Filed 7/27/17 In re Sebastian R. CA2/2

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re SEBASTIAN R., a Person Coming Under the Juvenile Court Law.	B280164 (Los Angeles County Super. Ct. No. CK94273)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. MELISSA R., Defendant and Appellant.	

APPEAL from an order of the Superior Court of Los Angeles County. Rudolph A. Diaz, Judge. Affirmed.

Suzanne Davidson, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, R. Keith Davis, Assistant County Counsel, Sally Son, Associate County Counsel, for Plaintiff and Respondent.

Melissa R. (Mother) appeals a Welfare and Institutions Code[1] section 366.26 order terminating her parental rights to her child Sebastian R. (Child), asserting as her sole contention on appeal that the juvenile court erred when it failed to properly apply the "beneficial relationship exception" in making that determination. (§ 366.26, subd. (c)(1)(B)(i).) Because we determine the juvenile court did not err in determining that termination of Mother's parental rights would not be detrimental to the Child, we affirm.

FACTUAL BACKGROUND

1. Referral, Detention, and Mother's Dependency Court History

Mother and Father had a combative relationship; at one point they obtained mutual stay away orders.[2] Another court order provided that Mother was to turn over to Father a certain truck. On December 16, 2014, Father went to Mother's residence to pick up the truck accompanied by a friend and a Los Angeles County Sheriff's deputy (Deputy). Father remained the required 100 yards away while the Deputy and his friend went to the residence to serve Mother with the order and take possession of the truck. In the course of the Deputy's executing the order, Mother came out of her residence yelling that the Deputy could not take the truck and that she did not care about the order. When she stood in front of the truck to block its removal, the Deputy advised her that if she continued to interfere, she would be arrested for violation of a court order. She refused to move, a scuffle ensued, and she was arrested and later released.

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

[2] Father is not a party to this appeal.

Also on December 16, 2014, a caller to the Child Abuse Hotline reported that the Child (born September 2014) was a victim of caretaker absence and under threat of emotional abuse. Responding to the call, a Los Angeles County Department of Children and Family Services (DCFS) case social worker (CSW) visited Mother at her home. Mother wore sunglasses indoors and told the CSW she was partially blind and that fluorescent light caused her pain.[3] Mother indicated that Father stalked her and sent her threatening text messages, and that she had tried to leave Father numerous times since May 2014, but he would manage to find her. Mother denied any mental health issues. The Child was not present at the time Mother was interviewed; the Child was with a maternal aunt who had picked up the Child when Mother was arrested. In a later interview, the maternal aunt told the CSW that she had no concerns about Mother caring for the Child.

Mother had prior involvement in the dependency system, which concluded most recently with termination of reunification services in mid-2014, and the placement of four of her six other children in the home of their father in mid-2014.[4] The CSW spoke with the CSW who had handled that earlier matter; the latter advised the CSW on the present case that Mother had grandiose thoughts. This CSW also spoke to Father, who stated that Mother should not have custody of the Child, explaining that all of her other children had been removed from her care. Records from the prior dependency

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[3] On a later occasion, a CSW spoke with Mother's therapist, who observed that "Mother would sometimes act as if she was blind and other times she seemed to be able to see but it was 'based on the condition of that day.'" A CSW further observed that Mother is "able to drive a car and will often notice small objects" and is "able to read small print and walk around without any assistance."

[4] That father is not the father of the Child involved with this appeal.

proceedings indicated Mother's other children had been determined to be the subject of caretaker absence or incapacity and emotional abuse by Mother, and that they had been placed with their father or, in one case, placed with adoptive parents.

On January 5, 2015, a CSW attempted to contact Mother and left messages, but Mother did not return any calls. The maternal grandmother (MGM) informed a CSW that Father had sent Mother a threatening text message and that on January 3, 2015, the family determined that Mother, the Child, and a car were missing. On January 4, 2015, Mother telephoned the MGM to let her know she was at a women's shelter, but Mother did not disclose its location. DCFS continued to be unable to locate Mother or the Child.

On February 3, 2015, DCFS filed its section 300 petition alleging that the parents' history of domestic violence placed the Child at risk of harm, as did Mother's own history of entering and continuing in abusive relationships. DCFS also stated Mother had failed to comply with orders made in prior dependency cases involving her and her other children. DCFS requested that the Child be detained from his parents as a result of Mother's dependency history, Father's stalking behaviors, Mother's fear of Father, and the Child's young age (approximately four months of age).

Father provided a statement to DCFS in which he claimed that Mother was the violent party in their relationship and that Mother's allegations were "the same exact allegation she made against the father of her other kids."

Father appeared at the detention hearing; Mother did not. The dependency court issued a bench warrant for Mother and a protective custody warrant for the Child. The court also ordered the Child detained from his parents, and set a jurisdiction and disposition hearing date.

2. Efforts to Locate the Child

The jurisdiction and disposition hearing, held on March 25, 2015, was continued because Mother's and Child's whereabouts remained unknown. Mother was later located and detained, appearing in custody at July 28 and 29, 2015 warrant hearings; the Child had not yet been located. The court recalled the warrant for Mother, but left the protective custody warrant for the Child outstanding. Mother indicated the Child was in Chicago, Illinois, with the MGM, but DCFS had been unable to confirm that information.

On July 31, 2015, MGM stated Mother was lying about the Child being in her home, and that she did not know where the Child was. On August 4, 2015, a CSW received a call from a different maternal relative of Mother's in Chicago, who informed DCFS the Child was with her but that Mother had never informed her about the open DCFS case. On that same date, the juvenile court ordered DCFS to retrieve the Child from Chicago.

On August 7, 2015, after the Child had been returned to California, the dependency court dismissed contempt proceedings against Mother and detained the Child, placing him with a foster family and granting Mother supervised visits twice a week for a minimum of two hours each.

Later that month, the then-new foster parents reported the Child, who was now approximately 11 months old, was overweight, was not able to pull himself into a standing position, seemed never to have taken food from a spoon, would only sleep in a "half sitting position," had a "bald spot on the back of his head as if worn away by swing/car seat," and "looked at himself in the mirror with complete amazement as though he had never done that." They also reported that at first the Child had had limited mobility and great difficulty eating.

3. The Adjudication and Disposition Hearings

On November 4, 2015, the juvenile court held the section 300 jurisdiction hearing and found that the Child had suffered, or there was a substantial risk that he would suffer, serious physical harm as a result of the failure or inability of his parents to supervise or protect him adequately, and that Mother has failed to participate in domestic violence support groups, and continued to endanger the Child's physical health and safety.

The court continued the disposition hearing scheduled for November 23, 2015, to January 27, 2016, to give Mother more time to prepare. At the disposition hearing, the juvenile court declared the Child a dependent of the court, removed him from the parents' custody, granted the parents reunification services and ordered them to participate in parent education programs. Mother and Father were each granted supervised visits with the Child, with such visits not to occur at the same time. Mother was also ordered to participate in a domestic violence program, parenting courses, mental health counseling, and individual counseling.

4. The Section 366.21, Subdivision (e), Six-Month Review Hearing

The six-month review hearing was held on August 4, 2016, and continued upon the parents' request to set the matter for a contested hearing. This hearing was ultimately held on September 8, 2016. The status review report prepared for the original hearing date reported that a clinical psychologist had assessed Mother and had diagnosed her to be "mentally unstable and that this hinders her ability to adequately care for her child." The same psychologist opined that she is "mentally unstable to follow through with any plan for her own treatment and that her prognosis is poor due to her non-compliance and weak insight." She also had a "poor grasp of reality." "[Mother's] poor sense of reality (cognition) combined with her weak

coping mechanism renders her as incompetent to care for the health and welfare of her son . . . ." "Child . . . would be at high risk of suffering further abuse and neglect if he were returned to the care of his mother at this time." DCFS reported the Child remained in his foster home, was doing well, was affectionate towards the foster parents, and would seek out the foster parents to soothe him. A CSW observed the Child in early 2016 meeting his developmental milestones.

DCFS also reported that Mother was enrolled in a domestic violence class and support group, individual counseling, and parenting classes. DCFS reported Mother "often makes up stories and when she is provided with facts on how her stories are not real, Mother will often state that she did not say anything or will change the subject" and she "does not take responsibility for her behaviors." In her visits with the Child, Mother told the foster parents that oranges in stores were being injected with the "AIDS virus," and on one visit claimed that the Child had conjunctivitis, although a CSW observed that he did not.

DCFS recommended that family reunification services be terminated, as DCFS did not feel that Mother is "able to adequately care for her child" due to her mental health issues. While Mother had completed parenting classes and individual counseling, she continued to present as "mentally unstable" and had "failed to meet all her therapeutic goals." DCFS noted that in the past Mother had failed to reunify with six other children and DCFS was "unable to measure Mother's understanding of programs due to her limitations and her poor grasp of reality."

The foster parents reported that Mother would often cancel or call "last minute" to change her scheduled visits with the Child, a statement disputed

by Mother. The foster parents expressed willingness to adopt the Child if Mother failed to reunify with him.

In a last minute information for the court, dated September 8, 2016, the CSW reported that Mother had demonstrated "odd behaviors" at a recent visit between Mother and Child. One example was that Mother had repeatedly called the Child either "Mr. Charlie" or another name and the child clearly was not responding to either. Mother told the CSW the Child preferred those names to his own, even though he quickly responded when called his actual name.

At the continued date for the contested hearing, after the parties presented evidence both oral and documentary, the court found reunification efforts had proven unsuccessful, terminated family reunification services for both Father and Mother and set the matter for a selection and implementation hearing pursuant to section 366.26.[5]

5. <u>The Section 366.26 Hearing</u>

The section 366.26 hearing, at which the juvenile court selects and implements a permanent plan for the dependent child (see *In re Noah G.* (2016) 247 Cal.App.4th 1292, 1299), was held on January 9, 2017. DCFS reported that the adoption home study for the foster parents was approved. The report indicated the foster parents have been married since 2013, they are fully employed, the Child is the only child residing in the home, is affectionate toward them, and attends preschool while they work. Reports from prior hearings (those in August, September and October 2016 and a new

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[5] On September 29, 2016, Mother filed two section 388 petitions, the first asking the juvenile court to restore reunification services, and the second asking the juvenile court to consider placing the Child with a relative. These requests were denied on October 4, 2016, as Mother did not state any new evidence and as the proposed changes in orders did not promote the Child's best interests.

report dated the same day as the hearing) were admitted into evidence. Also admitted was the report of the psychologist. Father stipulated to the adoptability of the Child. Mother's objection and her request that the Child be determined to be a special needs child were rejected, and the court ruled that there was clear and convincing evidence to continue jurisdiction over the Child, that it would be detrimental to the Child to return him to his parents, and that the Child was adoptable.

The court then proceeded to hear evidence on Mother's "defense" under section 366.26, subdivision (c)(1(B)(i) that "[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship."

Mother testified she visited the Child regularly, had good visits and that he was bonded with her. There was evidence in the record that she brought snacks for the Child, changed his diaper and was attentive to his needs. She also testified the foster parents cancelled visits or changed times; and in those instances, she was unable to visit. On cross-examination, she explained that her request that the Child be deemed "special needs" was because "legally he's just a child . . . . There are allergies in the family, there are other issues we have to look at from long term. . . . [¶] I suffer from ADHD and other academic learning disabilities." [¶] . . . [¶] He was seen by a [doctor] for emergency, and he did have an allergic reaction [for] which an [E]pipen was prescribed."

DCFS then called the foster father, who testified that the child does have allergies to latex and kiwi, but is not "special needs." He next described what occurs at visits with Mother: Typically, the Child clings to the foster father for the first five to 20 minutes, then warms up and is held by Mother. The Child calls the foster mother "Mommy" and Mother "Mom." He also calls

a lot of women "Mom." On cross-examination, he testified that while they had given Mother notice of the doctor's visits, she never attended; but she does inquire about the Child's health. At the end of his visits with the Mother, the Child does not cry; nor is he otherwise upset to leave Mother. He acknowledged this may be because the location where the visits occur contains a lot of toys.

The reports from prior hearings that were admitted into evidence for this hearing contain evidence of the stormy relationship between Mother and Father. For example, while Mother attended extensive domestic violence training classes at the court's request during 2015, in August 2016, she nevertheless sent text messages to the new girlfriend of Father in which, among other things, she wrote: "I only let you live because [Father] thinks he loves you."

The September 24, 2015 jurisdiction/disposition report contains evidence regarding the Child's well-being: When he was placed in the custody of the foster parents at 11 months of age he was overweight for his age to a "dangerous level" (25 lbs., 5.7 oz.; BMI of 20.7; 98th percentile), which was attributed to overfeeding. He had trouble sitting up on his own and in pulling himself up to a standing position against an object; his feet were "so overweight they had a rounded profile on the bottom." He had food allergies and a history of constipation. His gross motor skills evidenced developmental delays and he had delays in language skills. He also was "tongue tied," a reference to a shorter than normal tongue. He would only sleep in a half sitting position; he had a bald spot in his hair and he looked at himself in a mirror with complete amazement as though he had never done that before. From the time the foster parents took over his care, he made "age appropriate and quick progress": "[B]y just giving him the consistent

opportunity to eat with a spoon, be comforted and [be] held while drinking from a bottle[,] he is making age appropriate and quick progress."[6]

Mother frequently cancelled visits with the Child prior to August 4, 2016. Mother could not provide a satisfactory reason for missed visits with the Child. Mother also missed every one of the Child's "seven" or "eight" medical appointments while he was in foster care, and the one time she attempted to attend she appeared for an appointment, but then left the hospital before the foster parents arrived. While visiting with the Child, Mother called him by names other than his name. On one of her visits she explained she had been careful in where she purchased the orange she brought him because someone was injecting fruit with the AIDS virus.

The juvenile court determined Mother had not met her burden of establishing a defense to termination of parental rights. While acknowledging there was a bond between Mother and Child, the court determined "in weighing the best interest of the child, it appears that the weight is in favor of the Child remaining in [his] current placement. And Mother does not carry her burden to show by a preponderance of evidence

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[6] Foster father testified at this hearing without objection that a nutritionist to whom the foster parents took the Child told them he appeared to have not been given any solid foods earlier in his development (but rather liquids such as Enfamil and juice) and he had not been fed a nutritious diet. Over a period of time, they weaned him from foods taken by bottle or squeezed from a pouch to solid foods so that by the time of the hearing he could eat oatmeal, fresh fruit and vegetables and a nutritious diet. Formerly, he went to the bathroom infrequently; by the time of the hearing he was having normal bowel movements. Foster father also testified that Mother continued to bring large (eight ounce) bottles of "Naked Juices" to her visits and that these would give him diarrhea and put the Child in a bad mood because of the high caloric composition of the "juice." Mother did not stop doing this even after the foster parents told her that he needed to have solid food at this point. Mother also told them that the Child was unable to drink water; but their experience was that he did.

that termination of the parental rights would be detrimental to the child." The court terminated the parental rights of Mother and Father, transferred care, custody and control of the Child to DCFS for adoptive planning and placement, and continued the present placement of the Child with the foster parents, designating them the prospective adoptive parents.

Mother filed a timely appeal.

DISCUSSION

I. The Juvenile Court Did Not Err in Ruling Mother Did Not Establish the Parent-Child Relationship Exception to Termination of Parental Rights

Mother contends the juvenile court erred in concluding that the beneficial relationship exception of section 366.26, subdivision (c)(1)(B)(i) does not apply. We do not agree.

A. Legal Standards

Section 366.26, subdivision (c)(1) provides in pertinent part that, if the court determines that it is likely a child will be adopted, it "shall terminate parental rights unless . . . : [¶] . . . [¶] (B)(i) The parents have maintained regular visitation with the child and the child would benefit from continuing the relationship."

"The express purpose of a section 366.26 hearing is 'to provide stable, permanent homes' for dependent children. (§ 366.26, subd. (b).) Once the court has decided to end parent-child reunification services, the legislative preference is for adoption. (§ 366.26, subd. (b)(1); *In re S.B.* (2009) 46 Cal.4th 529, 532; . . . *In re Celine R.* (2003) 31 Cal.4th 45, 53 ['[I]f the child is adoptable . . . adoption is the norm. Indeed, the court must order adoption and its necessary consequence, termination of parental rights, unless one of the specified circumstances provides a compelling reason for finding that

termination of parental rights would be detrimental to the child.'])" (*In re Breanna S.* (2017) 8 Cal.App.5th 636, 645.)

"Section 366.26 requires the juvenile court to conduct a two-part inquiry at the selection and implementation hearing. First, the court determines whether there is clear and convincing evidence the child is likely to be adopted within a reasonable time. (*Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 249–250; *In re D.M.* (2012) 205 Cal.App.4th 283, 290.) Then, if the court [so] finds . . . , the statute mandates judicial termination of parental rights unless the parent opposing termination can demonstrate one of the enumerated statutory exceptions applies. (§ 366.26, subd. (c)(1)(A) & (B); see *Cynthia D.*, at pp. 250, 259 . . . .)" (*In re Breanna S.*, *supra*, 8 Cal.App.5th at pp. 645–646.)

"One of the statutory exceptions to termination is contained in section 366.26, subdivision (c)(1)(B)(i) . . . . The exception requires the parent to prove both that he or she has maintained regular visitation and that his or her relationship with the child ""promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents."" (*In re Marcelo B.* (2012) 209 Cal.App.4th 635, 643; accord, *In re Amber M.* (2002) 103 Cal.App.4th 681, 689; see *In re Autumn H.* (1994) 27 Cal.App.4th 567, 575 ['the court balances the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging a new family would confer'].)" (*In re Breanna S.*, *supra*, 8 Cal.App.5th at p. 646; see also *In re Noah G.*, *supra*, 247 Cal.App.4th at p. 1300.)

A showing the child derives some benefit from the relationship is not a sufficient ground to depart from the statutory preference for adoption. "No matter how loving and frequent the contact, and notwithstanding the

existence of an "'emotional bond'" with the child, "'the parents must show that they occupy 'a parental role' in the child's life.'" (*In re K.P.* (2012) 203 Cal.App.4th 614, 621; . . . .) Factors to consider include "[t]he 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 parent and child, and the child's particular needs. [Citation.]" (*In re Marcelo B.*, *supra*, 209 Cal.App.4th at p. 643.) Moreover '[b]ecause a section 366.26 hearing occurs only after the court has repeatedly found the parent unable to meet the child's needs, it is only in an extraordinary case that preservation of the parent's rights will prevail over the Legislature's preference for adoptive placement.' (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1350.)" (*In re Breanna S.*, *supra*, 8 Cal.App.5th at p. 646.)

"Appellate courts have adopted differing standards of review for the parental relationship exception determination. Many courts review for substantial evidence. (*In re G.B.* [(2014)] 227 Cal.App.4th [1147] at p. 1165; *In re S.B.* (2008) 164 Cal.App.4th 289, 297; *In re Christopher L.* (2006) 143 Cal.App.4th 1326, 1333–1334; *In re Autumn H.* [, *supra*,] 27 Cal.App.4th [at p.] 576.) Other courts have applied an abuse of discretion standard of review. (*In re Aaliyah R.* (2006) 136 Cal.App.4th 437, 449, *In re Jasmine D.* [, *supra*,] 78 Cal.App.4th [at p.] 1351.) More recently, courts have adopted both the substantial evidence and abuse of discretion standards of review. (*In re Anthony B.* (2015) 239 Cal.App.4th 389, 395; *In re J.C.* (2014) 226 Cal.App.4th 503, 530; *In re K.P.*, *supra*, 203 Cal.App.4th at pp. 621–622; *In re Bailey J.* [(2010)] 189 Cal.App.4th [1308,] 1314–1315.) In evaluating the juvenile court's determination as to the factual issue of the existence of a beneficial parental relationship, these courts review for substantial evidence. (*In re Anthony B.*, *supra*, 239 Cal.App.4th at p. 395; *In re J.C.*, *supra*, 226

Cal.App.4th at p. 530; *In re K.P.*, *supra*, 203 Cal.App.4th at p. 622; *In re Bailey J.*, *supra*, 189 Cal.App.4th at p. 1314.) But whether termination of the parental relationship would be detrimental to the child as weighed against the benefits of adoption is reviewed for abuse of discretion. (*In re Anthony B.*, *supra*, 239 Cal.App.4th at p. 395; *In re J.C.*, *supra*, 226 Cal.App.4th at pp. 530–531; *In re K.P.*, *supra*, 203 Cal.App.4th at p. 622; *In re Bailey J.*, *supra*, 189 Cal.App.4th at p. 1315.)" (*In re Noah G.*, *supra*, 247 Cal.App.4th at pp. 1300-1301.)[7] As explained below, no error occurred under either of these standards of review.

B. Discussion

It is evident, according to either the substantial evidence or abuse of discretion standard, that the juvenile court made the correct ruling. The testimony presented by Mother by itself did no more than establish that she had some affection for the Child. While she attended visits with him and interacted appropriately (except for feeding him high calorie juices that he did not need and which the foster parents asked her not to bring), she had not attended any of his medical checkups; and despite her completing court-ordered parenting classes DCFS was "unable to measure [her] understanding of programs due to her limitations and her poor grasp of reality." When she visited, she called the Child by names to which he did not respond. Overall,

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[7] "On review of the sufficiency of the evidence, we presume in favor of the order, considering the evidence in the light most favorable to the prevailing party, giving the prevailing party the benefit of every reasonable inference and resolving all conflicts in support of the order. [Citations.]" (*In re Autumn H.*, *supra*, 27 Cal.App.4th at p. 576.) ""The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court."' [Citation.]" (*In re Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1351.)

her attachment to the Child appeared superficial and lacking in emotional depth.

There was overwhelming evidence that continuing the Mother-Child relationship would not be beneficial for the Child. The clinical psychologist's report contains stark evidence of Mother's social deficits, and of her inability to competently "care for the health and welfare of her son." There was also substantial evidence that she had not properly provided for the Child's nutrition or his motor or language development while he was under her care. The court was also aware of Mother's conduct at the time Father's truck was secured, and over the course of her stormy relationship with Father generally, and of her conflicted relationships with the fathers of her other children.

The age of a child and the portion of the child's life spent in the parent's custody are factors that a court may properly consider in making these determinations. (*In re Marcelo B.*, *supra*, 209 Cal.App.4th at p. 643.) Here, prior to the selection and implementation hearing the child had spent more than 18 months in the care of the foster parents, in whose care he thrived and overcame many of the deficits that he had had upon placement with them. Also the foster father testified that he and his spouse "would love to" adopt the Child.

Facts indicating that the Child derives some benefit from his relationship with Mother, or that contact is loving and frequent, or that parent and child possess some emotional bond, are not sufficient grounds to disturb the juvenile court's order. (*In re Angel B.* (2002) 97 Cal.App.4th 454, 466; *In re K.P.*, *supra*, 203 Cal.App.4th at p. 621; *In re I.W.*, *supra*, 180 Cal.App.4th at p. 1527.) While the juvenile court did state that Mother had some form of beneficial relationship with the Child (see, e.g., *In re Bailey J.*,

supra, 189 Cal.App.4th at p. 1314), at this stage in the proceedings "[a] showing the child derives some benefit from the relationship is not a sufficient ground to depart from the statutory preference for adoption. [Citation.]" (*In re Breanna S.*, *supra*, 8 Cal.App.5th at p. 646.)

We see no error in the juvenile court's determination that any well-being the child may gain from his relationship with Mother was outweighed by the ""'well-being the child would gain in a permanent home with new, adoptive parents.'" [Citations.]" (*In re Breanna S.*, *supra*, 8 Cal.App.5th at p. 646.) The court explained: "It is a stated objective that [at this stage of proceedings] adoption is the most preferred of any permanent plan, and the court has already found that the Child is adoptable and the Child has been in a home in which he has been thriving, and has established a strong bond with the parents there."

It is evident that the juvenile court took Mother's evidence into account in weighing the appropriate placement for the Child, and determined that the appropriate placement was with the foster parents. This is true whether we review the juvenile court's order for abuse of discretion, or for substantial evidence. Under these circumstances, we cannot say either that the juvenile court abused its discretion or that substantial evidence did not support its determination.

DISPOSITION

The section 366.26 order terminating Mother's parental rights to the Child is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

GOODMAN, J.*

We concur:

ASHMANN-GERST, Acting P.J.

HOFFSTADT, J.

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