply. We disagree.

We review the court's finding for substantial evidence, drawing all reasonable inferences in favor of the finding without reweighing credibility or resolving evidentiary conflicts. (*In re E.B.* (2010) 184 Cal.App.4th 568, 575.)

⁵ The parental rights of Karla's father were also terminated at this time. Her father had not appeared at any stage of the proceedings and is not a party to this appeal.

Where adoption would otherwise be ordered under section 366.26, subdivision (c)(1),⁶ there may exist a compelling reason not to order adoption, such as risk of “substantial interference” with an important sibling relationship. (§ 366.26, subd. (c)(1)(B)(v).)

It is undisputed that Karla shares with E.S. and E.R. the kind of close sibling relationships protected by section 366.26, subdivision (c)(1)(B)(v). Yet, as the court found, these relationships were not placed at risk of “substantial interference” by Karla’s adoption.

First, the court correctly stated that it retains the authority to enforce the postadoption contract, signed by E.S., E.R., Yolanda, and Heriberto, under section 366.29, subdivision (c), which provides: “the court granting the petition of adoption shall maintain jurisdiction over the child for enforcement of the postadoption contact agreement.”

Second, the court found Yolanda credible when she testified she would facilitate sibling visits in the future. (*In re D.O.* (2016) 247 Cal.App.4th 166, 175 [finding assurances of continued sibling visits relevant to court’s inquiry under section 366.36, subdivision (c)(1)(B)(v)].) “[I]ssues of fact and credibility are questions for the trier of fact. [Citation.] In dependency proceedings, a trial court’s determination will not be disturbed unless it exceeds the bounds of reason.” (*In re E.B.*, *supra*, 184 Cal.App.4th at p. 575.) Although appellant and amici emphasize that Yolanda had made statements indicating her unwillingness to facilitate visits in the past, it does not “exceed the bounds of reason” to conclude that

⁶ No party in this case argues that, apart from the sibling exception in section 366.26, subdivision (c)(1)(B)(v), there is any reason that adoption should not be ordered in this case.

she changed her mind. We therefore must accept the court's determination that Yolanda was credible regarding her willingness to facilitate an ongoing sibling bond between Karla and her siblings E.S. and E.R..

Because the juvenile court can enforce the post-adoption contract and substantial evidence showed that there would be no impediment to postadoption sibling visitation, we affirm the court's order.

DISPOSITION

The order is affirmed.

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EPSTEIN, P. J.

We concur:

MANELLA, J.

COLLINS, J.