Filed 2/6/14 In re Asia G. CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re Asia G., a Person Coming Under the Juvenile Court Law.	B249296 (Los Angeles County Super. Ct. No. CK73541)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. FABIAN G., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County, Anthony Trendacosta, Juvenile Court Referee. Affirmed.

Neale B. Gold, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, and Kim Nemoy, Principal Deputy County Counsel, for Plaintiff and Respondent.

Fabian G. (father), appeals from the order terminating his parental rights. He contends there was insufficient evidence supporting the juvenile court's finding that his daughter Asia G. was adoptable. We affirm.

PROCEDURAL AND FACTUAL BACKGROUND

Department of Children and Family Services (DCFS) initiated this dependency proceeding in July 2008 on behalf of 14-month-old Asia G. (born April 2007) and three half-siblings.[1] The Welfare and Institutions Code section 300[2] petition alleged that the children's mother, (mother; not a party to this appeal), had a history of drug abuse and left the children with relatives without making plans for their care or supervision. The petition also alleged that father had a history of criminal convictions for drug and gang-related crimes and had failed to provide for Asia G. due to his incarceration. Asia G. and her two half-sisters, all of whom have special needs, were detained in foster care; a half-brother was released to his father's custody.

Father was incarcerated at the time the petition was filed.[3] The court deemed father Asia G.'s alleged father. Later (in 2008), at father's request, genetic testing was done and established that he is Asia G.'s biological father.

The jurisdictional hearing was conducted intermittently between August 6 and November 7, 2008. Father appeared and was appointed counsel. The court sustained the petition as it related to Asia G. and her sisters. (§ 300, subd. (b).) The girls were declared dependents, removed from parental custody, and reunification services were ordered for mother. Exercising its discretion to do so, the court also offered reunification services for

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[1] Only Asia G. is a subject of this appeal.

[2] All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

[3] Father, incarcerated since Asia G.'s birth, admitted he never provided for her care. He has an extensive criminal history that dates back to 1991 on charges for, among other things, murder, drug possession, transport and sale, and spousal abuse. His most recent conviction was in 2007 for firearm possession and street gang activity, for which he received a sentence of 40 months in prison.

father. The court ordered father to submit to six clean drug tests, comply with the terms of his parole, and take a parenting class. The court gave father monitored visits with Asia G.

Father was released from custody in September 2008, and resumed his relationship with mother. He began having monitored visits with Asia G., and acted appropriately during visits. According to DCFS, father developed only a limited connection with Asia G., who paid him little attention during visits. By March 2009, father had completed a 10-week parenting course, and continued to comply with the terms of his parole and to have negative drug tests. However, he failed to attend a meeting with DCFS in February 2009 to address liberalizing his visitation. Father began missing several visits each month with Asia G. without calling to cancel or to reschedule, and the interactions he did have with her remained limited. At DCFS's recommendation, the juvenile court ordered additional reunification services. DCFS encouraged the parents to educate themselves with regard to the children's special needs to enable them to better provide for the girls.

Eighteen-month-old Asia G., continued to display global developmental delays, including aggressive behavior, lacked communication skills and received Regional Center services. Her siblings also manifested developmental delays. All three girls were doing well in foster care. DCFS conducted an adoption assessment, and found all three girls adoptable.

In September 2009, DCFS reported that father was again incarcerated. He had been arrested in June for drug possession. Mother had been terminated from her counseling program and had tested positive for drugs. The father of Asia G.'s sisters was also incarcerated. An updated adoption assessment reaffirmed that all three girls remained adoptable, notwithstanding their special needs. The foster parent wanted to provide all three girls a permanent home through legal guardianship, or perhaps adoption, depending on which plan offered more support for the children's needs. DCFS recommended that reunification services be terminated. The matter was continued for a contested hearing.

In December 2009, mother gave birth to Marissa G., whom she said was father's child. The newborn was detained in DCFS custody because mother tested positive for methamphetamine during her pregnancy and was not complying with the case plan for her

other children. The juvenile court declared the baby a dependent (§ 300, subd. (b)), removed her from parental custody, denied the parents reunification services and referred her matter for a section 366.26 hearing to select and implement a permanent, out-of-home plan.[4] Marissa G. was placed in the home of a paternal aunt, Naomi G. (Naomi).

The 18-month review hearing for Asia G. and the other children was held in early January and continued to February 22, 2010, for trial. Father remained incarcerated and waived further appearances. He wrote DCFS to say he would not attend further hearings, but did not want his nonappearance construed as a lack of interest in his children, but rather that he had an interest in being released as soon as possible. The court terminated reunification services and set the matter for a section 366.26 hearing.

DCFS continued to recommend adoption by their current caretaker as the permanent plan for Asia G. and her sisters. Alternatively, Naomi had expressed an interest in adopting all four girls. Naomi had been consistently visiting Asia G. and her sisters since August 2009. She had not come forward before as a potential placement because she believed the girls' fathers would reunify with them. Naomi was concerned about the feasibility of having the children placed with her because her husband was serving a life sentence. Naomi's home was approved as a placement for the girls, and an adoption home study was initiated.[5]

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[4] Father was named as Marissa G.'s alleged father, but raises no argument as to her on appeal.

[5] Initially, DCFS resisted Naomi's efforts, recommending instead that the three girls remain with the foster caretaker with whom they had lived for 18 months and who wanted to adopt them. DCFS's position changed after it learned of the foster mother's ongoing involvement with her incarcerated husband. The husband had a leadership role in a drug cartel whose members were known to be very violent and to retaliate against family members. In addition, DCFS had received eight referrals generated by paternal relatives, alleging mistreatment of the girls in the foster home between January and June 2010. The referrals were investigated and deemed unfounded. DCFS rescinded the foster mother's adoptive home study. At about the same time, DCFS began recommending that the three girls be placed, together with Marissa, in Naomi's home.

All three of the older girls were Regional Center clients and received in-home treatment as often as five days per week. Asia G. wore a helmet to protect herself from tantrums and from falls. She had been diagnosed with "failure to thrive," asthma, mental retardation and autism.

By the time the court convened for the initial session of the section 366.26 hearing on July 19, 2010, all four girls had been placed in Naomi's home, where they remain. In August, DCFS reported that the girls were adjusting well in Naomi's home, despite their many special needs, and that Naomi was committed to adopting all four of them.

In November 2011, DCFS expressed concern because Naomi had been slow to return documents needed to complete her adoptive home study. The adoption children's social worker (ACSW) noted that Naomi, was an inexperienced lone parent, who had a full-time job, was caring for four special-needs children and had limited free time. DCFS had some concern regarding the children's safety in Naomi's home: one girl fell on some stairs at the apartment complex, and another received two black eyes after she fell in a van because she was not wearing a seat belt.[6] A second neglect referral was generated after Asia G.'s sister Samantha misbehaved in class. When school personnel told the child they had to tell Naomi about her behavior, Samantha screamed, "'No, she is going to hit me.'" The record does not reflect how this referral was resolved. The ACSW was also concerned that Naomi appeared to rely on support from her husband's family, some of whom had criminal histories. Still, it was evident that Naomi cared deeply for the children and wanted to provide them a permanent home. She planned to divorce her husband. At DCFS's request, the court continued the section 366.26 hearing.

The next section 366.26 status review hearing was held in February 2011, after Naomi and the girls had moved to a larger home to accommodate the children's needs. The ACSW still remained concerned about Naomi's ability to care for the children. DCFS

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[6] DCFS investigated this incident. According to the child (Samantha), Naomi had secured her in a seat belt, which the child unbuckled while Naomi was driving. DCFS deemed the neglect referral unfounded.

acknowledged that Naomi was an inexperienced single parent caring for four children with special needs, and that she had not been receiving appropriate services for the children from the Regional Center. The ACSW noted that Naomi was eager to learn, but had not yet mastered, the skills to parent children with special needs, appeared to be overwhelmed by the children's behaviors and needs, and lacked a good support system. Naomi's homestudy remained incomplete because she had not yet provided DCFS the required documentation, or finalized her divorce. DCFS was contemplating denying the adoptive home study.

Naomi took a leave of absence from work to address the adoption home study, Samantha's educational issues and Asia G.'s mental health needs. Naomi's mother moved from Utah into Naomi's home in California to help provide extra support. Throughout this process, Naomi was steadfast in her desire to adopt. She told DCFS she was committed to the children's safety and to providing them a permanent home, and was contemplating quitting her job so she could be a full-time mom. She acknowledged that she had a lot to learn about parenting, and said she was willing to do whatever was necessary to adopt the children. Naomi understood adoption was a life-long commitment and "'believe[d] she [could] give [the children] a great future, [and] teach them how to love and care.'" She acknowledged that she was in the process of '"learning how to be a mom.'" With the exception of the delayed paperwork, DCFS acknowledged that Naomi had shown the ability to comply in a timely manner with its requests. It also observed that the children were up to date as far as their medical and dental needs. DCFS requested that the court appoint a Special Advocate to give the children another source of support. Naomi took additional parenting classes focused on caring for children with special needs.

Naomi's adoptive homestudy was denied in June 2011 due to her failure to provide proof of divorce or separation from her incarcerated husband, concerns about her ability to

meet the children's special needs, her reliance on paternal relatives, many of whom had criminal convictions, and concern about her disciplinary methods.[7]

The next status review/section 366.26 hearing was conducted in August 2011. By this time, all four girls had been placed with Naomi for over a year. DCFS reported that Naomi had met all of the children's medical, dental and special needs. She had also been taking more initiative to get information and services for the children and asking for help when she needed it. Among the children, Asia G. had shown the "most improvement" since her placement with Naomi: she now spoke in complete sentences, no longer had to wear a helmet, and was no longer diagnosed with "failure to thrive" syndrome because her weight had increased and her eating habits had improved. All the children appeared to have a bond with Naomi, whom they referred to as "'mom,'" and to whom they looked for guidance and direction, and were comfortable with her and in her home. At the conclusion of the hearing, the court did not terminate parental rights, but continued to identify adoption as the permanent placement goal.

An administrative review was conducted in October 2011 after Naomi, who was adamant that she wanted to adopt the children, appealed the denial of her adoptive home study. In early February 2012, the matter was assigned to a new ACSW, Sara Sanchez-Long, to conduct a new adoption home study, and the family was referred for Adoption Promotion and Support Services to obtain additional resources and services.

In February 2012, DCFS received a referral alleging that Asia G. had been sexually abused. The reporting party said that Asia G. had come to school with dirty clothes and hair and with her underwear half off, and her vagina had an unhygienic smell. The child displayed sexualized behavior, and wet herself even though she was toilet trained. DCFS assigned an investigator to look into the matter, but noted the reporting party had referred to

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[7] The ACSW observed Naomi using a "loud tone" with the children, giving them time-outs facing a wall, and sending them to their room and closing the door. The method taught in the course for parenting children with special needs employed positive reinforcement, not punitive measures.

Asia G. by her middle name and had used an incorrect address.[8] DCFS's report also reflected that Naomi had responded to all its requests in a timely manner, had satisfied the children's special needs and was appropriate with them, and had taken the initiative to obtain information and services, as needed. Naomi consistently made the children available for visits with mother and other relatives. But mother made only sporadic visits; father did not visit at all due to his incarceration. The children remained adoptable.

By April 2012, the newly assigned ACSW had met with the family once, and had met twice alone with Naomi. The ACSW believed the family required "wrap around" services and additional in-home resources and support and education in order to address the children's special needs, including their autism, inattentiveness, tantrums and safety issues. Those additional services had begun, but were not yet completely in place. DCFS informed the court that Naomi remained committed to adoption, which remained the best permanent plan, and that the new ACSW needed additional time to assess the family and to get its support services in place.

By July 2012, Asia G. was receiving wrap around services. The ACSW had met with the family 10 times, but wanted a few more interviews in order to complete the adoptive home study. DCFS noted that Naomi had been compliant, and continued to express her love and devotion to the children, whose physical and emotional needs were met, and with whom she had a clear bond. All the children had made significant progress in Naomi's care, but it remained clear that caring for four children, several of whom had special needs, remained quite challenging for Naomi. The ACSW wanted more wrap around services in place longer in order to assess the family, which had recently moved to a larger home and needed more time to settle in. The ACSW also wanted Naomi to attend therapy or a support group for single parents of children with special needs.

In January 2013, DCFS reported that Naomi's adoptive homestudy had been approved in mid-November 2012. Naomi continued to provide the girls a safe, stable, loving

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[8] The record does not indicate how that investigation was resolved.

home. They were thriving in her care and also making improvements at school. The family continued to receive support through wrap around services and therapy. DCFS recommended that parental rights be terminated and the children authorized for adoption by Naomi. The court set the matter for trial.

Father was released from prison in January 2013. He began having monitored visits with the children in February 2013.

The final section 366.26 hearing was conducted on April 9, 2013. In its report for that hearing, DCFS noted that two referrals were made in February 2013. One alleged that Asia G.'s sisters were the victims of physical and emotional abuse by Naomi. The other referral alleged that Asia G. was at risk by virtue of abuse of her sisters. The first referral was investigated by DCFS and deemed "unfounded." The second referral, predicated on the first, was also deemed "unfounded." DCFS reported that mother had visited the children once since April 2011, and that father visited Asia G. five times between February 22 and March 22, 2013.

The court received into evidence various DCFS reports. The children's attorney joined DCFS in requesting that parental rights be terminated, noting that the girls were adoptable and would likely be adopted by Naomi with whom they had lived most of their lives. The court found, by clear and convincing evidence, that Asia G. and her sisters were adoptable. Neither parent challenged that finding. Parental rights were terminated, and adoption ordered as the appropriate permanent plan. Father appeals.

DISCUSSION

Father maintains the order terminating parental rights must be reversed because there is insufficient evidence to support the juvenile court's finding that Asia G. is adoptable.[9] He is mistaken.

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[9] The matter of standing is not at issue. DCFS concedes that the juvenile court permitted father, an established biological but not a presumed father, to participate in the section 366.26 hearing and does not contest his standing to appeal. DCFS asserts that

Father contends that the juvenile court erred in determining that Asia G. was adoptable due to the nature of her emotional and physical developmental delays. He also argues that Asia G. was not specifically adoptable by Naomi who, notwithstanding her desire and willingness to do so, was incapable of caring for Asia G. and all her sisters with special needs. We hold that substantial evidence supports the court's adoptability finding.

1. Legal standards

The juvenile court may not terminate parental rights unless it finds by clear and convincing evidence "that it is likely the child will be adopted. . . ." (§ 366.26, subd. (c)(1).) "Review of a determination of adoptability is limited to whether those findings are supported by substantial evidence. [Citation.]" (*In re Carl R.* (2005) 128 Cal.App.4th 1051, 1061.) "[W]e view the evidence in the light most favorable to the trial court's order, drawing every reasonable inference and resolving all conflicts in support of the judgment. [Citation.] An appellate court does not reweigh the evidence. [Citation.]" (*In re Marina S.* (2005) 132 Cal.App.4th 158, 165.)

Generally, when assessing whether a child is likely to be adopted, the juvenile court's focus is on whether the child's "age, physical condition, and emotional state make it difficult to find a person willing to adopt" him or her. (*In re Sarah M.* (1994) 22 Cal.App.4th 1642, 1649.) Factors that may cause difficulty in finding a prospective adoptive parent include a child's membership in a sibling group, his or her physical, developmental or emotional problems, or the child's age. (§ 366.26, subd. (c)(3); *Sarah M.*, at p. 1650; *In re Amelia S.* (1991) 229 Cal.App.3d 1060, 1065.) The focus when making a general adoptability finding is on the child, not on whether a prospective adoptive family is waiting in the wings. (*Sarah M.*, at p. 1649; *In re Jennilee T.* (1992) 3 Cal.App.4th 212, 223, fn. 11.) Nevertheless, the existence of a prospective adoptive family is evidence that the child's age, physical and mental condition, or other attributes are not likely to dissuade other prospective

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regardless of any error by the juvenile court, ample evidence supports the order terminating parental rights.

adoptive parents from adopting the child. In sum, a prospective adoptive parent's willingness to adopt shows that child is likely to be adopted either by that prospective adoptive parent or by someone else. (*Sarah M.*, at pp. 1649–1650.)

In a case in which a child is deemed specifically adoptable, that is, adoptable based solely on the fact that a particular family or caretaker is willing to adopt him or her, the question of adoptability hinges on whether there is a "legal impediment" to adoption by that family. (*In re Sarah M.*, *supra*, 22 Cal.App.4th at p. 1650; *In re Brandon T.* (2008) 164 Cal.App.4th 1400, 1410; *In re I.W.* (2009) 180 Cal.App.4th 1517, 1526.) The legal impediments to adoption, in Family Code sections 8601, 8602 and 8603, respectively, provide that a prospective adoptive parent must be at least 10 years older than a child unless certain exceptions apply, a child older than 12 must consent to adoption, and a prospective adoptive parent not lawfully separated from a spouse must obtain consent or the adoption from his or her spouse. Labels aside, dependency cases do not always "fall neatly into one of two scenarios: one, the availability of a prospective adoptive parent is not a factor whatsoever in the social worker's adoptability assessment; or two, the child is likely to be adopted based solely on the existence of a prospective adoptive parent." (*In re G.M.* (2010) 181 Cal.App.4th 552, 562, italics omitted.) Rather, "[t]hese scenarios represent opposite ends on the continuum of when a child is likely to be adopted." (*Ibid.*) DCFS's adoption assessments generally describe "a combination of factors warranting an adoptability finding, including . . . the availability of a prospective adoptive parent." (*Ibid.*) "This is the reality we confront, notwithstanding appellate arguments that assume a child is either generally adoptable without regard to a prospective adoptive parent or specifically adoptable based solely on the availability of a prospective adoptive parent." (*Ibid.*)

2. Asia G.'s general adoptability

Father asserts that the juvenile court did not and could not find Asia G. generally adoptable. He is wrong on both counts. Both the transcript and minute order from the April 9, 2013 section 366.26 hearing state clearly that the juvenile court made an unqualified

finding, "by clear and convincing evidence that [Asia G. and her sisters] are adoptable," and are "likely . . . [to] be adopted." That finding is supported by repeated references in the initial and updated adoption assessments concluding that Asia G. was adoptable, none of which specify that the social worker's opinion was based only on the availability of possible adoptive parents.

Father also claims Asia G. cannot be considered adoptable because she has severe disabilities and special needs, and a general adoptability finding may only be made for a "problem-free child." In support of this remarkable and dismissive assertion, father cites the "evidence" that DCFS could find only two people willing to adopt Asia G. among " all the people surveyed as potential adopters. First, father points to no evidence to show the size of the pool of potential adoptive families surveyed. Father has not provided any evidence that the size of that pool was any larger than two, or that the "willing to adopt" rate among potential adopters of Asia G. was anything short of 100 percent. Further, not only did Asia G. have two long-term caretakers ready and eager to adopt her, both went to significant lengths in order to do so. The foster mother with whom Asia G. first lived for over 18 months, fought (albeit unsuccessfully) to keep and adopt her.[10] Naomi too had to fight, first to have Asia G. placed in her home at all, and later to get the denial of her adoptive home study overturned.

Father's unqualified assertion that Asia G. cannot be deemed generally adoptable because she is a child with special needs is flatly wrong. A child's developmental and behavioral delays do not negate the likelihood of adoption. They are simply an additional factor to be considered by the juvenile court together with other evidence. (*In re Jennilee T.*, *supra*, 3 Ca1.App.4th at pp. 224–225; see also *In re Roderick U.* (1993) 14 Cal.App.4th 1543, 1550; *In re A.A.* (2008) 167 Cal.App.4th 1292, 1312–1313 [children who suffered

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[10] After DCFS learned the caretaker's husband was the leader of a violent drug cartel, and Asia G. was removed from her care, the foster mother filed a petition seeking to have the child returned to her care.

from attachment disorder, developmental delays and aggressive behavior, but who had made significant therapeutic progress, were properly deemed generally adoptable]; *In re Helen W.* (2007) 150 Cal.App.4th 71, 74–75, 79–80 [although children had various physical and developmental conditions, including susceptibility to brain tumors and mild autism, record supported finding of general adoptability based on their appealing characteristics, including young age, affectionate personalities and history of positive interactions with others].) The existence of even one prospective adoptive family is evidence of general adoptability. (*In re Sarah M.*, *supra*, 22 Cal.App.4th at pp. 1649–1650.) Here, Asia G. had two.

3. Asia G. was specifically adoptable

The record also contains sufficient evidence to support the court's finding that Asia G. was specifically adoptable; viz., likely to be adopted by Naomi.

Even had the court been persuaded that Asia G.'s developmental and behavioral issues rendered her not generally adoptable, leading the court to rely solely on Naomi's willingness to adopt, the adoptability finding would be supported by clear and convincing evidence. In such a situation—"[w]hen a child is deemed adoptable only because a particular caretaker is willing to adopt"—the court should focus more intently on the prospective adoptive parent or family to determine whether "there is any legal impediment to the . . . adoption and whether [the prospective adoptive parent or family] is able to meet the needs of the child." (*In re Helen W.*, *supra*, 150 Cal.App.4th at p. 80; accord, *In re Carl R.*, *supra*, 128 Cal.App.4th at p. 1062.) Here, the adoption assessments contained ample evidence that Naomi fully understood the responsibilities adoption entailed, was well acquainted with Asia G.'s emotional, behavioral and developmental issues, and was ready, willing and steadily learning to meet them. Father has identified no legal impediment to adoption, nor is there any indication that Naomi lacks financial resources or emotional maturity. Certainly there can be no question that Naomi is highly motivated. For several years she has taken great strides to integrate Asia G. and her sisters into her family and has communicated many times her commitment to adopting the girls. This was clear evidence that Asia G. was likely to be adopted once parental

rights were terminated. "[I]t is only common sense that when there is a prospective adoptive home in which the child is already living, and the only indications are that, if matters continue, the child will be adopted into that home, adoptability is established. In such a case, the literal language of the statute is satisfied, because 'it is likely' that that particular child will be adopted." (*In re Jayson T.* (2002) 97 Cal.App.4th 75, 85, disapproved on another ground by *In re Zeth S.* (2003) 31 Cal.4th 396, 414.) Moreover, in cases in which children exhibit problems which might militate against an adoptability finding, the court may properly find them likely to be adopted where the prospective adoptive family is not dissuaded by those problems, but remains committed to adopting the child. (See *In re Lukas B.* (2000) 79 Cal.App.4th 1145, 1154.)

Father points to five referrals received and investigated by DCFS during the time Asia G. was in Naomi's care. He relies on the sheer number of referrals, the fact that the record does not reflect how two referral investigations were resolved and the denial of Naomi's first adoptive homestudy to argue that, notwithstanding her well-documented love for and commitment to the children, Naomi was "not suitable to adopt."[11] Indeed, he insists that the "referrals, without further investigation, alone, should have served as a legal impediment to adoption. . . ." But actual legal impediments to adoption are absent—nothing in the record shows, for example, that Naomi is too close in age to now six-year-old Asia G., or has a criminal record or an objecting spouse, for example. (See Fam. Code, §§ 8601–8603, 8712(c)(1) [listing crimes that pose legal impediment to adoption]; *In re Sarah M.*, *supra*, 22 Cal.App.4th at p. 1650.)

As for Naomi's suitability to adopt, as a general rule, the suitability of the prospective adoptive family does not constitute a legal impediment to adoption and is

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[11] Although none of the referrals was substantiated, there is no record of the result of the investigation for two referrals. One, for physical abuse, involved Samantha screaming that Naomi would hit her after school personnel told her they would have to tell Naomi about the child's misbehavior. The other, for sexual abuse, was made after Asia G. turned up dirty, disheveled and displayed sexualized behavior at school.

irrelevant to the issue at the section 366.26 hearing of whether a child is likely to be adopted. (*In re Scott M.* (1993) 13 Cal.App.4th 839, 844; *In re Sarah M.*, *supra*, 22 Cal.App.4th at p. 1650; *In re T. S.* (2003) 113 Cal.App.4th 1323, 1329.) The rationale for this rule is that if an inquiry into the suitability of prospective adoptive parents were permitted at the section 366.26 hearing, many such hearings would degenerate into subjective attacks on the prospective adoptive parents—a result not envisioned by the statutory scheme (*In re Scott M.*, at p. 844), and one that could discourage adoption by families unwilling to become the targets of biological parents desperately trying to keep their children, and unable to establish any statutory exception to adoption as Asia G.'s permanent plan.

The circumstances of this case differ markedly from those of *In re Jerome D.* (2000) 84 Cal.App.4th 1200, on which father relies. There, the court reversed an order terminating parental rights because there was insufficient evidence to support the juvenile court's clear and convincing general adoptability finding. The court also reversed the finding that the child was specifically adoptable because no homestudy had been initiated for the prospective adoptive parent, and no criminal background check or social assessment had been conducted to determine whether there had been any referrals or were any other concerns. (*Id.* at p. 1205.) Here, Naomi's homestudy was approved, and concerns about Asia G.'s care and Naomi's ability to meet her special needs were extensively addressed before that approval was obtained. This is not a case, like *Jerome D.*, in which there was an absence of evidence. Here, impediments to Asia G.'s adoption have long been addressed and resolved and Naomi's approved homestudy constitutes substantial evidence that there is no legal or other reason why adoption should not proceed. By the time of the section 366.26 hearing, Asia G. had been in Naomi's care for almost three years. Naomi was well aware of the child's developmental delays, behavioral problems and the challenges posed by parenting a special needs child. Naomi remains steadfastly committed to adopting Asia G. and providing her a permanent, loving home. Naomi has taken courses, participated in therapy and support groups, and pursued every resource made available to her in order to learn how best to parent children whose needs are many and complex. And she has undertaken this admirable, but

arduous role virtually alone, as a first-time, near instant, mother of four. Naomi has fought and worked hard every step of the way in order to fulfill her commitment to provide an adoptive home for Asia G. and her sisters. Naomi's demonstrated commitment to adopting Asia G., together with her approved home study, is evidence that, even if the evidence were not sufficient to support the court's finding that Asia G. is generally adoptable, the child would likely be adopted by Naomi. Thus, substantial evidence also supports the juvenile court's specific adoptability finding.

In any event, at the contested section 366.26 hearing, father did not raise any issue as to actual or potential legal impediments to adoption. Nor did he voice any concerns about Naomi. Now, for the first time on appeal, father speculates that an unresolved referral and Naomi's prior inexperience with children with special needs may pose a legal impediment to adoption or render her unqualified to adopt. If father had sought to introduce evidence below regarding a potential legal impediment to adoption, the court would have been obligated to admit it. (*In re G.M.*, *supra*, 181 Cal.App.4th at p. 561.) Having made no effort to raise this issue in the juvenile court, father "failed to properly preserve for appellate purposes [his] claim of trial court error." (*Id*. at pp. 563–564; *In re Dakota H*. (2005) 132 Cal.App.4th 212, 221–222 [doctrine of forfeiture applies in juvenile dependency litigation "and is intended to prevent a party from standing by silently until the conclusion of the proceedings"].) Although father tries to get around his failure to raise the issue of possible legal impediment by framing his appellate claim as a challenge to the sufficiency of the evidence, we have concluded that substantial evidence supports the determination that Asia G. was adoptable.

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED.

JOHNSON, J.

We concur:

CHANEY, Acting P. J.

MILLER, J.*

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* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.