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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re Christopher H., a Person Coming Under the Juvenile Court Law.	B347925, B349170 (Los Angeles County Super. Ct. No. 23CCJP03984A)
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff and Respondent, v. CLAUDIA H. et al., Defendants and Appellants.	

APPEALS from an order of the Superior Court of Los Angeles County, Dash Talbot, Juvenile Court Referee. Affirmed.

Lillian Hamrick, under appointment by the Court of Appeal, for Defendant and Appellant Claudia H.

Sarah Vaona, under appointment by the Court of Appeal, for Defendant and Appellant Joseph L.

Dawyn R. Harrison, County Counsel, Kim Nemoy, Assistant County Counsel, and Brian Mahler, Deputy County Counsel, for Plaintiff and Respondent.

Claudia H. (mother) and Joseph L. (father) appeal from an order terminating their parental rights. The parents argue the juvenile court erred in denying mother's request for a bonding study and in declining to apply the parental benefit exception to adoption. We find no error and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

In November 2023, mother gave birth to Christopher H. Reports indicated mother gave birth "on the street," or "under [a] bridge." Mother had used methamphetamine throughout her pregnancy, including two hours before Christopher was born. She told social workers she did not know she was pregnant until she felt the contractions. Christopher was born prematurely, with a positive toxicology for amphetamine. He weighed 2 pounds and 12 ounces at birth and required the use of a breathing machine. It was anticipated that he would remain in the NICU for one to two months. The Los Angeles County Department of Children and Family Services (DCFS) initiated dependency proceedings and detained Christopher in the hospital.

Two of the parents' other children, and four of mother's children with other fathers, were or had been dependents of the juvenile court, at least in part as a result of mother's or both parents' substance abuse. Neither mother nor father had

reunified with any of their dependent children. Three of mother's children were in legal guardianships.

The juvenile court sustained a petition alleging Christopher was a child described by Welfare and Institutions Code section 300, subdivisions (b) and (j), based on the parents' substance abuse.[1] In February 2024, the court removed Christopher from the parents and ordered reunification services, including monitored visits.[2] DCFS placed Christopher with the paternal grandmother of one of Christopher's maternal half siblings. In July 2024, this caregiver adopted Christopher's two full siblings.

In the year after the disposition hearing, mother participated in reunification services. For several months, she submitted negative drug tests. Then, in September 2024, she tested positive for alcohol. In October and November 2024, she tested positive for amphetamines. In January 2025, she tested positive for cocaine and amphetamines. Despite the positive tests, mother denied using drugs. In February 2025, the juvenile court terminated reunification services and set a July 2025 hearing to select and implement a permanent plan.

Throughout the proceedings, mother regularly visited Christopher. An August 2024 report indicated that mother was nurturing and loving with Christopher during visits. The parents

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

[2] Father is a party to this appeal, but he does not contest the juvenile court's orders specific to him and instead merely joins in mother's arguments. The remainder of this opinion therefore focuses on the facts relevant to mother and addresses her arguments on appeal.

brought wipes and diapers to the visits. The social worker primarily responsible for the case encouraged the parents to attend Christopher's medical appointments, but they expressed no interest in doing so.

A February 2025 report informed the court that mother continued to visit Christopher consistently.[3] The visits were two hours at a DCFS office, one to two times each week. The social worker "observed that the mother has created a bond with the child Christopher as evidenced by his engagement with mother during visits. Mother is loving and appropriate with the child." Christopher responded to mother by cooing and smiling.

The parents had attended only two of Christopher's medical appointments and did not express interest in his many medical needs. Christopher had 12 medical appointments during the reporting period. The social worker had also discussed the possibility of mother having unmonitored visits. In July 2024, mother was receptive to the idea. The social worker offered suggestions that would make the visits logistically feasible. By February 2025, however, mother no longer appeared interested in having unmonitored visits. She at one point explained that it was easier to have a social worker assist with visits "due to the weather, father's disabilities, and lack of housing."

The June 2025 section 366.26 report detailed Christopher's relationship with the caregiver and her husband. Christopher had lived with the caregiver since he was discharged from the hospital. Three of his siblings also lived in the home. The caregiver had met Christopher's medical, emotional, and developmental needs. Christopher was "joyful, energetic, and

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[3] Father stopped visiting Christopher at the end of 2024.

comfortable" around the caregiver and her husband and was thriving in their home. They wanted to adopt him.

According to the report, during visits, Christopher looked for mother and was calm and comfortable with her. Mother was playful with Christopher, held him, talked to him, sang to him, and fed him. At one visit, a social worker observed that Christopher did not hesitate to be held by mother. Mother hugged and kissed him. Christopher seemed happy. When on the floor, Christopher "did try to come to [the investigating social worker] to bring toys. It has been documented that Christopher does not cry when the visits are over and is in good spirits." The report opined that the visits were not sufficient "to determine a parental bond," and he was "already in a loving, consistent, and secure environment with caregivers that he has bonded with."

At the beginning of the July 18, 2025 section 366.26 hearing, mother asked the juvenile court to order a bonding study. Father joined in the request, noting mother had consistently visited Christopher. The court denied the request, explaining that bonding studies are not required for all cases and "tend to be favored when the child is older and there is a more potentially complicated relationship with the parent and the child." The court reasoned that Christopher was a little over one and a half years old, and DCFS could provide an expert opinion on whether there was a parent-child bond. Mother then asked for a continuance so that she might be present to testify. The court granted a brief continuance.

The primary social worker on the case testified at the continued hearing. The social worker confirmed that she had reported there was a bond between mother and Christopher. She testified that Christopher was receptive to mother's caregiving.

She had observed mother feeding Christopher and him smiling, cooing, and extending his arms to mother. Mother held Christopher during the visits. The social worker was not aware of Christopher ever crying when mother left the visits. At the end of visits, Christopher was not in distress. The caregiver had not reported to the social worker that Christopher's behavior was "out of the norm" when he returned from visits with mother. The social worker testified that Christopher was also familiar with her and sometimes he reached out his arms to her, smiled, and cooed.

Mother testified that during visits, Christopher looked at her and smiled. She described lying on the floor with him, causing him to laugh. Mother encouraged Christopher to crawl and stand. Most visits, she held him in her arms, fed him, and sang to him. At the beginning of visits, he reached for her. He was usually asleep by the end of the visits. At the most recent two or three visits, Christopher cried when mother walked him to the car and gave him to the monitor to be placed in his car seat. Mother was able to soothe him by saying she loved him and giving him his bottle. Mother testified that Christopher was also happy with the visitation monitor and reached for her. During visits, there were times that Christopher crawled to the monitor and reached out for her to take him. Mother described Christopher as generally happy and affectionate.

The parents argued the parental benefit exception to adoption applied based on Christopher's relationship with mother. The juvenile court rejected the argument. The court found mother had regular visitation and contact with Christopher. The court also found Christopher had a substantial positive emotional attachment to mother. The court noted that

while there was evidence that Christopher was attached to "multiple people," it was also true that mother's regular and consistent visits had allowed Christopher to develop a substantial, emotional attachment to her.

The court concluded, however, that mother had not established that terminating parental rights would be detrimental to Christopher. The court explained it was "balancing [Christopher's] bond with [mother] and also his being in the home of the caretakers since he was born and being there with his siblings. [¶] And just the general legislative preference is for adoption over legal guardianship. And at this time I find that the benefit of a forever adoptive home would outweigh any detriment that there would be for termination of parental rights." The parents timely appealed.

DISCUSSION

I. The Parental Benefit Exception To Adoption

Once the juvenile court has terminated the parents' reunification services, it must set a hearing pursuant to section 366.26 to select and implement a permanent plan that will provide the child a "stable, permanent" home. (*Id.*, subd. (b); *In re S.G.* (2024) 100 Cal.App.5th 1298, 1313.) If the court finds by clear and convincing evidence that the child is likely to be adopted, the court must terminate parental rights, unless the parent establishes that termination would be detrimental to the child for one of the reasons set forth in section 366.26, subdivision (c). (*In re Caden C.* (2021) 11 Cal.5th 614, 630 (*Caden C.*).) The " 'statutory exceptions merely permit the court, in exceptional circumstances [citation], to choose an option other

than the norm, which remains adoption.' [Citation.]" (*Id*. at p. 631.)

Under section 366.26, subdivision (c)(1)(B)(i), the juvenile court may choose a permanent plan other than adoption when it finds termination of parental rights would be detrimental to the child because one or both parents have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship. Mother contends the juvenile court erred by declining to apply this exception here, based on her relationship with Christopher. Father joins in mother's argument.

In *Caden C.*, the California Supreme Court explained that a "parent asserting the parental benefit exception must show, by a preponderance of the evidence, three things. The parent must show regular visitation and contact with the child, taking into account the extent of visitation permitted. Moreover, the parent must show that the child has a substantial, positive, emotional attachment to the parent—the kind of attachment implying that the child would benefit from continuing the relationship. And the parent must show that terminating that attachment would be detrimental to the child even when balanced against the countervailing benefit of a new, adoptive home." (*Caden C.*, *supra*, 11 Cal.5th at p. 636.)

The first two requirements are not at issue in this case. The juvenile court found mother had regular visitation and contact with Christopher, and that Christopher had a substantial, positive emotional attachment to mother. We review the third requirement for an abuse of discretion. An abuse of discretion occurs "only when ' " 'the . . . court has exceeded the limits of legal discretion by making an arbitrary, capricious, or

patently absurd determination.' " ' [Citation.]" (*Caden C.*, *supra*, 11 Cal.5th at p. 641.)

II. The Juvenile Court Order Denying Mother's Request for a Bonding Study was Not an Abuse of Discretion

In *Caden C.*, our high court noted the potential utility of bonding studies to the court's determination of the second element of the parental benefit exception: whether the child would benefit from continuing the relationship. In *Caden C.*, the mother submitted a bonding study to the juvenile court. Our high court noted that, "[a]s in [the] case [before it], often expert psychologists who have observed the child and parent and can synthesize others' observations will be an important source of information about the psychological importance of the relationship for the child." (*Caden C.*, *supra*, 11 Cal.5th at pp. 632–633.) The court continued in a footnote: "Both the trial and the appellate courts found the bonding study informative. Trial courts should seriously consider, where requested and appropriate, allowing for a bonding study or other relevant expert testimony." (*Id.* at p. 633, fn. 4.)

However, the *Caden C.* court did not suggest that a bonding study is appropriate or required in all cases. As the court explained in *In re M.V.* (2025) 109 Cal.App.5th 486, 509 (*M.V.*), "[t]he purpose of a bonding study is to obtain evidence of the existence and nature of a relationship to assist the court in adjudicating the applicability of the beneficial relationship exception, or as one court put it, 'to illuminate the intricacies of the parent-child bond so that the question of detriment to the child may be fully explored.' [Citation.]" The same court observed in an earlier case that bonding studies "are particularly informative in cases like *Caden C.*, in which the child was eight

or nine years old and had a complex parental relationship with both positive and negative aspects." (*In re M.V.* (2023) 87 Cal.App.5th 1155, 1179.)

Here, mother fails to establish that the juvenile court's rejection of her request for a bonding study was an abuse of discretion. As an initial matter, mother's request for a bonding study was extremely belated. Although the court set the section 366.26 hearing date in February 2025, and DCFS had completed an assessment in January 2025 concluding that Christopher was likely to be adopted, mother did not ask the court to order a bonding study until the day of the July 2025 section 366.26 hearing. "While it is not beyond the juvenile court's discretion to order a bonding study late in the process under compelling circumstances, the denial of a belated request for such a study is fully consistent with the scheme of the dependency statutes, and with due process." (*In re Richard C.* (1998) 68 Cal.App.4th 1191, 1197.) Mother's request here would have necessitated a substantial continuance and significant delay of the section 366.26 hearing. Neither below nor on appeal has mother argued there were compelling circumstances that would justify the court granting mother's last-minute request in light of the delay it would cause.

Further, the juvenile court reasonably concluded a bonding study would not significantly assist it in determining the applicability of the parental benefit exception in this case. There was no indication that the relationship between Christopher and mother was complex. Christopher was removed from mother at birth and had never lived with her. He was under two years old. Every contact between Christopher and mother was monitored and the subject of observation. The court had before it several

reports with detailed descriptions of mother's interactions with Christopher. Those reports were mostly favorable to mother in their description of her visits, and even opined there was a bond between Christopher and mother.

Mother argues on appeal that when, as here, the child is young and pre-verbal, the juvenile court cannot sufficiently evaluate the strength or significance of a bond with a parent without an expert assessment, and social worker observations and opinions are inadequate. Yet, mother does not support the argument with citation to authority of any kind. The absence of citation to authority permits this court to deem the argument waived. (*Cahill v. San Diego Gas & Electric Co.* (2011) 194 Cal.App.4th 939, 956.)

More importantly, mother did not assert below that expert evidence was necessary because of Christopher's age, or identify any particular aspects of this matter that would make a bonding study useful to the parties or to the court. Mother argued simply that a bonding study was appropriate because there was a bond between mother and Christopher, and mother wanted an "expert to be appointed to evaluate the strength of that bond, given that the court is required to consider how severing that bond may be a detriment to the child." Based on the arguments presented to it, the juvenile court reasonably concluded it had sufficient evidence to evaluate the strength of the bond, such that delaying the proceedings for an expert opinion on the issue was not appropriate. (See *M.V.*, *supra*, 109 Cal.App.5th at p. 511; see *id.* at p. 510 [not an abuse of discretion for juvenile court to reject expert opinion in bonding study that was based on studies, not the individualized facts of the case, and relied on "general

psychological principles" rather than the complex relationships in the case].) We find no abuse of discretion.

III. The Juvenile Court Did Not Err in Concluding That Severing the Relationship with Mother Would Not Be Detrimental

To establish the third element of the parental benefit exception, a parent must show that severing the parent-child relationship would be detrimental to the child. Courts must determine "whether the harm of severing the relationship outweighs 'the security and the sense of belonging a new family would confer.' [Citation.] 'If severing the natural parent/child relationship would deprive the child of a substantial, positive emotional attachment such that,' even considering the benefits of a new adoptive home, termination would 'harm[ ]' the child, the court should not terminate parental rights. [Citation.] That subtle, case-specific inquiry is what the statute asks courts to perform: does the benefit of placement in a new, adoptive home outweigh 'the harm [the child] would experience from the loss of [a] significant, positive, emotional relationship with [the parent?]' [Citation.]" (*Caden C.*, *supra*, 11 Cal.5th at p. 633.)

At the time of the section 366.26 hearing, Christopher was still under two years old. He had never lived with mother, as he was removed from her custody at birth. Mother visited regularly, but those visits totaled around four hours each week and were monitored. Mother was not involved in any other aspect of Christopher's life. She declined the social worker's efforts to involve her in Christopher's medical appointments and expressed no interest in understanding his medical conditions. He had lived with the caregiver since his discharge from the NICU. He had a positive relationship with mother, but appeared to have

similar connections to the caregivers, and even the case social worker and visitation monitor. He was comfortable and happy in mother's presence, but in minimal distress, if any, when visits ended. This evidence failed to establish that the relationship with mother was so important that it would outweigh the benefits of adoption: security, a sense of belonging to an adoptive family, stability, and permanence. (*Caden C.*, *supra*, 11 Cal.5th at p. 633; *In re Josue G.* (2003) 106 Cal.App.4th 725, 732 (*Josue G.*).)

In re Andrew M. (2024) 102 Cal.App.5th 803, 819 (*Andrew M.*), is instructive. In *Andrew M.*, the underlying facts were similar to those presented here. Although Andrew—who, like Christopher, was under two years old at the section 366.26 hearing—was adoptable, the juvenile court found the parental benefit exception applied and ordered legal guardianship as the permanent plan. (*Andrew M.*, at p. 814.)

The appellate court reversed, finding the detriment element of the exception "critically lacking, even given the deferential standard of review." (*Andrew M.*, *supra*, 102 Cal.App.5th at p. 817.) The court explained that "[e]ven assuming a substantial emotional attachment between Andrew and the parents, the relationship between them cannot be deemed strong for purposes of the detriment analysis." (*Id.* at p. 818.) Andrew was very young and had never lived with his parents. His interactions with the parents were during monitored hours-long visits only. He shared an "affectionate connection with the parents during visits and sometimes indicated reluctance to leave," but was not distressed or upset to separate from them. (*Id.* at p. 819.) The parents did not play a meaningful role in Andrew's life outside of visits. They did not

appear to understand his health circumstances. There was no evidence that Andrew suffered any negative impact when the parents missed visits or had reduced time with him.

These circumstances pointed to "the relative weakness of the relationship and [indicated] no meaningful detriment that would flow from terminating it." (*Andrew M.*, *supra*, 102 Cal.App.5th at p. 819.) The court thus reasoned: "There is no question that there are benefits in continued visits with loving parents to which the child has some substantial attachment. Yet to justify withholding the 'security,' 'stability,' and ' "sense of belonging a new family would confer" ' (*Caden C.*, *supra*, 11 Cal.5th at p. 633), the parents must prove more than ' "*some* benefit" ' [citation]. We do not suggest the parents must prove that any particular kind of harm would flow from the termination of parental rights. But they must prove some type of harm beyond the fact that their loving visits would cease. (See *Caden C.*, *supra*, 11 Cal.5th at p. 634 [providing examples of potential harms].)" (*Id.* at p. 820.)

"In appropriate cases, the strength of the relationship alone can support a finding that its termination would have a 'destabilizing' effect on the child. (*Caden C.*, *supra*, 11 Cal.5th at p. 634.) But as discussed, the circumstances here do not support a conclusion that the parents' relationship with Andrew was 'so important' as to outweigh the benefits of adoption. (*Id.* at pp. 633–634.) In other words, this case cannot be deemed the kind of ' " 'extraordinary case' " ' in which preservation of parental rights prevails over the Legislature's preference for adoptive placement." (*Andrew M.*, *supra*, 102 Cal.App.5th at p. 820.) The *Andrew M.* court's reasoning is equally applicable here.

Mother contends it was significant that the caregivers were non-related extended family members, and they may have been willing to provide Christopher with a permanent placement short of adoption. She argues the juvenile court therefore erred in concluding that adoption was the permanent plan that would provide Christopher with the greatest stability and permanence. We reject this argument as inconsistent with well-established law.

As the California Supreme Court has explained: " 'Adoption is the Legislature's first choice because it gives the child the best chance at [a full] emotional commitment from a responsible caretaker.' [Citation.] 'Guardianship, while a more stable placement than foster care, is not irrevocable and thus falls short of the secure and permanent future the Legislature had in mind for the dependent child.' [Citation.]" (*In re Celine R.* (2003) 31 Cal.4th 45, 53; see also *Josue G.*, *supra*, 106 Cal.App.4th at p. 732.) Here, the juvenile court properly recognized the legislative mandate that when there is clear and convincing evidence that a child is adoptable, the court "shall" terminate parental rights to allow for adoption—the Legislature's first choice—unless there are *exceptional* circumstances permitting it to choose another option. (§ 366.26, subd. (c)(1); *Caden C.*, *supra*, 11 Cal.5th at pp. 631–632.)

DISPOSITION

The juvenile court order terminating parental rights is affirmed.

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ADAMS, J.

We concur:

EGERTON, Acting P. J.

HANASONO, J.