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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re PARIS J. et al., Persons
Coming Under the Juvenile
Court Law.

B297543
(Los Angeles County
Super. Ct. No. DK08460C)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

TRAVIS P. et al.,

Defendants and
Appellants.

APPEAL from orders of the Superior Court of Los Angeles
County, Kristen Byrdsong, Commissioner. Affirmed.

Travis P., in pro. per.; and William Hook, under

appointment by the Court of Appeal, for Defendant and Appellant, Travis P.

Rosalinda B., in pro. per.; and Anne E. Fragasso, under appointment by the Court of Appeal, for Defendant and Appellant, Rosalinda B.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Tracey F. Dodds, Principal Deputy County Counsel, for Plaintiff and Respondent.

* * * * *

The juvenile court terminated Travis P.'s (father's) and Rosalinda B.'s (mother's) parental rights over Paris J. (Paris).¹ Father and mother appeal that ruling. After each parents' appellate counsel filed a brief indicating that there were no meritorious issues to be raised on appeal (per *In re Phoenix H.* (2009) 47 Cal.4th 835), we invited each parent to file a supplemental brief. They did. However, the arguments they raise lack merit. Accordingly, we affirm the juvenile court's orders.

FACTS AND PROCEDURAL BACKGROUND

Paris was born in January 2015.

In February 2015, the Los Angeles County Department of Children and Family Services (the Department) filed a petition asking the juvenile court to exert dependency jurisdiction over

¹ Paris J. has also been referred to as Paris B. in various documents throughout the record on appeal and in our prior opinion. (*Los Angeles Cty. Dept. of Children & Family Servs. v. Travis P. (In re Paris B.)* (May 19, 2016, B267177) 2016 Cal. App. Unpub. LEXIS 3656 [nonpub. opn.].) To avoid any confusion, we use the minor's first name only.

Paris. The juvenile court detained Paris from her parents, and in August 2015, exerted dependency jurisdiction over Paris based on (1) mother's bipolar diagnosis, coupled with her refusal to take her prescribed medications and instead to self-medicate with marijuana, (2) father's diagnosis of adjustment disorder with mixed anxiety and depressed mood, coupled with his suicidal ideation and past mental health issues, and (3) mother's longstanding use of marijuana. The court removed Paris from her parents, and she was placed in a foster home.

Father and mother appealed the juvenile court's jurisdictional and dispositional rulings. We affirmed in an unpublished opinion. (*Los Angeles Cty. Dept. of Children & Family Servs. v. Travis P. (In re Paris B.)* (May 19, 2016, B267177) 2016 Cal. App. Unpub. LEXIS 3656 [nonpub. opn.])

The Department offered father and mother reunification services for more than two years. However, in March 2018, the juvenile court terminated reunification services. In so ruling, the court acknowledged that father and mother had completed their prescribed "case plans," but found that returning Paris to their custody would "pose a substantial danger to [her] . . . physical and mental health" because the parents (1) "fail[ed] to actually interact" with Paris "during their visits," (2) "fail[ed] to develop a bond" with Paris, and (3) habitually "blam[ed] everyone else" for their predicament. The court also found that the Department had provided reasonable reunification services.

Father and mother filed a writ petition with this court challenging the trial court's finding that the Department had offered reasonable reunification services and its termination of reunification services. We denied the writ in January 2019 after issuing an opinion that considered the parents' arguments on

their merits. (*Rosalinda B. v. Superior Court* (Jan. 3, 2019, B288579) 2019 Cal. App. Unpub. LEXIS 17 [nonpub. opn.] (*Rosalinda B.*.)

After our denial of the parents' writ petition, the juvenile court in March 2019 held a permanency planning hearing at which it terminated father's and mother's parental rights over Paris. More specifically, the court found that Paris "will be adopted" and rejected parents' entreaty that the parental bond exception applied, finding instead that "any benefit accruing to [Paris] from [her] relationship with [her] parent[s] is outweighed by the physical and emotional benefit the child will receive through the permanency and stability of adoption, and that adoption is in the best interest[] of the child."

Father and mother filed their timely appeals.

DISCUSSION

In their supplemental briefs, father and mother allege a number of errors with nearly all of the juvenile court's rulings. Specifically, they allege that the court erred (1) in removing Paris from their custody in 2015, (2) in concluding that the Department had offered reasonable reunification services (because the Department did not provide interactive therapy services, because the Department's social worker lied, and because the Department did not transfer the entire case to a different county when the parents moved), (3) in terminating reunification services, and (4) in terminating their parental rights (because the Department's social worker was slow in responding to their request to visit Paris in July 2018, because the visitation schedule they agreed upon in September 2018 was deficient because the Department was unwilling to pull Paris out of school in order to make the visits fit better into the parents' schedules and because returning

Paris to them did not put her life in danger). Because we rejected the first three categories of arguments on the merits in prior appeals, we need not—and, indeed, cannot—revisit them. (*People v. Gray* (2005) 37 Cal.4th 168, 196-197 [law of the case “generally precludes multiple appellate review of the same issue in a single case”].) Thus, we will address the sole question properly presented in this appeal: Did the juvenile court err in terminating father’s and mother’s parental rights over Paris?

Once a juvenile court has asserted dependency jurisdiction over a child and terminated reunification services, the court “shall terminate parental rights” once it finds, by “clear and convincing evidence,” “that it is likely the child will be adopted” within a reasonable time. (Welf. & Inst. Code, § 366.26, subds. (a) & (c)(1);² *Cynthia D. v. Superior Court* (1993) 5 Cal.4th 242, 249-250.) In accordance with our Legislature’s preference for the stability and permanence that comes with adoption, a juvenile court must terminate parental rights and order adoption unless the parent opposing termination proves that one of six statutory exceptions applies. (§ 366.26, subds. (c)(1) & (c)(1)(B); *In re I.W.* (2009) 180 Cal.App.4th 1517, 1527.)

One of the six exceptions is the beneficial parent-child relationship exception. It applies when (1) “the parents have maintained regular visitation and contact with the child,” and (2) “the child would benefit from continuing the relationship.” (§ 366.26., subd. (c)(1)(B)(i).) Because “[i]nteraction between natural parent[s] and [a] child will always confer some incidental benefit to the child,” the second element of the exception requires a parent to show that (1) “he or she occupies a parental role in

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

the child's life, resulting in a significant, positive, emotional attachment between child and parent," and (2) "the child would suffer detriment if . . . her relationship with the parent were terminated." (*In re C.F.* (2011) 193 Cal.App.4th 549, 555.) In assessing whether termination of parental rights would be detrimental to a child, courts look to "(1) the age of the child, (2) the portion of the child's life spent in the parent's custody, (3) the positive or negative effect of interaction between the parent and the child, and (4) the child's particular needs." (*In re Angel B.* (2002) 97 Cal.App.4th 454, 467.) We review the first "factual issue" of whether there is a beneficial parent-child relationship for substantial evidence, and the discretionary decision of whether the child would suffer detriment for an abuse of discretion. (*In re J.C.* (2014) 226 Cal.App.4th 503, 530-531.)

The juvenile court did not err in finding that Paris was adoptable or in ruling that the beneficial parent-child exception did not apply in this case. Substantial evidence supports its finding that father and mother did not occupy a "parental role" in Paris's life and that Paris did not have a "significant, positive emotional attachment" with her parents. Indeed, the evidence is overwhelmingly to the contrary. Paris has spent all but four months of her nearly five years in foster care, her parents elected not to visit her during one six month period because the order did not *order* them to visit, her parents elected not to visit her during a second six month period (between September 2018 and the termination of their rights in March 2019) for no apparent reason whatsoever, and mother once commented that she did not "give a shit" if Paris were taken from her. Not surprisingly, social workers observed that Paris, during two visits in May and August 2018, exhibited "no attachment and no bond" to either

parent. In contrast, Paris “appear[ed] bonded to her foster mother” and “visibly excited to see her foster mother” when her visits with her parents were over; not surprisingly, Paris was also “thri[ving] in her foster home,” which “provid[ed] a loving, caring and stable environment for Paris where all of her needs [were] being met.” On these factors, the juvenile court did not abuse its discretion in ruling that Paris would not suffer detriment if her relationship with her parents was terminated.

Father and mother raise what boil down to two arguments criticizing the juvenile court’s ruling.

First, they assert that the *reason* Paris lacked any bond with them is because the Department dragged its feet in setting up a visitation schedule in July 2018, such that the juvenile court was wrong to rely on the absence of a bond in declining to apply the beneficial parent-child bond exception. (Accord, *In re Hunter S.* (2006) 142 Cal.App.4th 1497, 1506 [juvenile court’s refusal to enforce its visitation orders necessitated revisiting denial of motion to reinstate reunification services for changed circumstances].) This assertion is unsupported by the record. While the parents and Department may have haggled back and forth about visitation schedules in July 2018, they ultimately agreed upon a visitation schedule acceptable to all parties concerned in September 2018 and the parents for whatever reason made no effort whatsoever to actually visit in accordance with that schedule. Although, on appeal, they complain that the schedule they agreed on was not to their liking because the Department indicated its preference that Paris not miss school for the visits, this is inconsistent with the parents’ prior consent to that schedule.

Second, father and mother argue that the court was wrong not to apply the beneficial parent-child exception because the court never made a finding that (1) returning Paris to them put her life in danger, (2) the parents “severely neglected” Paris, or (3) the parents were “mentally disabled” within the meaning of the Family Code proceedings aimed at declaring minors free of parental custody and control (Fam. Code, § 7820 et seq.) As noted above, however, the exception turns on a finding of “detriment,” not any of the alternative findings the parents fault the juvenile court for not making.

DISPOSITION

The orders are affirmed.

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_____, J.
HOFFSTADT

We concur:

_____, P.J.
LUI

_____, J.
ASHMANN-GERST