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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re J.G., a Person Coming
Under the Juvenile Court Law.

2d Juv. No. B280145
(Super. Ct. No. 1435412)
(Santa Barbara County)

SANTA BARBARA COUNTY
CHILD WELFARE SERVICES,

Plaintiff and Respondent,

v.

JOSEPH G.,

Defendant and Appellant.

Joseph G. (Father) appeals the juvenile court's order terminating his parental rights to his daughter, J.G. (Welf. & Inst. Code, § 366.26.)¹

¹ All statutory references are to the Welfare and Institutions Code.

We appointed counsel to represent Father on appeal. On March 9, 2017, counsel filed an opening brief pursuant to *In re Phoenix H.* (2009) 47 Cal.4th 835. Counsel found no arguable issues and asked that we exercise our discretion to allow Father to personally file a supplemental brief. We notified Father that he had 30 days within which to submit any contentions he wished us to consider, and that the failure to do so would result in the dismissal of his appeal as abandoned.

Father filed a letter in which he contends that his attorney was incompetent and rendered ineffective assistance by failing to file a section 388 petition seeking placement of his daughter with a paternal aunt. We affirm.

BACKGROUND

J.G. was born with health problems caused by prenatal exposure to drugs. Her parents have a history of physical and verbal domestic abuse. Father has an extensive and serious criminal history and a substantial history of drug abuse. He was banned from the hospital neonatal intensive care unit following the birth of J.G. after threatening nursing staff. Later that day, he was arrested for domestic violence and threatened the arresting officer. The court declared J.G. a dependent of the court and ordered reunification services for both parents. At the six-month review hearing, the court terminated reunification services for both parents and scheduled a hearing to select a permanent plan.

At the hearing to select a permanent plan, the court found J.G. was adoptable and terminated parental rights for both parents. Counsel for Father stated that Father wanted J.G. to be placed with a paternal aunt (his sister). The court found adoption to be the permanent plan.

DISCUSSION

If, after terminating reunification services, the juvenile court finds by clear and convincing evidence that a dependent child is adoptable, it must terminate parental rights and order that the child be placed for adoption. (§ 366.26, subd. (c)(1).) To avoid termination under the parental benefit exception, the parent bears the burden of showing the child would benefit from a continued relationship with that parent. (*Id.*, subd. (c)(1)(B)(i); *In re Lorenzo C.* (1997) 54 Cal.App.4th 1330, 1343-1344.) No such showing was made or even attempted here.

Father contends that his attorney should have, but did not, seek placement with a paternal aunt. The record establishes that Father's counsel informed the court that the paternal aunt had filed an application for placement. Father's counsel said "I want to let the [c]ourt know that the efforts that his sister had made early on, when this case was first came before the [c]ourt. Unfortunately she was denied sometime in March. June comes around and the child needs to be placed and, unfortunately, nobody stood up to take placement of [J.G.]. We have the aunt who comes back in December, files another application and that application just went through."

Section 366.26, subdivision (b) provides that "in order to provide stable, permanent homes for [dependent] children," the court shall receive and consider evidence and then make findings and orders in a specified order of preference. The first preference is for termination of parental rights and adoption. (*Id.*, subd. (b)(1).) The sixth preference is permanent placement "with a fit and willing relative." (*Id.*, subd. (b)(6).) Father offers no evidentiary or legal support for his argument that the court

should have ordered placement with the paternal aunt instead of adoption. Because Father offers no evidentiary or legal support for these claims, they are forfeited. (*People v. Stanley* (1995) 10 Cal.4th 764, 793.)

DISPOSITION

The order is affirmed.

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TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Arthur A. Garcia, Judge

Superior Court County of Santa Barbara

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

No appearance for Plaintiff and Respondent.