Filed 9/23/19 In re G.M. 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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS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 G.M., a Person Coming Under the Juvenile Court Law.	B293336
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. K.M., et al., Defendants and Respondents; G.M., a minor, Appellant.	(Los Angeles County Super. Ct. No. 18CCJP03730)

APPEAL from an order of the Superior Court of Los Angeles County, Marguerite D. Downing, Judge. Affirmed.

Jesse McGowan, under appointment by the Court of Appeal, for Appellant G.M., a minor.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Sarah Vesecky, Deputy County Counsel, for Plaintiff and Respondent Los Angeles County Department of Children and Family Services.

No appearance for Defendants and Respondents K.M., et al.

G.M. appeals from a jurisdiction/disposition order declaring her to be a dependent of the court pursuant to Welfare and Institutions Code section 300, subdivisions (b)(1) and (j),[1] and ordering her placed in a suitable placement by the Department of Children and Family Services (DCFS). G.M. contends the juvenile court abused its discretion in denying her request to be placed with her paternal grandparents, J.M. (grandfather) and R.M. (grandmother) (collectively the grandparents). We disagree and affirm.

BACKGROUND

A. *Family History*

The mother and father of G.M. have a long history of substance abuse and involvement with the dependency system. Their six oldest children were detained in 2012 due to the parents' domestic violence and substance abuse. The next three children were detained in 2013, 2015, and 2017, when they were born with drugs in their systems.

The three oldest children, ages 12 to 15, were placed with their maternal grandmother, who is their legal guardian.

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

The paternal aunt, Elizabeth M., has legal guardianship of the next four children, ages five to 10; they live in the grandparents' home. The youngest two children, J.C. (three years old) and M.M. (two years old), were placed with the grandparents as infants.

B. *G.M.'s Birth and Detention*

In May 2018, G.M. was delivered prematurely after the mother went to the hospital for high blood pressure. G.M. was placed in the neonatal intensive care unit due to her premature birth and respiratory distress. G.M. tested negative for drugs. DCFS detained G.M. on June 8, 2018 and placed her in foster care.

DCFS filed the section 300 petition on June 12, 2018, alleging the parents' substance abuse rendered them incapable of providing G.M. with regular care and supervision. The petition also alleged that G.M.'s siblings had been removed from the parents' custody due to the parents' substance abuse. On June 13, the juvenile court found a prima facie case for detention. G.M. has been in foster care—and with the same foster family—continuously since June 8, 2018, with the exception of a brief period beginning on June 28, when G.M. was returned to Mother's care, only to be removed five days later because Mother failed to comply with the conditions of G.M.'s return.

DCFS reports reflect that the grandparents first expressed a desire to have G.M. placed in their home on July 5, 2018.[2] On

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[2] It is unclear whether the grandparents initially stated that they did not want G.M. placed with them, or that they believed DCFS would not allow the grandparents to take on

July 9, the court ordered DCFS to assess the grandparents for possible placement.

In the August 9, 2018 jurisdiction/disposition report, DCFS noted the parents were noncompliant with their programs and had not visited with G.M. since her detention. DCFS recommended that G.M. be declared a dependent child of the court and removed from the parents' custody, and that no reunification services be provided.

C. *Assessment of the Grandparents*

1. *Negative pre-release investigation report*

On July 18, 2018, DCFS filed a pre-release investigation report, recommending that G.M. remain in foster care and not be placed with the grandparents. DCFS reported that the grandparents lived with G.M.'s two youngest sisters, J.C. and M.M., who slept in cribs in the grandparents' bedroom. The grandparents' daughter, Elizabeth, also lived in the house with four of G.M.'s siblings for whom she was the legal guardian. Elizabeth slept in the living room; three girls, ages five to eight, slept in one bedroom, and a 10-year-old boy slept in a separate bedroom. The grandparents stated that they were willing and able to care for G.M. The grandparents denied any domestic violence, criminal history, or substance abuse.

The report identified several reasons for its assessment that it would not be in G.M.'s best interest to be placed with the grandparents. First, it cited the grandparents' "inability to provide legal permanency for [G.M.]," given that the

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another child, given the number of children currently residing in their home.

grandparents had been denied twice for adoption of other grandchildren and had been unsuccessful in appealing those denials.

Second, it noted the grandparents' "significant child abuse referral history" with DCFS. The record on appeal contains limited and partially inconsistent information about this history, but generally reflects: (1) one substantiated referral against the grandparents in April 2013 for general neglect of six children, following which those children were removed from the home and placed under Elizabeth's legal guardianship; (2) one referral alleging physical abuse by the grandmother in July 2014 that was concluded as unfounded as to one child and inconclusive as to five children; and (3) two referrals against the grandparents for neglect in October 2012 and February 2016, both of which were concluded as unfounded. At least one of the neglect referrals (the 2016 referral) was based on unfounded allegations that the grandparents permitted the mother and father to reside in the home and have access to the children. The record suggests, though it is not clear, that the grandparents' substantiated April 2013 referral for general neglect was based on permitting the mother and father to reside in the grandparents' home.

Third, the report notes that the grandparents "continue to not be forthcoming with [DCFS] in regards to their own domestic violence history" and "continue to deny any wrongdoing." The report provides no details about or evidentiary support for this alleged history of domestic violence, which the grandparents have consistently denied.

Finally, the report cites as a basis for its negative assessment that "there are already six children 10 years and

under, two of which [have special needs] and two other children under the age of three years old,"[3] such that "[t]he family has limited physical space."

2. *The grandparents' request to change order*

On October 10, 2018, the grandparents filed a section 388 request to change order, seeking to have G.M. placed in their home with her siblings.

To support their request, the grandparents offered several documents related to J.C. and M.M.'s dependency proceedings, which spoke to the grandparents' abilities as caregivers. These documents describe J.C. and M.M. as "thriv[ing]" in the grandparents' home since being placed there in May 2016 and April 2017, respectively. For example, DCFS reports note that, during monthly visits to the grandparents' home, both M.M. and J.C. were "clean and well cared for consistently" and "appeared to be happy" and that "[t]here are no present child or safety concerns." These reports further observed that the grandparents were "very caring and affectionate towards [J.C. and M.M.] and [J.C. and M.M.] respond well to them," and that J.C. and M.M. "continue to thrive in [the grandparents'] care."

The only concern DCFS expressed in any of these reports was that, because the grandparents' application to adopt J.C. and M.M. had been denied, the grandparents may not be able to offer the girls a permanent home.

With respect to J.C. and M.M.'s extended family, the reports relay that Elizabeth moved into the grandparents' home

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[3] It is unclear which children DCFS was referring to. The two youngest children, J.C. and M.M., were both regional center clients and under three years old at the time.

with four of G.M.'s siblings under Elizabeth's legal guardianship to make it easier for the grandmother to provide childcare for those children, and that J.C. and M.M. had developed strong bonds with those older siblings.

As further support for their section 388 request regarding G.M., the grandparents offered letters from a psychologist with whom the grandparents had worked "[f]or several years." These letters describe "how deeply the [grandparents] were dedicated to the care of [their grandchildren]" and that, in the grandmother's care and "with the help and support of her husband," the children made "remarkable improvement" in their "behavioral and emotional difficulties." In another letter dated June 26, 2014, the psychologist reiterated that, based on "over thirty-five years [working] with families," "there is no question in my mind that these grandparents are capable of protecting and giving loving and competent care to their grandchildren." The grandparents also offered a letter from the nonprofit organization "Grandparents As Parents" attesting to how well J.C. and M.M. were doing in the grandparents' care, how close the children were to their siblings and to the grandparents, and the manner in which the grandparents "ha[d] put their own lives on hold to raise their grandchildren and always put the needs of the children at the forefront of all they do."

Also included in the grandparents' hearing exhibits was the November 15, 2017 letter denying the grandparents' application to adopt J.C. and M.M. (the denial letter). The denial letter largely tracks the concerns DCFS expressed in its negative pre-release investigation report regarding G.M. Specifically, the letter notes that the grandparents' application to adopt several of the mother's and father's older children was denied in 2014,

and that the grandparents' appeal therefrom was unsuccessful. The denial letter states that a December 2016 "report to the court" by a "mental health professional" relayed allegations by the grandmother of domestic violence in the grandparents' relationship, and that "a family member close to [the grandparents]" reported a history of domestic violence to DCFS as well. The record does not contain any such report or any such statements, nor does it contain other documents reflecting domestic violence between the grandparents. The denial letter cites the grandparents' history of referrals, and notes that this history in part involves a failure to set appropriate boundaries with the mother and father. The letter faults the grandparents for continuing to dispute that they have a history of domestic violence and that they let the mother and father reside in their garage.[4] The denial letter also notes that

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[4] The record contains conflicting information regarding whether and to what extent the grandparents improperly permitted the mother and father to reside in their home. For example, a February 2014 letter from the family psychologist references the grandparents permitting the mother and father "to occasionally stay in their garage during the time the children were placed with the [grandparents]." In a June 26, 2014 letter, however, the psychologist corrected this statement, clarifying that the mother and father had lived in the grandparents' garage with the children before they lost custody of the children. When the DCFS inspector visited the home in 2013 and found the mother and father in the garage, he mistakenly believed they were living there. In actuality, the letter explained, the grandmother allowed the mother and father to leave their belongings in the garage, not to live there, and the inspector found the mother and father in the garage solely because they had come to get some of their belongings. A more detailed

the grandparents permitted the older children previously removed from the grandparents and placed under the legal guardianship of Elizabeth to reside in the grandparents' home, which the letter characterized as reflecting "continued dishonesty" by the grandparents. The letter recognizes, however, that the referral against Elizabeth on this basis was concluded as unfounded.

The grandparents further supported their section 388 request with a declaration from the grandfather, stating the allegations of domestic violence were untrue and unsubstantiated, that there "was never proof of my wife stating such allegation[s]," and that a "psychologist cleared the allegations and denied ever making those comments. A letter and our psychologist's statement was given [at] the [first] hearing at DCFS Pasadena." The record does not contain any such letter. The grandfather's declaration further states that he had installed cameras "that record 24/7 to prove the parents don't go to [his] home."

3. *G.M. and the parents request placement with the grandparents at the jurisdiction/disposition hearing*

In a last minute information to the court before the October 10, 2018 jurisdiction/disposition hearing, DCFS reported that the grandparents "have consistently visited with [G.M.] on a weekly basis since [August 7, 2018]." It further

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examination of this and other evidence regarding the grandparents' boundaries with the mother and father is unnecessary for the resolution of the instant appeal, however, and thus we do not attempt to catalog all evidence in the record related to the issue.

informed the court that the "first identified need" for G.M. in her case plan is that she "have a sense of security and stability through the establishment of a permanent plan," and to that end, that they move toward adoption by G.M.'s current foster caregivers, while still maintaining ties with G.M.'s biological family (the grandparents and G.M.'s siblings).

At the hearing, the mother and father requested that G.M. be placed with the grandparents, as did G.M.'s counsel. Counsel pointed to the statutory preference for relative placement and the evidence that the grandparents had been caring for "the children with some special needs [J.C. and M.M.], in an excellent fashion, [which] is not an indication that they would be overwhelmed, but rather a demonstration of their ability to provide a safe, loving and familiar environment for [G.M.] as well." Counsel also noted that the grandparents were participating in programs to address DCFS's concerns, signed an affidavit stating that they would not allow the mother and father to come to their home, and would allow DCFS to make unannounced visits to the home. Counsel pointed out that the issue regarding the mother and father staying at the house dated back to 2013, and that DCFS had noted no current safety concerns with the home.

G.M.'s counsel also questioned why DCFS "feels that the baby would be an unsustainable burden for the adults in the home. They have had [J.C.] there since May of 2016. [M.M.] since April of 2017. The girls, along with their older siblings, are with the . . . grandparents full time."

Counsel for DCFS disagreed, noting there were already nine people living in the home, so there would be a "space issue" adding another person. Counsel also pointed to previous

referrals, and questioned the grandparents' ability to care for another child, given that they were already caring for very young children with special needs. Finally, DCFS had concerns regarding the grandparents' honesty in response to the allegations against them.

The juvenile court found G.M. was differently situated from J.C. and M.M. The court had "a concern that the grandparents could be overwhelmed. They already have six children, the child, [M.M.] was already placed, so it was not an issue of the court placing, it was more an issue of the court making a do not remove and then her sister joined her. However[,] this child is not in the grandparents' care, so it's different from the court. It's different than the other two girls."

The court sustained the petition as amended, and declared G.M. to be a dependent of the court pursuant to section 300, subdivisions (b)(1) and (j). The court ordered G.M. placed in a suitable placement under DCFS supervision. G.M. therefore remained with the foster family that had been caring for her since she was initially detained.

D. *Appeal and Subsequent Developments*

G.M. timely appealed the juvenile court's denial of her request for placement with the grandparents. In July 2019, counsel for DCFS informed this court that the juvenile court had terminated reunification services for both the mother and father and set a permanency planning hearing pursuant to section 366.26. We stayed that hearing until further order of this court.

DISCUSSION

G.M. contends the juvenile court abused its discretion in refusing to place her with the grandparents, because its decision rested on an incorrect factual finding—that the grandparents were already caring for six children. G.M. argues that "[b]ecause the juvenile court's denial was largely based on a concern that [the grandparents] could be overwhelmed by having to care for another child, this decision cannot stand." We conclude that, although correct, the court's factual finding regarding the number of children in the grandparents' care is an improper basis for refusing G.M.'s request.

We nevertheless affirm, however, because other evidence in the record provides a reasonable basis for the juvenile court to conclude that removing G.M. from her foster family and placing her with the grandparents would not be in her best interests.

I. Applicable Law and Standard of Review

Section 361.3 applies when, as was the case at the time of the juvenile court's decision, "a child [has been] taken from her parents and placed outside the home pending the determination whether reunification is possible." (*In re A.K.* (2017) 12 Cal.App.5th 492, 498; § 361.3, subd. (a).)[5]

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[5] Section 361.3 provides in pertinent part:

"(a) In any case in which a child is removed from the physical custody of his or her parents pursuant to [s]ection 361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative . . . . In determining whether placement with a relative is appropriate, the county social worker and court shall consider, but shall not be limited to, consideration of all the following factors:

The statute requires that a relative seeking placement "shall be the first placement to be considered and investigated" (§ 361.3, subd. (c)(1)) and "expresse[s] a command that relatives be assessed and considered favorably" as potential caregivers, "subject to the juvenile court's consideration of the suitability of the relative's home and the best interests of the child." (*In re Stephanie M.* (1994) 7 Cal.4th 295, 320 (*Stephanie M.*), italics omitted.) " 'When considering whether to place the child with a relative, the juvenile court must apply the [section 361.3] placement factors, and any other relevant factors, and exercise its independent judgment concerning the relative's request

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"(1) The best interest of the child, including special physical, psychological, educational, medical, or emotional needs.

"(2) The wishes of the parent, the relative, and child, if appropriate. [¶] . . . [¶]

"(4) Placement of siblings and half siblings in the same home, unless that placement is found to be contrary to the safety and well-being of any of the siblings . . . . [¶] . . . [¶]

"(6) The nature and duration of the relationship between the child and the relative, and the relative's desire to care for, and to provide legal permanency for, the child if reunification is unsuccessful.

"(7) The ability of the relative to do the following:

"(A) Provide a safe, secure, and stable environment for the child.

"(B) Exercise proper and effective care and control of the child.

"(C) Provide a home and the necessities of life for the child.

"(D) Protect the child from his or her parents. [¶] . . . [¶]

"(H)(i) Provide legal permanence for the child if reunification fails. [¶] . . . [¶]

"(I) Arrange for appropriate and safe child care, as necessary." (§ 361.3.)

for placement.' " (*In re A.K.*, *supra*, 12 Cal.App.5th at p. 498.) Thus, section 361.3's "preferential consideration" for relatives notwithstanding, "the court is not to presume that a child should be placed with a relative, but is to determine whether such a placement is appropriate, taking into account the suitability of the relative's home and the best interest of the child." (*Stephanie M., supra,* 7 Cal.4th at p. 321, italics omitted.) If the court decides not to place the child with the relative, it must, as it did here, state the reasons for its decision on the record. (§ 361.3, subd. (e).)

We review the juvenile court's decision under the abuse of discretion standard. (*Alicia B. v. Superior Court* (2004) 116 Cal.App.4th 856, 863 (*Alicia B.*); *In re Robert L.* (1993) 21 Cal.App.4th 1057, 1067 (*Robert L.*).) "Such a determination . . . involves primarily factual matters and a judgment whether the ruling rests on a reasonable basis. . . . [E]valuating the factual basis for an exercise of discretion is similar to analyzing the sufficiency of the evidence for the ruling." (*Ibid.*; accord, *Alicia B.*, *supra*, 116 Cal.App.4th at p. 863.) A court of review "should interfere only ' "if we find that under all the evidence, viewed most favorably in support of the trial court's action, no judge could reasonably have made the order that [it] did." ' " (*Robert L.*, *supra*, 21 Cal.App.4th at p. 1067.)

II. The Juvenile Court Did Not Make An Erroneous Factual Finding Regarding the Grandparents' Childcare Responsibilities

In providing the basis for its ruling, the juvenile court stated that the grandparents "already have six children in their home." The court later stated that it had "a concern that the

grandparents could be overwhelmed. They already have six children." G.M. argues that "[t]his was incorrect. [The grandparents] . . . only had two children [J.C. and M.M.] The paternal aunt, Elizabeth, exercised custody over the middle four children under a plan of legal guardianship. While they all lived in the same home, *Elizabeth* was the one who provided the child care."

The section 366.26 report as to J.C. and M.M., on which G.M. relies, does not support this argument. According to that report, the grandmother "state[d] that Elizabeth and the children moved in because she provides childcare for the children. [The grandmother] state[d] that due to her daughter's work schedule, it is easier for her to have them all live in her home." Grandmother did not work outside the home; "for the past [17] years she has remained home as a homemaker." The only fair reading of the report is that the grandmother requested that Elizabeth and her four children move into the grandparents' home to make it easier for the grandmother to care for all six children while Elizabeth was at work. With the grandmother at home and Elizabeth working, it is not reasonable to interpret the report as stating that the grandmother had Elizabeth and her four children move into the grandparents' home because *Elizabeth* provided childcare for her own children.

Moreover, G.M.'s own counsel acknowledged that J.C. and M.M., "along with their older siblings, are with the . . . grandparents full time." It thus was understood that the grandparents were caring for six children, even though Elizabeth was the legal guardian for four of those children. We see no basis for concluding that the juvenile court made an erroneous factual finding that deprived G.M. of the opportunity to be placed with

grandparents. (Cf. *In re Antonio G.* (2007) 159 Cal.App.4th 369, 378.)

III. The Number of Children in the Grandparents' Home Is An Insufficient Basis for Denying Placement

Although supported by the evidence, the court's finding regarding the extent of the grandparents' current childcare responsibilities and the limited space available for G.M. in their home is not a proper basis for denying G.M.'s requested placement there.

The grandparents are willing to take G.M. into their home and believe they have the resources and time to care for her. They devised a plausible sleeping and living arrangement for G.M., working with the limited space available. We would hardly be "assess[ing] and consider[ing] [the grandparents] favorably" as potential caregivers, were we to second-guess their professed ability to care for an additional child, despite their consistent success caring for J.C. and/or M.M. for the past three years. (*Stephanie M.*, *supra*, 7 Cal.4th at p. 320, italics omitted.)

Nor is the amount of physical space available to G.M. in the home a sufficient basis for denying her the opportunity to live with her grandparents and several siblings. J.C. and M.M. likewise live in what by many standards is very limited space, but have been "thriv[ing]," bonding with their older siblings, and benefiting from those sibling relationships.

If the relative preference is to mean anything, it must mean that, when there are no other significant concerns regarding a relative placement, the court may not elect to sever potentially valuable family ties based on a theoretical risk of overwhelming a caregiver or the relative's limited means.

We must therefore consider whether evidence regarding something other than the grandparents' current childcare responsibilities and limited space provides a reasonable basis for the trial court's conclusion that placing G.M. with the grandparents would not be in her best interest.[6] As discussed below, we conclude that it does.

IV. Other Evidence Provides a Reasonable Basis for the Juvenile Court's Denial

We conclude that the juvenile court did not abuse its discretion in denying G.M.'s request to live with the grandparents. Section 361.3 directs the juvenile court to consider numerous factors in assessing whether placement with a relative is in the child's best interest, including the child's "emotional needs" (§ 361.3, subd. (a)(1)), "[t]he nature and duration of the relationship between the child and the relative" (*id.*, subd. (a)(6)), and the ability of the relative to offer a "stable environment" and "legal permanence for the child if reunification fails" (*id.*, subds. (a)(7)(A) & (a)(7)(H)(i)).

The record suggests that the grandparents may not be able to offer G.M. "legal permanence" or a "stable environment," because there is a high risk they will not be able to adopt her. Whether wrongly or rightly so, the grandparents' requests to adopt other grandchildren were denied, and the grandparents'

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[6] In August 2019, at this court's request, the grandparents and DCFS provided supplemental briefing on the issue of whether, even if the juvenile court's factual finding regarding grandparents' childcare responsibilities is correct, the court nevertheless abused its discretion in refusing G.M.'s request to be placed with the grandparents.

appeals from those denials were unsuccessful. We do not have the factual record necessary to assess whether there is a sufficient basis for these denials, whether the allegations referenced in the denial letter have sufficient evidentiary support, and/or whether the general concerns expressed in the denial letter are warranted.[7] We note that the limited factual record before us suggests the grandparents are devoted caregivers who have been helping their grandchildren thrive, working with limited resources and despite difficult circumstances. Indeed, the most serious concern expressed in the denial letter that is supported by the instant record—the grandparents' 2013 substantiated referral for neglect—is not only many years old, but, based on our limited information, appears to refer to the extent to which the grandparents permitted the mother and father to visit or reside at the home. That being said, it is outside the scope of the instant appeal for us to make determinations about the grandparents' suitability as adoptive parents. The instant record does clearly establish that the grandparents' application to adopt J.C. and M.M. was denied, and that DCFS is currently looking for adoptive homes for these girls, despite their having developed a strong bond with the grandparents and thriving in the grandparents' care for years. This suggests that, if G.M. is placed with the grandparents, there is a high risk she too will be transferred to a nonrelative adoptive home later on—even if, like her youngest sisters, she thrives in the grandparents' care and develops strong bonds with

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[7] The juvenile court took judicial notice of G.M.'s siblings' case files, but those files are not contained in the record before us.

her biological family.[8] Indeed, DCFS has identified stability as a primary goal for G.M., and to that end, already begun working toward adoption. The likelihood that J.C. and M.M. ultimately will be placed elsewhere only adds to the instability created by placing G.M. with grandparents at this point.

We are cognizant that the inability to offer legal permanence cannot be "the sole basis for precluding preferential placement with a relative." (§ 361.3, subd. (a)(7)(H)(ii).) On the unique factual record present here, however, such inability carries with it a related risk of instability and emotional harm, each of which is a section 361.3 factor that may independently support a placement decision.[9] (See § 361.3, subds. (a)(1) &

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[8] In theory, the grandparents might be able to offer G.M. "legal permanence" through permanent legal guardianship, rather than adoption. But the fact that, even in the face of J.C.'s and M.M.'s significant bond with the grandparents, DCFS is currently seeking to place J.C. and M.M. with a nonrelative adoptive family, rather than pursuing permanent legal guardianship with the grandparents, creates a high risk that DCFS will do the same with G.M.

[9] In addition, when reunification services are terminated, "the focus shifts to the needs of the child for permanency and stability." (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) Although the court had not yet terminated the parents' reunification services at the time of the juvenile court's decision on appeal, DCFS already had recommended termination, and the juvenile court has since acted on that recommendation. Whether the grandparents can offer a permanent, stable home is thus a more important factor than it might otherwise be, were a return to the mother and father still a feasible option.

(a)(7)(A).) Specifically, granting G.M.'s request means G.M. will be removed from a stable and happy foster family, only to be placed temporarily with grandparents with whom she has had limited contact. Under different circumstances, placement with the grandparents to facilitate developing a relationship might well be in G.M.'s best interest. Here, however, the juvenile court could reasonably conclude that developing a bond with the grandparents (and G.M.'s siblings) would do G.M. more harm than good, given the risk that such bonds will be broken if G.M. is placed with a nonrelative adoptive family. In contrast, remaining with her current foster caregivers offers G.M. long-term stability and continuity: she has been living with the family for over a year, they have expressed willingness to adopt G.M., and nothing suggests they will not be approved for adoptive placement. "[T]he goal of assuring stability and continuity" is "a primary consideration in determining the child's best interests" in any custody determination. (*Stephanie M., supra*, 7 Cal.4th at p. 317.) Moreover, "[w]hen custody continues over a significant period, the child's need for continuity and stability assumes an increasingly important role. That need will often dictate the conclusion that maintenance of the current arrangement would be in the best interests of that child." (*Burchard v. Garay* (1986) 42 Cal.3d 531, 538, fn. omitted, cited in *Stephanie M., supra*, 7 Cal.4th at p. 317.) Thus, even viewing G.M.'s relative placement request favorably, the court could reasonably conclude that it would not be in G.M.'s best interest to disrupt G.M.'s placement with her foster parents in order to develop bonds with family members that are at risk of being disrupted as well. (See *ibid.*; see also *Stephanie M., supra*, at p. 321 ["regardless of the relative placement preference, the

fundamental duty of the court is to assure the best interests of the child, whose bond with a foster parent may require that placement with a relative be rejected"].)

The grandparents' desire and efforts to support another of their grandchildren are highly laudable, and "[w]e realize the importance of according relatives a 'fair chance' to obtain custody." (*Alicia B.*, *supra*, 116 Cal.App.4th at p. 864, quoting *Cesar V. v. Superior Court* (2001) 91 Cal.App.4th 1023, 1033.) But "[t]he linchpin of a section 361.3 analysis is whether placement with a relative is in the best interests of the minor" (*Alicia B., supra*, at pp. 862–863), and "the fundamental duty of the juvenile court is to 'assure the best interest of the child.' " (*Id.* at p. 864, quoting *Stephanie M., supra,* 7 Cal.4th at p. 321.) At this stage in the instant proceedings, we cannot say the juvenile court abused its discretion in finding that placement with the grandparents would not be in G.M.'s overall best interest.

DISPOSITION

The order is affirmed.

NOT TO BE PUBLISHED.

ROTHSCHILD, P.J.

We concur:

JOHNSON, J.

WEINGART, 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.