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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

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

B284129

(Los Angeles County
Super. Ct. No. CK83831)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

T.O. et al.,

Defendants and Appellants.

APPEAL from orders of the Superior Court of Los Angeles
County, Robert S. Wada, Judge. Affirmed.

Gina Zaragoza, under appointment by the Court of Appeal,
for Defendant and Appellant T.O.

Elizabeth C. Alexander, under appointment by the Court of
Appeal, for Defendant and Appellant N.P.

Office of the County Counsel, Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, and Sally Son, Deputy County Counsel, for Plaintiff and Respondent.

T.O. (Mother) appeals from juvenile court orders (1) denying her Welfare and Institutions Code section 388¹ petition seeking custody of her daughter J.P. and (2) terminating her parental rights over J.P. Nicholas P. (Father), the father of J.P., joins in Mother's argument challenging the parental rights termination order on the ground that the sibling exception to termination of parental rights applied. We consider, as to the former order, whether the juvenile court abused its discretion in concluding Mother had not demonstrated changed circumstances nor that J.P.'s best interests would be served by offering Mother an opportunity to reunify with J.P. As to the latter order, we consider whether the juvenile court erred in declining to find applicable the sibling and parent-child exceptions to statutory provisions governing the termination of parental rights.

I. BACKGROUND

A. *Initial Dependency Proceedings and Juvenile Court Jurisdiction*

J.P. was born on September 15, 2015. Both Mother and J.P. tested positive for methamphetamine shortly after the child's birth, and the Department of Children and Family Services (Department) received a referral raising concerns about J.P.'s wellbeing. A Department social worker visited Mother in the hospital, and during their conversation, Mother admitted both she and Father used drugs. The social worker told Mother the Department could not leave J.P. in Mother's care because Mother tested positive for methamphetamine and had previously failed to

¹ Undesignated statutory references that follow are to the Welfare and Institutions Code.

reunify with another of her children, S.F., who was adopted by a relative as a result of Mother's substance abuse.

The Department thereafter filed a dependency petition alleging there was a substantial risk J.P. would suffer serious physical harm absent juvenile court intervention. The petition specifically alleged J.P., who was "of such tender age that [she] require[d] constant care and supervision," was at risk because Mother's illicit drug use rendered her incapable of providing regular care. The petition also alleged J.P. was at risk from Father's own drug use and his failure to protect J.P. from Mother's drug use. The dependency petition further alleged J.P. was at risk of serious physical harm because Mother "has mental and emotional problems including suicide ideations" that rendered her unable to provide J.P. with regular care and supervision.

At about the time the Department filed the dependency petition, Mother entered a sobriety program. She stayed in the program only for a week before leaving and resuming her drug use.

At the initial detention hearing on the petition, the juvenile court found the Department made a prima facie showing that a substantial danger existed to J.P.'s physical and emotional health and that remaining with her parents would be contrary to J.P.'s welfare. The juvenile court placed J.P. with her maternal grandmother (Maternal Grandmother) and ordered family reunification services, concurrent permanency planning services, and monitored visitation for both parents. The juvenile court also ordered the parents to submit to weekly random drug testing.

In the weeks following the detention hearing, a Department social worker interviewed Mother and Father. Mother explained she had “tried to cut down” on using methamphetamine while she was pregnant but was unable to quit and would fight with Father when she tried to convince him to stop using drugs. Mother admitted to once jumping out of a car while she was pregnant with J.P., but stated the car was at a stop sign when she did so. Mother also admitted to having taken pills for anxiety, but denied any suicidal thoughts. Father admitted he knew Mother was using drugs while pregnant and claimed he tried to stop her. Father admitted he had used methamphetamine and marijuana, and had previously used drugs with Mother.

Two months after the initial detention hearing, J.P. was placed with her paternal grandmother (Paternal Grandmother). An aunt, uncle, and cousins also lived in Paternal Grandmother’s home.

In December 2015, the juvenile court held a hearing to consider whether to assume dependency jurisdiction over J.P. The juvenile court sustained the Department’s petition, finding J.P. was at substantial risk of serious harm, and set a date for a contested disposition hearing.

In the two months between the jurisdiction and disposition hearings, the Department interviewed Mother and Father again. Mother told the Department she was “not great.” She was constantly fighting with Father, believed there were many people working for the government “coming to get her,” and felt Maternal Grandmother and law enforcement were treating her unfairly. Mother revealed she had again become pregnant, had

not received prenatal care for her unborn child, and had used drugs within the past few weeks.

At the subsequent disposition hearing, the juvenile court denied Mother reunification services because Mother's parental rights over S.F. had been terminated in the prior dependency proceeding and Mother had not since made a subsequent reasonable effort to treat her substance abuse problem. The court ordered reunification services for Father only, directing him to participate in a full drug and alcohol program, weekly random and on-demand testing for drugs and alcohol, a 12-step program, and other services. J.P. was to remain in Paternal Grandmother's care and the parents' visits were to remain monitored.

B. The Six-Month Review Hearing

Over the ensuing six months, J.P. did well in her placement with Paternal Grandmother. Though J.P. had initially needed special feeding and medical monitoring, her medical condition had stabilized. The other relatives living with J.P. were attentive to her, and J.P. was reported to be a "happy baby" who smiled often. Paternal Grandmother stated she was willing to adopt J.P. (and was willing to care for and potentially adopt J.P.'s as yet unborn sibling).

While J.P. appeared to be progressing, Mother and Father were not. Relatives reported Mother and Father were still fighting with each other and Mother was not engaging with J.P. during monitored visits. Paternal Grandmother told the Department that Mother and Father did not make any efforts to visit with J.P. even when J.P. was brought to the home in which the parents were then residing. Reports by Department

visitation monitors were similarly discouraging. According to the Department, during one visit when a social worker asked Mother and Father about their willingness to comply with court orders, the parents responded nonchalantly and seemed distracted. During another visit, Mother stated she was not sure what her plan for the future was because “she was waiting on [Father] because he’s the man of the house.”

In early May 2016, the police raided Mother and Father’s home and arrested Father. Mother admitted to having just used methamphetamine, and Father was found with a methamphetamine pipe. Two months later, Mother gave birth to J.P.’s baby brother, N.P. N.P. was removed from Mother’s care and placed (as J.P. already was) with Paternal Grandmother.² After the Department removed N.P., Mother enrolled in an inpatient substance abuse program.

At the six-month review hearing in September 2016, the juvenile court found that returning J.P. to Father’s custody would create a substantial risk of detriment to J.P. The court found there was no substantial probability that J.P. would be returned to her parents by the 12-month permanency date and terminated Father’s reunification services. The court further found it was in J.P.’s best interests to set a hearing to select a permanent plan of

² The Department filed a section 300 petition for N.P. alleging Mother and Father’s substance abuse, and Mother’s mental and emotional problems, placed N.P. at risk of suffering serious physical harm. The juvenile court sustained the section 300 petition on the ground that Mother and Father’s substance abuse endangered N.P.’s physical health and safety. Father was denied reunification services with N.P., but Mother was granted reunification services.

adoption, guardianship, or another planned permanent living arrangement.

C. Proceedings at Issue in This Appeal

1. Mother's section 388 petition

After Mother entered the inpatient drug program, Paternal Grandmother transported J.P. and N.P. to visit Mother at the facility every Sunday for three hours. Mother spent most of her time during those visits caring for and interacting with N.P. while J.P. played with other children. According to the Department's reports, when Mother did play with J.P., J.P. treated Mother "like any other adult." J.P. referred to her Paternal Grandmother and great-grandmother as "mama." During the visits, Mother would often inquire about N.P.'s wellbeing and about getting him back. Only after being asked if she would like to visit and regain custody of J.P. would Mother say she wanted both of them.

Mother eventually filed a section 388 petition seeking a change in the juvenile court's prior orders so as to regain custody of J.P. Mother's petition noted she had been attending an inpatient drug program for six months, attending parenting, Alcoholics Anonymous, and Narcotics Anonymous classes, and had been undergoing drug tests at Mariposa Women's Residential Recovery Center. Mother stated returning J.P. to her would be better for J.P. "[b]ecause I'm the mother and I'll do whatever it takes to get her back."

In the weeks that elapsed after Mother filed her section 388 petition, Mother completed her inpatient program, moved in with Maternal Grandmother, and enrolled in an outpatient program. Mother stated she wanted to get N.P. and J.P. back, and that she

hoped to reunite them as a family with Father once he was released from prison.³

Because Mother was living with Maternal Grandmother, she visited with J.P. and N.P. more frequently—Maternal Grandmother was the babysitter for the children three days per week. As Mother began seeing the children during the week, however, her pre-existing scheduled Sunday visits with the children at Paternal Grandmother’s home began to wane, becoming both shorter and more irregular. During the weekday visits, Mother helped take care of the children but she continued to be more attentive to N.P. than J.P. Maternal Grandmother reported J.P. was more attached to her (Maternal Grandmother) than to Mother.

Meanwhile, the Department reported J.P. appeared to be well-settled with Paternal Grandmother. According to a status review report submitted by the Department in March 2017, J.P. was progressing developmentally and Paternal Grandmother was meeting her needs. J.P. appeared engaged with and attached to her caregivers and enjoyed playing with her cousins.⁴

³ Mother did not expect to care for N.P. and J.P. by herself; she believed Maternal Grandmother would help her.

⁴ Paternal Grandmother submitted a caregiver information form which indicated, among other things, that J.P. was a “very happy child” who “adores her brother and cousins.” A Department social worker reported J.P. continued to make good progress in her current home, Paternal Grandmother continued to provide love and support, and J.P. appeared “content” in Paternal Grandmother’s presence.

Mother's outpatient program reported she was not excelling because she had been attending only the minimum required one session per week rather than the recommended three sessions. Mother did not yet have a job, and was not looking because "it [was] summer vacation time." Paternal Grandmother reported that Mother called and asked her about J.P. and N.P. "more often" after she first left the inpatient program, but she had recently seemed "comfortable with her current situation and . . . shown less interest in asking about the children."

2. Section 388 and permanency planning hearings

The juvenile court held a hearing on Mother's section 388 petition in May 2017.⁵ Mother testified at the hearing before the lawyers for all parties argued the matter.

Mother stated she completed her inpatient program and wanted to regain custody of J.P. She emphasized she had not tested positive for any drugs since entering the program, had not missed any required drug tests, and had been taking medication prescribed for her anxiety and depression. Mother testified her plan for the future was to reunify with Father and be a family, but she did not plan on restarting their relationship immediately upon his release from prison because she "still need[ed] to work on [her]self." Mother asserted she and Father had both made a commitment to not use drugs and she would leave him if he were to use again. When asked, however, what led to her drug use

⁵ The permanency planning hearing was originally set for the same day, but the Department requested and received a continuance in order to complete Paternal Grandmother's adoption home study.

with Father and whether there were any “triggers” that caused her to use drugs, Mother professed not to know. Mother believed returning J.P. to her care was in the child’s best interests because “all kids need to be with their parents.” But Mother acknowledged J.P. and Paternal Grandmother were “very close” while she (Mother) and J.P. were “still working on our relationship.”

When invited to argue, Mother’s attorney contended, among other things, that the juvenile court should grant the section 388 petition because Mother was making positive progress toward regaining custody of N.P. and granting Mother’s petition would allow J.P. to maintain her sibling bond with N.P. The juvenile court took the matter under submission and planned to issue a ruling on the same day as the scheduled permanency planning hearing.

Approximately two months later, the juvenile court denied Mother’s section 388 petition. The court found Mother had not met her burden of showing changed circumstances. Rather, in the juvenile court’s view, Mother had shown only *changing* circumstances, and was effectively asking the court to delay the selection of a permanent home for J.P. to see if she might be able to reunify in the future—a position the court found untenable. The court further found Mother had not shown granting the petition would be in J.P.’s best interests.

Proceeding to permanency planning and termination of parental rights issues, the juvenile court heard argument from counsel and stated it had read and considered the evidence submitted. Mother’s attorney generally objected to the termination of Mother’s parental rights (i.e., without specifying a legal basis for the objection) and stated Mother wanted J.P. back

in her care. Father's attorney also raised a non-specific objection to termination of his parental rights.

The juvenile court found J.P. adoptable over Mother and Father's objections, found it would be detrimental to return her to her parents, and stated no exception to the statutory preference for adoption applied. The court terminated Mother and Father's parental rights and ordered adoption as the permanent plan.

II. DISCUSSION

The juvenile court did not abuse its discretion by denying Mother's section 388 petition. Though Mother had made some progress in addressing her drug abuse and mental health issues, she had only been sober and stable for a relatively short period of time in comparison to her long history of drug abuse. The evidence in the record thus supports the juvenile court's conclusion that Mother's circumstances were merely changing, not changed. Furthermore, at the time of the section 388 hearing, the focus of the dependency proceedings was not on reunification but on J.P.'s need for permanency and stability. The juvenile court properly concluded J.P.'s best interests were not served by an order that would prevent her from obtaining permanency in the stable home she had known for all but two months of her life.

As for the parents' challenge to the termination of their parental rights, neither Mother nor Father argued below that either of the exceptions to termination they now press on appeal—the sibling and parent-child relationship exceptions—were applicable. The appellate arguments are therefore forfeited. They are also substantively meritless in any event. Though J.P. and N.P. appear to have a good sibling relationship, Mother and

Father have not carried their burden to demonstrate the benefit of continuing that relationship would outweigh the benefit to J.P. of being adopted by Paternal Grandmother. And as for the parent-child relationship exception, it requires Mother to show she occupies a truly parental role, rather than just a friendly or loving role, in J.P.'s life and Mother has not made the requisite showing—as borne out even by aspects of her own testimony.

A. *The Juvenile Court Did Not Err in Denying Mother's Section 388 Petition*

1. *Standard of review*

“Section 388 accords a parent the right to petition the juvenile court for modification of any of its orders based upon changed circumstances or new evidence.” (*In re Alayah J.* (2017) 9 Cal.App.5th 469, 478, fn. omitted.) “To prevail on a section 388 petition, the moving party must establish that (1) new evidence or changed circumstances exist, and (2) the proposed change would promote the best interests of the child. [Citation.] ‘The petition is addressed to the sound discretion of the juvenile court, and its decision will not be overturned on appeal in the absence of a clear abuse of discretion.’ [Citation.]” (*In re J.T.* (2014) 228 Cal.App.4th 953, 965.)

2. *Analysis*

Mother argues the juvenile court abused its discretion in concluding both that there were insufficiently changed circumstances and that reunification with Mother was not in J.P.'s best interests. Mother argues she established a change in circumstances because, after an eleven- to twelve-year history of substance abuse, she had been sober for approximately eleven

months by the time of the section 388 hearing. Mother additionally argues her circumstances had changed because she was taking her prescribed medication and residing with Maternal Grandmother in a stable home environment. Regarding J.P.'s best interests, Mother argues J.P. has a fundamental interest in belonging to a family unit and allowing Mother a chance to reunify with J.P. would additionally allow her to maintain her sibling bond with N.P.

The juvenile court did not abuse its discretion when rejecting these arguments and concluding Mother's circumstances were changing, not changed. Mother's history of drug abuse was long and persistent. At the time of the section 388 hearing, Mother had completed an eight- or nine-month inpatient drug rehabilitation program, but it had only been a month or two between her discharge from that structured program and the permanency planning hearing. Mother had enrolled in an outpatient program, but her attendance was lower than recommended. Thus, though Mother's more recent efforts to achieve and maintain sobriety are commendable, the juvenile court had ample basis to conclude her long-term struggle with substance abuse could not be considered "changed" within a few months. (See, e.g., *In re J.C.* (2014) 233 Cal.App.4th 1, 7 [seven months of sobriety insufficient to show parent was not at risk of relapse]; *In re Clifton B.* (2000) 81 Cal.App.4th 415, 423-424 [200 days of sobriety was insufficient to demonstrate that parent would suffer no further relapses].) The juvenile court's judgment that caution counseled against granting a section 388 petition under these circumstances was appropriate. (*In re Mary G.* (2007) 151 Cal.App.4th 184, 206 ["A petition which alleges merely changing circumstances and would mean delaying the

selection of a permanent home for a child to see if a parent . . . might be able to reunify at some future point, does not promote stability for the child or the child's best interests. [Citation]"; see also *In re Mickel O.* (2011) 197 Cal.App.4th 586, 615 ([“the petitioner must show *changed*, not changing, circumstances”].)

The record also supports the juvenile court's determination that placing J.P. back in Mother's care was not in J.P.'s best interests—an independently sufficient ground for denying section 388 relief. The juvenile court's focus at the time of the section 388 hearing was J.P.'s need for permanency and stability. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 317 [after reunification services terminated, a parent's interest in the care, custody and companionship of the child is no longer paramount; focus shifts to needs of child for permanency and stability]; accord, *In re Angel B.* (2002) 97 Cal.App.4th 454, 464 (*Angel B.*.) Mother may have been intent on developing her relationship with J.P., but at the time the juvenile court ruled on the section 388 petition, J.P. had never even spent a night alone in Mother's care. Mother did appear to have a more stable living situation at the time of the permanency planning hearing, but she did not have a way to support J.P. and the prospect remained that she would reunite with Father, which frequently (if not invariably) resulted in serious problems in the past.

By contrast, Paternal Grandmother, who had cared for J.P. for all but two months of her one-and-half years of life, had a strong bond with J.P. and wanted to adopt her. J.P. also had a bond with her aunt, uncle, and cousins who lived with J.P. and Paternal Grandmother. And J.P. was doing well in Paternal Grandmother's care: her early health issues had been addressed,

she appeared engaged with and attached to her caregivers, and she was reported to be happy and playful. In these circumstances, even if Mother's recent sobriety were considered a sufficient change, the juvenile court still did not abuse its discretion when denying her section 388 petition. (*In re Aaron R.* (2005) 130 Cal.App.4th 697, 706 [no error in denying section 388 petition where nothing rebutted "the mass of evidence in the record" indicating the minor was thriving under the prospective adoptive parent's care]; see also *In re Kimberly F.* (1997) 56 Cal.App.4th 519, 531 [although not dispositive, "the disruption of an existing psychological bond between dependent children and their caretakers is an extremely important factor bearing on any section 388 motion"].)

B. Mother and Father's Arguments Invoking Exceptions to the Statutory Adoption Preference Are Unavailing

"Section 366.26 establishes a detailed procedure for terminating parental rights. Subdivision (c)(1) states that a prior order under section 361.5 terminating reunification services 'shall constitute a sufficient basis for termination of parental rights.' If the court determines under a 'clear and convincing standard' that it is 'likely the child will be adopted,' the court 'shall terminate parental rights and order the child placed for adoption.' (§ 366.26, subd. (c)(1).) The goal is to provide 'stable, permanent homes' for children who are dependents of the juvenile court, and the first choice to achieve that goal is adoption. (§ 366.26, subd. (b); *In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1348[] (*Jasmine D.*))." (*In re Logan B.* (2016) 3 Cal.App.5th 1000, 1009 (*Logan B.*)).

“[I]n order to terminate parental rights, the [juvenile] court need only make two findings: (1) that there is clear and convincing evidence that the minor will be adopted; and (2) that there has been a previous determination that reunification services shall be terminated.” (*Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 249-250.) “Under these circumstances, ‘the court shall terminate parental rights’ unless certain exceptions apply. (§ 366.26, subd. (c)(1).)” (*Logan B., supra*, 3 Cal.App.5th at p. 1010.)

1. *The sibling exception*

“Under section 366.26, subdivision (c)(1)(B)(v), if the court finds the child will be adopted within a reasonable time, adoption must be ordered “unless the court finds a compelling reason for determining that termination [of parental rights] would be detrimental to the child” because “[t]here would be substantial interference with a child’s sibling relationship” [Citation.] The purpose of this exception is to preserve long-standing sibling relationships that serve as ‘anchors for dependent children whose lives are in turmoil.’ [Citation.] The sibling relationship exception contains ‘strong language creating a heavy burden for the party opposing adoption.’ [Citation.]” (*In re Isaiah S.* (2016) 5 Cal.App.5th 428, 437 (*Isaiah S.*)). “Factors for the court to consider include the nature and extent of the sibling relationship, whether the siblings were raised in the same home, whether they share a close bond[,] and whether continued contact is in the child’s best interests, as compared to the benefits of adoption. [Citation.] The court considers the best interests of the adoptive child, not the best interests of other siblings. [Citation.]” (*Id.* at pp. 437-438.)

“Many siblings have a relationship with each other, but would not suffer detriment if that relationship ended.” (*In re L.Y.L.* (2002) 101 Cal.App.4th 942, 952 (*L.Y.L.*)). “[E]ven if a sibling relationship exists that is so strong that its severance would cause the child detriment, the court then weighs the benefit to the child of continuing the sibling relationship against the benefit to the child adoption would provide.” (*Id.* at pp. 952-953.) Accordingly, successful invocation of the sibling relationship exception will be rare, “particularly when the proceedings concern a young child . . . whose need for a competent, attentive and caring parent is paramount.” (*In re Michael G.* (2012) 203 Cal.App.4th 580, 593; accord, *In re Valerie A.* (2007) 152 Cal.App.4th 987, 1014 (*Valerie A.*)).

Mother and Father argue the juvenile court should not have terminated their parental rights because the sibling relationship exception applies. They did not, however, invoke this exception during the section 366.26 permanency planning hearing.⁶ The failure to do so forfeits the ability to press the exception as a grounds for reversal on appeal. (*In re S.B.* (2004)

⁶ We recognize Mother argued J.P. and N.P.’s sibling relationship supported her section 388 petition because it was in J.P.’s best interest to maintain the sibling bond. However, Mother did not invoke the statutory sibling relationship exception during the section 366.26 permanency planning hearing, which occurred nearly two months later. Raising the issue as a point to consider in connection with the section 388 petition was not a proper invocation of the statutory exception that would have alerted the juvenile court of the desirability of making more detailed findings on whether the exception should forestall a termination of parental rights.

32 Cal.4th 1287, 1293 (*S.B.*); *In re Daisy D.* (2006) 144 Cal.App.4th 287, 292 “[A]s the juvenile court did not have a sua sponte duty to consider the sibling relationship exception, appellant’s failure to raise the exception at the section 366.26 hearing forfeits the issue for purposes of appeal”]; *In re Erik P.* (2002) 104 Cal.App.4th 395, 402-403 (*Erik P.*.) But even if the point had been properly preserved below, it is substantively meritless.

It is Mother and Father who bear the burden to prove termination of their rights would substantially interfere with J.P. and N.P.’s sibling relationship.⁷ (*L.Y.L.*, *supra*, 101 Cal.App.4th at p. 952; *Erik P.*, *supra*, 104 Cal.App.4th at p. 404.). They have not carried that burden. Though J.P. “adore[d]” her brother, J.P. was 21 months old at the time of the section 366.26 hearing and N.P. was 11 months old. Given their very young ages, theirs was not the type of “long-standing sibling relationship” that serves as an “anchor[] for dependent children . . . in turmoil.” (*Isaiah S.*,

⁷ Court of Appeal cases have debated which standard of review should apply when, as here, an appellate court assesses whether an exception applies to the rule that requires termination of parental rights to fulfill the legislative preference for adoption. (See, e.g., *In re K.P.* (2012) 203 Cal.App.4th 614, 621 (*K.P.*.) While the modern trend is to apply a hybrid substantial evidence and abuse of discretion standard, the cases that discuss the applicable standard of review often acknowledge the differences in the standards are insignificant or inconsequential. (See, e.g., *In re Noah G.* (2016) 247 Cal.App.4th 1292, 1300 (*Noah G.*); *In re Scott B.* (2010) 188 Cal.App.4th 452, 470; *Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1351 [practical differences between the abuse of discretion and substantial evidence standards of review not significant].) That is our view in this case; we would affirm under either standard of review.

supra, 5 Cal.App.4th at p. 437.) Rather, severing J.P.’s primary attachment to Paternal Grandmother in an effort to promote the sibling relationship with N.P. would be far more likely to deprive J.P. of the anchor she needed to successfully navigate the dependency proceedings—and her future upbringing.

Moreover, the parents have not demonstrated it is likely that J.P.’s adoption will actually hinder her sibling relationship with N.P. Maternal Grandmother, with whom Mother was living at the time of the hearing, babysat J.P. and N.P. three times per week. There is no indication in the record that this arrangement would be altered by J.P.’s adoption. Furthermore, if Mother is eventually able to reunify with N.P., the family could allow the siblings to stay in contact, and if Mother is not, Paternal Grandmother had expressed her willingness to adopt him as well. As a practical matter, then, there is no good reason to think the juvenile court’s adoption order will sever J.P.’s sibling relationship with N.P. (*See Valerie A.*, *supra*, 152 Cal.App.4th at p. 1014 [court could not ignore “practical realities of the extended family’s circumstances in considering whether termination of parental rights would substantially interfere with the sibling relationships” where extended family member seeking to adopt younger siblings was willing to continue contact with older sibling]; *In re Daisy D.*, *supra*, 144 Cal.App.4th at p. 293 [no evidence that adoption by paternal grandparents would interfere with minor’s relationship with half-siblings where grandparents intended to maintain contact].)

2. *The parent-child relationship exception*

Section 366.26, subdivision (c)(1)(B)(i) is the statutory source of the parent-child relationship exception to a parental

rights termination order. In relevant part, the statute provides: “[T]he court shall terminate parental rights unless . . . [¶] . . . [¶] (B) The court finds a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances: [¶] (i) The parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.” (§ 366.26, subd. (c)(1)(B)(i).)

Mother argues the parent-child relationship exception applies because she assisted in caring for J.P. three times per week at Maternal Grandmother’s home and she has more recently maintained her sobriety. Again, this is not an argument that she presented to the juvenile court, and it is forfeited for that reason. (*S.B.*, *supra*, 32 Cal.4th at p. 1293.) In any event, like the sibling relationship exception, the argument also fails on the merits.

“To overcome the preference for adoption and avoid termination of the natural parent’s rights, the parent must show that severing the natural parent-child relationship would deprive the child of a *substantial*, positive emotional attachment such that the child would be greatly harmed.” (*Angel B.*, *supra*, 97 Cal.App.4th at p. 466.) When deciding whether Mother could carry this burden, we consider the age of the child, the portion of the child’s life spent in the parent’s custody, the positive or negative effect of interaction between the parent and child, and the child’s particular needs. (*In re Jason J.* (2009) 175 Cal.App.4th 922, 937-938; *Angel B.*, *supra*, at p. 467.) Even if the parent-child contact has been loving and frequent, and notwithstanding the existence of an “emotional bond” with the child, Mother must show she occupies “a parental role” in J.P.’s

life. (*Noah G.*, *supra*, 247 Cal.App.4th at p. 1300; accord, *K.P.*, *supra*, 203 Cal.App.4th at p. 621.)

The record does not support application of the parent-child relationship exception here. J.P. was a newborn when she was removed from Mother's care. By the time of the section 366.26 hearing, J.P. was 21 months old and had spent almost all of her life in Paternal Grandmother's—not Mother's—care. She had spent relatively few hours visiting with Mother (who was reportedly often more concerned with N.P. during her visits) and Mother never progressed beyond monitored visitation. While Mother behaved appropriately toward J.P., nothing in the record indicates their interactions were particularly like those of a child and her mother. To the contrary, reports indicated J.P. was more closely attached to Paternal Grandmother, who she called “mama,” and Maternal Grandmother than to Mother.

Indeed, Mother herself acknowledged her bond with J.P. was not as strong as the bond between J.P. and her grandmothers, though Mother indicated a desire to work on her relationship with J.P. That mere desire is not enough. Mother cannot show on this record that the parent-child relationship exception requires reversal of the juvenile court's adoption order. (See, e.g., *K.P.*, *supra*, 203 Cal.App.4th at pp. 622-623 [parent-child relationship exception not shown where parent maintained regular visitation with child but child removed from the parent's custody when one-month old and parent did not progress beyond once-per-week monitored visits]; *In re J.C.* (2014) 226 Cal.App.4th 503, 532.)

DISPOSITION

The juvenile court's orders denying Mother's section 388 petition and terminating Mother and Father's parental rights are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

BAKER, Acting P.J.

We concur:

MOOR, J.

KIN, J.*

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