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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re MICHAEL B. et al., Persons Coming  
Under the Juvenile Court Law.

B239988  
(Los Angeles County  
Super. Ct. No. CK76546)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

HOLLIE H.,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of Los Angeles County.  
Veronica McBeth, Judge. Affirmed.

Lori Siegel, under appointment by the Court of Appeal, for Defendant and  
Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel,  
Sarah Vesecky, Deputy County Counsel, for Plaintiff and Respondent.

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Hollie H. (Mother) appeals from juvenile court orders denying her petition for a modification and terminating her parental rights. (Welf. & Inst. Code, §§ 388, 366.26.)<sup>1</sup> Mother has used methamphetamine for over 20 years: her last-ditch effort to undergo drug rehabilitation on the eve of the permanent plan hearing came years too late. Mother's older children have been traumatized by lifelong exposure to violence in Mother's home, yet this did not deter her from living continuously with men who abused her and her children. The record shows that Mother stopped visiting the children 10 months before her parental rights were terminated. The court did not abuse its discretion by denying Mother's petition for a modification or by terminating her parental rights.

### **FACTS**

Mother has seven children. They are Jacob A. (born in 1993); Anthony A. (1995); Christopher A. (1996); Vincent C. (1999); Michael B. (2002); Roslyn B. (2003); and Madison B. (2004). The three youngest children are the subject of this appeal (the B. Children).<sup>2</sup> Their father John B. (Father) is not a party to the appeal.

Mother had 20 referrals to child protective agencies in 12 years. In 1997, the Department of Children and Family Services (DCFS) instituted a family maintenance program stemming from domestic violence against four-year-old Jacob by his father, Anthony A., Jr., who also choked Mother and threatened her with a knife. In 2000, two referrals were received. Mother obtained a restraining order against her partner Anthony C., a methamphetamine addict who threatened to kill Mother, the children and himself. In 2001, two referrals alleged that Mother neglected the children and punched five-year-old Christopher in the head with her fist. In 2004, four referrals alleged that Mother was in a violent relationship with Father, who beat her and threatened to cause serious harm to

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<sup>1</sup> Undesignated statutory references in this opinion are to the Welfare and Institutions Code.

<sup>2</sup> We discuss the older children in this opinion to shed light on the pervasive child abuse and neglect in Mother's home.

the children; Mother neglected the children; Father abused them using a belt; and the children were sexually abused.

In March 2005, Mother was reported to be a homeless drug addict who used drugs with her boyfriend; both of them hit the children with fists and objects. In 2006, a referral alleged that the children were neglected and emotionally abused by Mother. She and Father used drugs, engaged in domestic violence, and the children were not properly fed. In 2007, six referrals alleged neglect and physical abuse by Mother and domestic violence by Father. In 2008, three additional referrals were made alleging neglect by Mother and physical abuse by Father. Mother used her money to purchase drugs instead of food. The children ate only once a day, and were often seen going door-to-door begging for food, wearing soiled clothing or only underwear.

After this remarkable 12-year history, a dependency petition was filed on March 11, 2009, alleging that Father grabbed Jacob's neck and pushed him against a wall. Mother knew of the abuse and failed to protect Jacob, giving Father unlimited access to the child. The petition also alleges that Mother and Father engage in violent altercations in the presence of the children, and Father has a criminal conviction for domestic violence. Mother and Father have a long history of illicit drug use. Mother uses methamphetamine, rendering her incapable of providing regular child care. When detained, the children were hungry and not attending school. They were removed from school on December 8, 2008, due to lice, and did not return.

The court found a prima facie case for detaining the children. Mother was ordered to have drug rehabilitation with random testing, parenting classes, and individual counseling. The court advised Mother that she would have one year of reunification services starting March 11, 2009. The B. Children were released to Mother's custody, while Anthony and Vincent were removed from Mother's home.

During interviews, the children described a violent household. Father punched and choked Mother, then grabbed Jacob's neck when the boy tried to rescue Mother. Mother was taken to the hospital after this incident. Father beat up Jacob and kicked Anthony with steel-toed boots, causing pain and bruising. Despite the violence, Mother

leaves the children at home alone with Father. Michael saw Father choking Mother. According to Roslyn, Father hit Anthony with his fist on the stomach, chest and face, plus both parents hit each and Mother “gets bruises everywhere on her arm and stomach.” Madison stated, “Dad hurt mom. Yeah, he socks her and spits on her and she tried to head butt him and dad turned around.”

Mother acknowledged that Father became violent with Jacob when the child tried to break up a parental fight. Father “had me on the ground and he was choking me. I couldn’t breathe. I was clawing at his face. Then Jacob came in.” She swung at Father to protect Jacob and knocked out Father’s tooth. Father “spits in my face and it hurts my feelings.” Mother blamed herself for provoking Father. She admits to engaging in domestic violence with all of her male partners since 1991. Father denied everything, saying “They have no proof” that he ever punched Jacob, kicked Anthony, or choked Mother. He described himself as “a father figure.” As to the children’s reports of domestic violence, Father replied, “They’re all lying.” Father’s criminal record for domestic violence dates back to 1992, and he was arrested for attacking Mother in 2003.

Jacob stated that Mother and Father are both drug addicts. Mother tells Jacob about her drug use, and Jacob found Father’s drug paraphernalia on a shelf in the family home. Jacob is “unhappy” knowing that Mother uses “dope,” and believed she last used drugs in December 2008. Father is under the influence about 70 percent of the time, Jacob estimated. Mother also informed Anthony that she uses drugs: when Mother used drugs, he and his siblings “stopped talking to her and we didn’t want to be at home.” Christopher indicated that Mother uses a drug that looks like salt and is smoked in pipes. Vincent did not believe that Mother uses drugs, but Michael reported finding a blackened pipe in Mother’s closet. Roslyn has observed Father smoking marijuana with a friend, with Father saying, “When I’m done taking a nap, I’m having one hit of the weed.” Madison stated that Father “does drugs a bit. He will be smoking and drinking.”

Asked about her drug use, Mother said, “You guys have never caught me. . . .” She last used drugs in December 2008, when she, Father, and Vincent’s father Anthony C. took turns getting high in the bathroom of the family home, while the

children were there. Mother started using cocaine daily when she was 20. Six months later, she became addicted to crystal methamphetamine. (Mother was born in 1971.) She used drugs between pregnancies. Anthony C. described Mother as “an addict” who introduced him to “speed.” He now “has a severe drug addiction to meth and can be extremely dysfunctional.” Father identified methamphetamine as the drug of choice for himself and Mother. He used marijuana from ages 16 to 25, then used methamphetamine weekly. (Father was born in 1966.) He has not participated in any substance abuse programs, and has a criminal record for drug possessions.

Mother’s son Anthony is in a group home because he is violent and aggressive: he kicked Mother in the leg in front of the social worker and put his fist through a window. Jacob recalls that Anthony has been “5150’ed six times.” While hospitalized, Anthony received Thorazine, Lexapro, Seroquel and Depakote. Mother acknowledges that Anthony may have a “chemical imbalance,” but does not believe he should take any medication. Anthony has threatened to kill Mother and his siblings since he was nine years old. He was diagnosed with severe PTSD.

Mother was terminated from her substance abuse program for noncompliance on June 11, 2009, and was dropped from her domestic violence counseling program for nonattendance on June 25. She missed drug tests and did not enroll in counseling to address case issues. Mother hit Michael on the nose on May 21, 2009, causing it to bleed: she admits to punching the boy and rationalized the bleeding by saying his nose is “sensitive.” Mother did not enroll the B. Children in counseling or obtain necessary medical and dental care for them. At a hearing on June 25, 2009, she was admonished not to inflict physical punishment or scream at the children.

On July 2, 2009, DCFS sought to remove the children from Mother’s care because she had lapsed in drug rehabilitation and failed to keep the children in school or obtain medical care for them. Plus, Mother has a new boyfriend who stalks and harasses her, yet Mother gives him unlimited access to her children and allows acquaintances to share her small hotel room overnight along with the children. Jacob and Christopher repeatedly told the caseworker that they wish to live with their paternal grandfather, who has a stable

home. Over the objections of DCFS, the court allowed Mother to retain custody of the B. Children on condition that she participate in a drug program with random testing. The dependency petition was amended in July 2009 to add allegations about Mother's violence with her children and their fathers, and about Mother's inability to complete the case plan or ensure that the children attend school and obtain medical treatment.

Mother rejoined a drug rehabilitation program but was ejected from it for absenteeism on August 20, 2009. As of July 2009, Mother had completed zero of 24 individual interviews; one of 24 group sessions; zero of 48 twelve-step meetings; and 11 of 12 parenting classes. The children's educational attainment suffered from absenteeism: during the 44 days that Christopher was enrolled he was absent 13 days, and Michael and Roslyn were enrolled 45 days but missed 18 of them. Mother received a referral for child care assistance, but never showed up for her appointments. DCFS removed the B. Children from Mother on August 20, 2009, on the belief that they are at risk with Mother, who made no effort to comply with court orders in five months. On August 25, 2009, the court released the B. Children to Mother, over the objections of DCFS, after Mother promised to make no more excuses.

By November 2009, Mother had not met case requirements. She missed half of her counseling sessions, preventing the therapist from implementing a treatment plan; she did not complete a parenting course or a domestic violence program; she tested negative for drugs four times and missed one test; she was not enrolled in a drug rehabilitation program; and the B. Children continued to miss school days.

The jurisdiction hearing was held on November 9, 2009. The court sustained allegations that Father physically abused Jacob, yet Mother did not protect the boy and gave Father unlimited access to the children; Mother has a history of violent altercations since 2003 with all three fathers; Mother struck Michael in the face and gave him a bloody nose; Mother has a history of drug abuse, currently uses methamphetamine, and has been terminated from her substance abuse programs; Father has a history of illicit drug use and uses methamphetamine; parent Anthony C. has a history of drug abuse and is a current user of methamphetamine; Mother is unable to provide appropriate parental

care and supervision of her son Anthony due his mental and emotional problems; the father of the A. children is incarcerated and has not provided his children with the necessities of life; Mother has failed to ensure regular school attendance for the B. Children; and Mother has medically neglected the children. The court found that the children are dependent children under subdivisions (a), (b), (g) and (j) of section 300.

Moving to disposition, the court removed the B. Children from Mother's custody because leaving them with her poses a substantial risk of detriment.<sup>3</sup> Mother was given reunification services and ordered to attend a drug rehabilitation program with random testing; individual and domestic violence counseling; parenting; and conjoint counseling with the children. She was allowed monitored visitation. The court observed that Mother has offered nothing but excuses and has consistently violated court orders since the inception of the case.

In February 2010, DCFS alerted the court that the three A. boys ran away from their placements and were believed to be hiding out with Mother and Father. Mother was overheard "encouraging" the boys to run away, and instructed them how to use public transportation to get to her location. The boys were found and returned to DCFS custody after two months. They were not in school during that time. Soon after being located, Anthony and Christopher ran away again, in April 2010.<sup>4</sup> Mother was not in compliance with any court orders and had stopped communicating with DCFS. She was living with Father and did not visit the B. Children. Roslyn (in first grade) engaged in sexualized conduct, including simulated oral sex and "humping" her brother, which she learned from watching "nasty" movies at Mother's home. Mother tested positive for methamphetamine

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<sup>3</sup> The four older children were already in placements at the time of adjudication.

<sup>4</sup> Anthony A. has severe PTSD due to lifelong exposure to domestic violence, drug abuse, homelessness and neglect. He is physically and verbally aggressive, destroys property, cries frequently, has nightmares and physically harms himself. He does not understand the role of "parents" or limits. His brother Christopher has anxiety and depression caused by exposure to domestic violence in Mother's home.

on November 19 and December 3, 2009, and was discharged from her drug treatment program in January 2010 for noncompliance.

In April 2010, DCFS reported that Mother failed to appear for seven random drug tests, all of which counted as “dirty.” She was not enrolled in a domestic violence or parenting program, and refused to communicate with DCFS. Mother had not visited the B. Children since January 2010. They were progressing in their behavior and in school since moving to a stable foster home. The paternal aunt and uncle expressed interest in adopting the B. Children. DCFS asked the court to terminate Mother’s reunification services, as more than one year had passed without any progress. The court found that Mother’s compliance with the case plan was “minimal” and warned her that reunification services would be terminated in six months if she did not comply with court orders.

On April 29, 2010, the police found Anthony and Christopher A. wandering in a parking lot during school hours and brought them to the DCFS office. They had been missing since April 13, and a protective custody warrant had been issued for them. By coincidence, Mother and Father were at DCFS to meet with the social worker. Anthony immediately began to curse, yell, hit himself in the head, hit his head on the wall, kick the walls, and spit at people. Because he was making suicidal threats and would not calm down, he was taken into involuntary custody. In May 2010, Mother resumed weekly visits with the children, but provided no proof of enrollment in substance abuse, parenting, domestic violence or individual counseling programs. Mother made no effort to assist in the educational needs of the B. Children, and did not ask how they were doing in school. Anthony ran away from his residential treatment program on June 13, 2010. DCFS reported that Mother was enabling Anthony’s misbehavior.

Mr. and Mrs. M., the paternal aunt and uncle of the B. Children, were reluctant to have the B. Children placed in their home “because they do not like to have to deal with the parents.” Nevertheless, they took custody of the children on October 15, 2010, to keep the family intact. The B. Children are very close to these relatives, are excited to live with them, and expressed understanding that Mother is not capable of properly feeding or caring for them. Anthony was AWOL for three months, with several reports



that he was staying with Mother and Father. Mother “has had positive alcohol screens, she has assisted the minor Anthony with running way, she has missed visits, [and] she has failed to maintain contact with her children . . . .” She reported domestic violence between herself and Father. Mother went to the B. Children’s school and asked to take them away with her, but was denied access to them.

Mother enrolled in a substance abuse program on June 28, 2010, but was promptly terminated, after two positive tests. She began testing at a lab, but failed to show up for tests five times from August to October 2010. She was arrested on July 11, 2010, for driving with a suspended license and registration. She was scheduled for weekly monitored visits with the B. Children: she arrived 20 minutes late on November 3, and did not show up on November 8, 15 or 22. She does not maintain telephone contact with them. In November, 2010, Jacob and Anthony ran away from their placements and were still missing in December. DCFS received information that Mother was assisting them with money and shelter. At a hearing in December 2010, the court found that “Mother’s visitation with the [B.] Children has been inconsistent and sporadic [with] no phone contact whatsoever and [she] didn’t see them over Thanksgiving and doesn’t explain to the children why her visits are missed and has not complied with the case plan.”

In January 2011, DCFS reported that Mother enrolled in a 90-day outpatient substance abuse program, though she was repeatedly informed she had to be in treatment for a minimum of six months. Mother was not drug testing randomly as required by the court. Her negative tests (October 12, 2010, and January 11 and 18, 2011) fell on Tuesdays, and there were no results for November or December 2010. Mother has not participated in a domestic violence program since June 2009. She has no proof of individual counseling since November 2009. She is not taking parenting classes. DCFS asked the court to terminate Mother’s reunification services. On February 7, 2011, the court found that Mother is not in compliance with the case plan after two years, and terminated reunification services.

In April 2011, Mother claimed to have completed six months of substance abuse treatment but did not submit a certificate of completion. It still appeared that all of

Mother's drug tests were on Tuesdays, not random days. There was no proof that Mother was in a domestic violence program, individual counseling, parenting education, or conjoint counseling with the children. Mother visited the children inconsistently, and did not contact the caregivers or DCFS to arrange visitation. During visits, Mother made inappropriate promises that the children would live with her "soon."

In June 2011, DCFS reported that the B. Children were getting good grades, despite having missed so much school while in Mother's custody. Michael (age 9) had to be held back a grade, but has now caught up. He is verbally aggressive with his siblings and displays sexualized behavior and poor social skills. Roslyn (age 7) is learning to cope with anger and set boundaries. Madison (age 6) has low self-esteem and poor functioning. All of the B. Children receive counseling. Mother was visiting (except while incarcerated in February and March 2011) and the B. Children "like their visits with the mother," but not when she brings friends to the visits. Mother threatened to take the B. Children away for an overnight visit; however, "the children wish to remain in [their] current placement."

The foster parents, the M.'s, expressed interest in adoption. They have been married since 1996, are employed, have no criminal records, and no children. They have known the B. Children since birth, as Mrs. M. is their aunt. The children would not mind staying with the M.'s on a long-term basis. Madison and Roslyn inconsistently stated that they would like to live with Mother, but want to continue living with the M.'s. Michael enjoys living with the M.'s and has not given much thought to adoption. On June 29, 2011, the court found that Mother's reunification services were previously terminated and there is clear and convincing evidence that the B. Children are likely to be adopted. The court gave the M.'s legal guardianship and authorized them to select a monitor for Mother's visits.

In August 2011, DCFS reported that the B. Children are doing well in their placement and are adjusting to the idea of living permanently with the M.'s. Mother did not visit and only called the children twice in the last few months. She promised to visit but failed to show up, causing Roslyn to act out in anger and disappointment. Mother

was not in contact with DCFS. The children were doing well in school and Michael expressed excitement about living with the M.'s. Madison is also attached to the M.'s. The children told therapists of their disappointment that Mother has not visited them since May, but they feel content and safe with the M.'s. An adoption home study was approved for the M.'s on August 12, 2011. The court set a date for a permanent plan hearing and identified adoption as the permanent plan. The children appeared at the hearing; Mother did not.

DCFS submitted a report in advance of the permanent plan hearing, in October 2011. The B. Children continued to thrive in the home of the M.'s, and "have made many improvements in health, education, and behavior." Roslyn and Madison were still struggling to come to terms with the "inconsistency of their parents." Mother does not visit, but telephones occasionally. This inconsistency is "damaging to the children's emotional stability." The children enjoy living in their current home.

DCFS indicated that the A. boys repeatedly run away from their placements, and "they generally go to [Mother] when they run away and stay with her for weeks at a time," in violation of court orders, yet she does not visit them when they are in foster care. "All three boys still seek out their mother for various things and she continues to support and assist them at inappropriate times."

In February 2012, DCFS reported that Mother has not contacted DCFS regarding the B. Children, so she has not had any visits with them. Mother "continues to be distant and does not take opportunities to contact or visit the children." The M.'s are dedicated to raising the B. Children and are attentive to all their needs. The children are doing well and are enjoying stability and comfort. They consider the M.'s their primary caregivers and supporters.

In March 2012, sibling Anthony filed a petition for a modification, arguing that the adoption of the B. Children would interfere with his relationship with them. Anthony did not list any changes since the last court order. Mother also filed a petition for a modification asking the court to reinstate reunification services because she "is in full compliance with her case plan," having completed a drug program, counseling, parenting,

and a domestic violence program. She asserted that a modification would serve the best interests of the children because they could maintain contact with her and their siblings. The court scheduled Anthony's petition for a hearing. At hearing on March 6, 2012, the court denied Mother's petition for a modification because it would not be in the best interests of the B. Children. Mother appealed from the denial of her petition for a modification.

In April 2012, DCFS gave a progress report noting that Mother has not made arrangements to visit the B. Children, and rarely contacts them. She has not seen the B. Children since June 2011. The B. Children rarely see their siblings; however, the A. brothers are frequently AWOL. As of mid-April 2012, Anthony was still missing. Through their counsel, Jacob and Christopher informed the court that they respect the wishes of the B. Children to remain with the M.'s, and they hope to retain their sibling relationship. The petition for a modification was withdrawn as to Jacob and Christopher, and denied as to Anthony, who absented himself from the hearing.

The selection and implementation hearing was held on April 17, 2012. Mother complained that no one helped her arrange visits with the B. Children, and maintained that she has completed all of her services and "significantly changed her life." The court replied that the file was replete with DCFS's effort to set up visitation and Mother offered no rebuttal. The court found it would be detrimental to return the B. Children to parental care and terminated Mother's and Father's parental rights. No exception to the legislative policy favoring adoption exists. The court found by clear and convincing evidence that the B. Children are likely to be adopted, and freed them for adoption. Mother appealed from the order terminating her parental rights.

### **DISCUSSION**

Mother appeals the denial of a hearing on her petition for a modification and the termination of her parental rights. A parent may seek "upon grounds of change of circumstance or new evidence," to set aside any order of court previously made. (§ 388, subd. (a).) The court must set a hearing on the petition "[i]f it appears that the best interests of the child may be promoted by the proposed change of order . . . ." (§ 388,

subd. (d).) The application may be denied without a hearing absent probable cause to believe that there is a change of circumstances or new evidence that might require a modification of the order. (*In re Jeremy W.* (1992) 3 Cal.App.4th 1407, 1414.)

The summary denial of a petition brought under section 388 is reviewed for an abuse of discretion, meaning that the trial court made an arbitrary, capricious, or patently absurd determination. (*In re Mary G.* (2007) 151 Cal.App.4th 184, 205; *In re Brittany K.* (2005) 127 Cal.App.4th 1497, 1505.) The burden is on the parent bringing the petition to make a prima facie showing of changed circumstances and to demonstrate that a modification would be in the child's best interests. (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309-310; *In re Mary G.*, at p. 205.) Once reunification services have been terminated, the primary focus is on the child's need for permanency and stability: the parent's interest in the custody and companionship of the child is not paramount. (*In re Angel B.* (2002) 97 Cal.App.4th 454, 464.)

The burden of showing changed circumstances cannot be met when a parent abuses drugs and has only recently begun the process of rehabilitation. In *Mary G.*, for example, the court found that a mother did not make a prima facie case of changed circumstances sufficient to warrant a full hearing when the mother had a history of drug abuse starting at age 13, and had only recently achieved sobriety. The court wrote, "Given the severity of [mother's] drug problem the court could reasonably find her sobriety between March and the date of the hearing, June 20, was not particularly compelling." (151 Cal.App.4th at p. 206.) In a similar case, a court found that a father's seven months of sobriety, "while commendable, was nothing new. He had a history of drug use dating back to his college days, and since then his periods of sobriety alternated with recurring drug use." (*In re Clifton B.* (2000) 81 Cal.App.4th 415, 423.) Quoting the father's counselor, the court observed that "relapses are all too common for a recovering drug user. 'It is the nature of addiction that one must be "clean" for a much longer period than 120 days to show real reform.'" (*Ibid.*)

The evidence of changed circumstances in the case at bench is, as in *Mary G.* and *Clifton B.*, not compelling. Mother admitted to a history of drug usage in her interview

with DCFS, acknowledging daily use of cocaine starting in 1991, at age 20, followed by addiction to crystal methamphetamine. Mother admittedly used methamphetamine a few months before this proceeding began. Her children are aware that she uses “dope,” and try to avoid her when she is under the influence. Mother’s claim to success, with respect to her drug abuse, is that “You guys have never caught me,” indicating that Mother is more committed to avoiding detection than to accomplishing rehabilitation.

Mother frequently missed drug tests, all of which are considered “dirty.” She was terminated from two drug rehabilitation programs in 2009 for noncompliance. At the jurisdiction hearing in November 2009, the court removed the B. Children from Mother’s care because she failed to complete a drug rehabilitation program, or a domestic violence program, or parenting, or counseling. Mother had positive tests for methamphetamine on November 19 and December 3, 2009. She was discharged from a drug rehabilitation program in January 2010 for noncompliance.

Mother enrolled in a new drug program, but failed to appear for seven tests by April 2010. It may be inferred that Mother used drugs continuously during the entire period in which she failed to appear for random drug testing. She enrolled in a substance abuse program in June 2010, but was terminated one month later after having two positive tests. She failed to appear for five tests between August and October 2010. Although Mother had negative results from October 2010 to April 2011, all of her tests were scheduled for Tuesdays, violating the court’s order that testing be random.

Given Mother’s admitted 20-year history of drug usage that predated the dependency proceeding and her repeated relapses during the dependency proceeding, her last-ditch effort to complete a drug rehabilitation program on the eve of the selection and implementation hearing does not qualify as *prima facie* evidence of changed circumstances. Mother did not even attempt to show that she is currently able to provide the children a stable, safe, permanent home. At most, her petition shows “changing circumstances,” which are not sufficient to trigger a hearing on the merits of Mother’s petition. (*In re A.S.* (2009) 180 Cal.App.4th 351, 358.) “A petition which alleges merely changing circumstances and would mean delaying the selection of a permanent home for

the 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." (*In re Casey D.* (1999) 70 Cal.App.4th 38, 47.)

Apart from Mother's continued drug abuse during the dependency proceeding, Mother's visits with the B. Children were inconsistent during the dependency proceeding and nonexistent since mid-2011. The record shows that Mother ceased visiting or contacting the B. Children long before she petitioned for a modification. Mother asserts the existence of "a strong bond" between herself and her children as a basis for overturning the judgment of the juvenile court. Mother's claim is belied by the facts. No devoted parent would stop visiting her three children under the age of 10 for nearly a year. The children were naturally upset by Mother's unkept promises and absences, and grew to see the M.'s as their caretakers and supporters, not Mother. The older brothers of the B. Children withdrew their section 388 petitions, telling the court that they respect the wishes of the B. Children to remain with the M.'s.

Mother argues that it is in the B. Children's best interest for the court to provide "a meaningful opportunity for Mother to learn to become a better parent . . . ." "Childhood does not wait for the parent to become adequate." (*In re Marilyn H.*, *supra*, 5 Cal.4th at p. 310.) "The reality is that childhood is brief; it does not wait while a parent rehabilitates himself or herself. The nurturing required must be given by someone, at the time the child needs it, not when the parent is ready to give it." (*In re Debra M.* (1987) 189 Cal.App.3d 1032, 1038.)

The 20 child endangerment reports dating back to 1997 show that Mother has had ample opportunity to become a better parent—some 15 years of missed opportunities. During that entire period, she failed to defeat her drug addiction or end her relationships with men who abuse her and her children. Indeed, Mother participated in the brutality, leading to a sustained allegation that she punched Michael in the nose in May 2009, while this proceeding was pending, causing it to bleed. To the last Mother continued her misconduct and abdicated all parental responsibility, to the detriment of her children's health and safety.

The facts of this case are egregious and shocking. Some of the shock arises from DCFS's failure to remove all seven children from Mother years ago, allowing her drug abuse, child abuse and neglect to go unremedied. As a result, Mother's three oldest children appear to be irretrievably damaged by lifelong exposure to domestic violence, drug abuse, homelessness and neglect. Although it is too late to help Mother's oldest children, the trial court acted well within its discretion by terminating Mother's parental rights to her three youngest children to give them a chance to have a normal, stable and healthy upbringing, with proper nourishment and medical care, a home, schooling, and an absence of drugs and perpetual violence.

There is substantial evidence in the record establishing that for two decades, Mother has chosen to elevate her addictions to drugs and abusive men over the safety and health of her children. Mother cites no exception to the legislative preference for adoption. (§ 366.26, subd. (c)(1)(B).) Her parental rights were properly terminated because adoption is clearly in the best interests of the B. Children.

#### **DISPOSITION**

The judgment is affirmed.

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BOREN, P.J.

We concur:

DOI TODD, J.

ASHMANN-GERST, J.