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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re T.M. et al., Persons Coming Under  
the Juvenile Court Law.

B242913

(Los Angeles County  
Super. Ct. No. J973339)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES,

Plaintiff and Respondent,

v.

TONY M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Steven R. Klaif, Juvenile Court Referee. Affirmed.

Ernesto Paz Rey, under appointment by the Court of Appeal, for Defendant and Appellant.

John F. Krattli, County Counsel, James M. Owens, Assistant County Counsel, and William D. Thetford, Principal Deputy County Counsel, for Plaintiff and Respondent.

Tony M. (father) appeals the juvenile court's order awarding Cynthia M. (mother) sole legal and physical custody of T.M. (born Nov. 1995) and Tony M. III (born Dec. 1996). We find no abuse of discretion, and hence we affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **I. Detention and Placement of T.M. and Tony With Maternal Grandmother**

On November 28, 1995, a juvenile dependency petition was filed pursuant to Welfare and Institutions Code section 300, subdivisions (a), (b), (e), and (g)<sup>1</sup> on behalf of T.M. and two of her older siblings.<sup>2</sup> Among other things, the petition alleged that T.M., then 11 days old, had been born drug exposed and was suffering from severe cocaine withdrawal (a-1, b-1, e-1); mother had an unresolved history of substance abuse (b-2); father had a history of substance abuse and had violated his parole by testing positive for cocaine in October 1995 (b-3); and mother was incarcerated and could not provide care and support for the children (g-1). T.M. was adjudicated a dependent child on May 23, 1996.

On July 14, 1997, a juvenile dependency petition was filed pursuant to section 300, subdivisions (b), (g), and (j) on behalf of Tony, then six months old. It alleged that Tony had been left by his parents without proper arrangements for his protection, medical needs, food, or shelter (b-1); father and mother had histories of substance abuse, which impaired their ability to protect Tony (b-2, b-3); parents had criminal histories and had three other children who were court dependents (b-4, j-1); mother had a history of leaving her children in unsuitable home environments without adult supervision (b-5); and parents had failed to make arrangements for Tony's care and support (g-1). Tony was adjudicated a dependent child on May 21, 1998.

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<sup>1</sup> All undesignated statutory references are to the Welfare and Institutions Code.

<sup>2</sup> T.M.'s older siblings are now adults, and thus they are not part of this dependency proceeding.

As of November 30, 1998, T.M. and Tony were living with their paternal grandmother (grandmother). Father was incarcerated, with an expected release date of April 24, 2000. Mother was sporadically visiting the children in grandmother's home, but was not in contact with the Los Angeles County Department of Children and Family Services (DCFS) and not in compliance with her case plan.

On November 30, 1998, the juvenile court terminated reunification services for mother and father and adopted a permanency plan of long-term foster care in grandmother's home. On June 19, 2000, the court terminated its jurisdiction and granted grandmother guardianship of the children.

## **II. Detention From Paternal Grandmother**

On June 10, 2008, T.M. and Tony's adult sister, S.M., contacted DCFS and reported that she had taken T.M. and Tony (then 12 and 11 years old, respectively) from grandmother's home. She said grandmother had been hospitalized and paternal aunt Katherine had been caring for the children. The children told S.M. that paternal aunt hit Tony and was emotionally abusive.

Following a team decision meeting, the children were detained and placed in foster care. On July 25, 2008, the juvenile court ordered reunification services provided to mother and father, granted father unmonitored day visits, and granted DCFS discretion to release the children to father.

On July 25, 2008, father asked the court to place the children with him. However, DCFS reported that father was not able to care for the children financially and his home was not equipped with basic necessities. Further, both children told their children's social worker (CSW) they did not want to live with father. T.M. said she had not seen father since she was placed in foster care and believed father was still using illegal drugs. T.M. said father had a history of selling drugs and she was concerned she would not be safe in his care. Tony said he was comfortable in his current placement, had not recently spoken to father, and "If I stay here I will learn things[] that my dad can't teach me and [caregiver] does not yell at me."

On August 5, 2008, the court ordered that the children remain placed in foster care and granted father supervised visits. Grandmother's guardianship was terminated on September 15, 2008.

### **III. The Children's Contact With Mother and Father During 2008-2010**

On December 8, 2008, mother contacted the CSW and said she had conquered her drug addiction, was living in a three-bedroom home, and was interested in having her children returned to her. She said she had completed a parenting class, could document her drug rehabilitation, and was willing to drug test on demand. She asked for weekend visits with the children and said that her adult daughter S.M. was willing to monitor the visits and transport the children to mother's home. The CSW agreed to allow mother a weekend visit under S.M.'s supervision. The first visit was on December 13, 2008, and the children and mother reported that it had gone well.

On April 10, 2009, father filed a section 388 petition asking the court to terminate jurisdiction and grant him sole legal and physical custody of the children. The court denied the petition on May 8, 2009.

Father filed another section 388 petition on February 24, 2010. He asserted that he had regular contact with the children, continued to avoid drugs, and had started a business as a licensed handyman. He asked to have the children placed with him or, alternatively, to be granted reunification services with unmonitored visitation. DCFS recommended to the court that, based on father's "appropriate behavior with the minors . . . during monitored visits," that he be granted unmonitored visits.

The children's caregiver reported that father began visiting the children regularly in June 2009. The caregiver said father visited one to four times per week and called the children daily. The caregiver said the visits went well and the children seemed happy in father's presence. Father "inquires about the minor[s'] academic achievements, their wellbeing, he has brought the minors gifts, and he has attended all of Tony's football games." The caregiver said the children "appear to be bonded with their father and seem to get great pleasure from being around him."

On March 5, 2010, T.M. told the CSW that she wished to have unmonitored and overnight visits with father, but she did not want to live with him. Tony said he wanted unmonitored and overnight visits with father and would like to be placed with father. The caregiver reported that father had maintained telephone contact with the children but had not visited them since January.

On March 30, 2010, the court granted father unmonitored day visits and gave DCFS discretion to allow father overnight visits as appropriate.

On April 30, 2010, DCFS reported that father had visited the children during a therapy session on April 4, 2010. Father “interrupted the therapy session and told the therapist that her Bachelor of Science (B.S.) degree stood for Bull S\*\*t. [Father] was verbally assaultive to [therapist]. [Therapist] informed [father] that she was the minor[s]’ therapist and would suggest family therapy with [father] and the minors. [Father] then told [therapist] ‘If you couldn’t give him any money or help me with my finances, you couldn’t talk a Motha F\*\*\*\*ing thing to him.’ [Father] continued to be verbally insulting to [therapist]. [Therapist] then [refrained] from engagement with [father] and concluded her therapy session with the minors. [Father] then began to engage in inappropriate conversation with [caregiver], informing her that he had ‘pimped women out in the past’ and would not want to pimp her out but rather make her his woman because he believes that she has the ‘good p\*\*\*y.’ [Caregiver] informed [father] that such conversation was inappropriate and his visit was with the children and not her. [Caregiver] told [father] that she would not allow him to engage in such conversation with her. [Caregiver] stated that [T.M.] continued to inform [father] ‘Dad, [caregiver] don’t want you.’ [Father] then told [T.M.], ‘get out of here (meaning the living room) I’m talking to [caregiver].’ [Father] became upset with both [caregiver] and [T.M.] and left the home.”

DCFS further reported that on April 7, 2010, father sent the children home on the bus after they spent the day with him. When the caregiver spoke to him about it, father began to send the caregiver disrespectful and inappropriate text messages. As a result, DCFS recommended that the children’s visits with father be monitored and that father not have overnight visits.

On June 4, 2010, DCFS reported that on May 12, 2010, the CSW contacted father to schedule a time to meet with him and assess his home. Father “became very belligerent and irate with CSW. [Father] informed CSW that he didn’t appreciate CSW writing in the court report the information that was given to CSW by caregiver . . . . [Father] further stated that CSW had no right to put that information in the court report. . . . [Father] interrupted CSW and stated that CSW had ‘no m---a f-----ing right to tell the court what [caregiver] said.’ [Father] went on to say that he didn’t say those things to [caregiver]. CSW informed [father] that CSW had spoken with [T.M.] and she informed CSW that he had made those comments. [Father] then stated that [T.M.] ‘is a m---a f-----g kid and she don’t know anything.’ . . . [Father] stated that CSW could not come to his home and if CSW wanted to see him, CSW had to wait until 06/04/10 at the next court hearing. CSW informed [father] that it was vital that CSW assess his home if visits were to possibly return to being unmonitored. [Father] told CSW that he didn’t give a ‘f--k.’ [Father] further stated that ‘I didn’t tell that Dike b---h, [caregiver,] that I wanted some p---y from her.’ . . . [W]hen CSW informed [father] that CSW would inform the court of his irate behavior, [father] hung up the phone on CSW.”

DCFS also reported that since the last court hearing, father had not attempted to make contact with the children. T.M. called father daily, but father did not call her. Tony had no telephone contact with either parent because he believed that “if his parents want to talk to him, they will call him.”

On June 4, 2010, during a break in a court proceeding, a sheriff had to escort father out of the courthouse because he had been loud and threatening to his attorney and the sheriff. The same day, the court denied father’s section 388 petition.

On April 14, 2011, T.M. was moved to a new placement because of aggressiveness towards other children in the home, including her brother. Tony’s caregiver reported that his behavioral problems diminished after his sister was removed from the home. Tony told a CSW that he missed his father but did not miss his sister. Tony continued to want to be placed with his father, but said he wanted to remain with his current caregiver until he could be placed with father.

DCFS reported that Tony and T.M. continued to have weekly monitored visits with father, but “many of these visits are fraught with conflict and often have been cancelled by the father and by the minors at times. Father continues to be disrespectful to the monitors and speak inappropriately to them as well as to the minors. Because of this, some visits were cut short.”

#### **IV. T.M. and Tony’s Placement With Mother—2011-2012**

##### *A. Tony*

On August 15, 2011, Tony told the CSW that he talked to mother daily via Facebook and visited mother during the Christmas holidays. Tony said he enjoyed the visits and conversations with mother. He visited father every Wednesday for an hour at the DCFS office and said that he loved his father and that all visits with him had gone very well. Tony said he was always happy and excited to see father and would like to live with either parent.

On August 15, 2011, the court granted DCFS discretion to permit the children to visit mother in Arizona for up to 30 days. A team decision meeting was held on September 16, 2011. Mother and both children attended; father came to the DCFS office, signed in with the receptionist, and then left. At the meeting, it was decided that DCFS would allow the children to visit mother in Arizona for 15 days.

On September 21, 2011, DCFS submitted to the court two letters stating that mother had been baptized into the Jehovah’s Witnesses church in November 2010 and had consistently displayed “model Christian behavior.” DCFS also submitted a certificate of completion of the Riverside County Sheriff’s Department Residential Substance Abuse Treatment Program, dated October 24, 2009; certificates of completion of life skills and health courses provided by the Riverside County Office of Education, dated October 1 and 15, 2009; and a letter from mother’s adult son, Raymond, which stated as follows: “I feel it’s important that I contact you and tell you what a remarkable woman my mother is. Over twenty years ago my sister and I were victims of a terrible crime. My mother gave us all she had inside of her for us to survive. And then she died.

She fell into addiction. Before she went to RSAT [Residential Substance Abuse Treatment for State Prisoners] I flew to California to visit my mother in jail. She was frail and at an all time low. My sister who is an RN in California met me at the jail. We begged her to return to us. And in October of 2009 RSAT sent our mother home. Whole. That woman we saw in the jail that day stayed there. When she came to live here in AZ she vowed to change her life, and she did. She has held a job since she came here. She has completed a book. She is active in her community and attends religious services twice a week. In November of 2010 she was baptized and our whole family from all over the US was present. Including, my younger sister and brother who are in foster care. She has also developed a strong relationship with them. . . . [M]y mother is a success story that I have watched first hand.”

On September 21, 2011, the court authorized extended visits for T.M. and Tony with mother in Arizona. Tony traveled to Arizona on October 7, 2011; on October 17, 2011, he began attending high school there. Mother told the CSW that while in her care, Tony “has attended a professional baseball game, has chores and homework done by the time she gets home from work and that [Tony] attends bible study on Saturdays and church on Sunday.” Mother said the visit was going well, and Tony told the CSW on October 28, 2011, that he would like to continue staying in mother’s home. On November 1, 2011, the court extended Tony’s visit with mother an additional 30 days.

Arizona social services completed mother’s home study on November 26, 2011. It said mother lived in a two-bedroom condo in which Tony had his own room. Mother worked part time, earning approximately \$1,200 per month. When asked why she wanted Tony in her care, mother told the social worker, “‘Because he is my son and I love him.’ She noted that she was not able to care for Tony before because of her drug addiction but stated that she ‘has turned her life around.’ [Mother] shared that in March 2009 her two children, Raymond and [S.M.], visited her in Riverside, California while she was incarcerated. She indicated that they pled with her to change her life around. She noted that Raymond offered to provide a place for her to live and both her children offered their support in helping her become sober. [Mother] stated, ‘They wanted me to

try to make it this time.’ She shared that she made the decision to turn her life around for herself and her children but noted that it was her children that gave her the strength and inspiration to carry through. [Mother] stated, ‘I would not be here if it wasn’t for my children.’ She noted that in December of 2009 she spent her first Christmas with all of her children. [Mother], Raymond, and Tony indicated that this was a very special time for them. Raymond stated, ‘It was a lot of fun. [¶] [Mother] reported that since she has maintained her sobriety, she has been determined to regain custody of Tony. She indicated that she has traveled to California to see Tony and attend his court hearings every month for the past year. . . . [¶] Tony reported to be ‘happy and comfortable’ with his mother. [Mother], Tony, and Raymond made jokes and laughed amongst each other.’”

The home study continued: “[Mother] is aware that she made poor choices in the past that hindered her from being able to care for Tony. However, she emphasized that she has demonstrated that she has changed her life around and has complied with the case plan. She noted that she has participated in substance abuse treatment, life skills courses, individual counseling, and parenting classes. [Mother] shared that she wishes to be a positive role model in Tony’s life. She reported that she has been sober for two years. [Mother] has also maintained a job for the past year and has dedicated herself to writing and being a motivational speaker.” Based on the foregoing, Arizona social services recommended that Tony be placed in mother’s home.

On December 28, 2011, the court ordered Tony placed with mother under the supervision of Arizona social services. Father’s counsel objected to Tony being released to mother in Arizona.

As of April 2012, Tony remained with mother, with whom he “appears bonded and comfortable.” He told an Arizona CSW that he liked living with mother and wanted to remain with her. Raymond reported that he spent a lot of time in mother’s home and that mother remained stable and was a good caregiver to Tony. Mother reported that Tony was well-behaved and discipline was rarely needed. The Arizona CSW observed that mother, Tony, and Raymond “seemed to have a good, close relationship. They joked with each other and laughed a lot. The family was observed to be very relaxed and to

enjoy each other's company." Based on the foregoing, DCFS recommended that jurisdiction be terminated as to Tony.

On April 4, 2012, Tony and mother requested that the court's jurisdiction be terminated. Father requested a contested hearing on the matter.

*B. T.M.*

On August 15, 2011, T.M. told the CSW that she had been speaking to mother daily and mother had been visiting her in Los Angeles at least every other month for three to four days at a time. T.M. said mother took her on outings and purchased clothes and other items for her. Mother planned to return to Los Angeles in September to take T.M. school shopping. T.M. said she and Tony visited mother in Phoenix for Christmas and stayed two or three days. T.M. told the CSW that "she really enjoys the visits with her mother and they always have a great time."

When asked about visits with her father, T.M. said, "It's whatever. We just recently started talking again." She said she last saw her father in July and was unsure when she would see him again. With regard to placement, T.M. told the CSW that although she would love to live with mother, she did not want to leave Los Angeles because she had friends there and wanted to graduate from her current high school.

A status review report filed on April 4, 2012, indicated that T.M. had been placed in the home of her sister S.M. on March 27, 2012, because her behavioral issues, such as truancies from school, were escalating. T.M. had had unmonitored visits with mother twice each month in California or Arizona and spoke to mother on the telephone daily. The quality of visits and telephone calls were reported to go well. She had not seen father.

Based on the foregoing, DCFS recommended that T.M. be ordered "Home of Parent . . . Mother": "It is in the child's best interest that she be under the care of her mother who is motivated and able to provide the child with a safe and stable long-term placement. The child has emotional and educational needs that can be best addressed under the care of her family. Further, the child has expressed to CSW her desire to

reunify with her mother . . . . [Mother] has demonstrated that she is able to appropriately care for the child's sibling, Tony [M.,] and is therefore capable of providing [T.M.] with the same care and permanent placement.”

On April 4, 2012, the court ordered T.M. “Home of Parent-Mother” and approved T.M.’s continued residence in S.M.’s home.

*C. The Court’s Termination of Jurisdiction*

The CSW visited with Tony after the April 4, 2012 hearing and reported that he “appear[ed] happy and healthier than CSW’s last face to face contact with the child in October 2011. The child stated that he was happy with the results of the court hearing and also stated at the time that he did not want to reunify with father. At this time [it] does not appear to be in the best interest of [Tony] to reunify with his father. It appears that the child is thriving in the care of mother . . . . Given the aforementioned [DCFS] continues to respectfully recommend that jurisdiction be terminated for [Tony] with mother.”

On April 26, 2012, T.M. told the CSW she was happy living in her sister’s home and “loves school.” She did not want to live with father. DCFS recommended as follows: “At this time it does not appear to be in the best interest of [T.M.] to reunify with father. It appears that the child is thriving in [the] care of mother . . . and sister . . . .”

On May 14, 2012, DCFS reported that when asked about a possible placement with father, Tony said, “I rarely talk to him because I have football practice after school.’ CSW then asked the child if he would like to live with his father. The child replied, ‘no, because my grades are good and I don’t want to mess up.’ CSW then asked the child about visitation with father. The child stated, ‘I don’t go to Los Angeles often. He is welcomed to visit us. My mom goes to Los Angeles once every two months. When I decide to go with her, I can visit him. My mom lets me talk to him whenever I want. He has both our telephone numbers and it[’s] okay for him to call me anytime.”

On May 14, 2012, DCFS recommended that T.M. be ordered “Home of Parent . . . Mother” and continue to live with her sister.

The court held a contested hearing on May 16, 2012. At the hearing, father requested that T.M. and Tony be placed with him or, alternatively, that he be granted joint custody with mother. He testified that the children were under his care until they were about five or six years old, when father was incarcerated. He was incarcerated for about four years and released in 1993. While in prison, father called whenever permitted and wrote the children letters. The children were eventually released to his mother, who was their legal guardian. After he was released from prison, father said he saw the children every day.

Father said he did not think the children should be placed with mother because she never proved she was off drugs. He said he wanted his children released to him because “I haven’t did anything wrong for them to be taken from me in the first place.” He continued: “I’d like to have my rights. I would like to have custody of my child. This is my desire, but if he wishes to be with his mother and continue his education, I’m not interfering with that either.”

When asked whether he and mother could make educational decisions together, father initially said “no” because “I believe she like to have total control.” Subsequently, however, he said he believed he and mother could work things out.

Father said T.M. expressed a desire to live with him “[a]ll the time.” He said he did not have a job, but that he lived in a two-bedroom apartment and could provide for his children. Father said there had never been problems with T.M. at the social worker’s office and that he had never had any runs-ins or fights with the social workers.

At the conclusion of the hearing, the court terminated jurisdiction as to both children and entered a family law order giving mother sole legal and physical custody. It granted father monitored visits with T.M. and unmonitored visits with Tony.

The court entered a final judgment on May 23, 2012. The order granted father visitation with the children “[a]s arranged by the parents” and stated that father’s visitation with T.M. was to be supervised because father “[h]as not made substantial

progress regarding the following court ordered programs: anger management training, parenting classes, . . . [i]ndividual [c]ounseling.”

Father timely appealed.

## DISCUSSION

### **I. The Juvenile Court Did Not Abuse Its Discretion by Granting Mother Sole Legal and Physical Custody**

Father contends the juvenile court abused its discretion by granting mother sole legal and physical custody. We do not agree.

“Under section 362.4, the juvenile court may, when it terminates jurisdiction over a case, issue an order ‘determining the custody of, or visitation with, the child.’ The juvenile court’s section 362.4 order may be enforced or modified by the family court. (§ 362.4; *In re Chantal S.* (1996) 13 Cal.4th 196, 208-209; *In re Kenneth S., Jr.* (2008) 169 Cal.App.4th 1353, 1358.) Custody and visitation orders issued under section 362.4 are sometimes referred to as ‘family law’ orders or ‘exit’ orders. (See *In re Chantal S.*, *supra*, at p. 202; *Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 300.)” (*In re Ryan K.* (2012) 207 Cal.App.4th 591, 594, fn. 5.)

“In making ‘exit’ orders, . . . it is the best interests of the child, in the context of the peculiar facts of the case before the court, which are paramount. The court is not required to apply a per se rule that the child’s time must be split in half as long as neither parent poses an active threat.” (*In re John W.* (1996) 41 Cal.App.4th 961, 965.)

“We normally review the juvenile court’s decision to terminate dependency jurisdiction and to issue a custody (or ‘exit’) order pursuant to section 362.4 for abuse of discretion (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318) and may not disturb the order unless the court ““exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination [citations].”” (*Ibid.*; see *In re Nicholas H.* (2003) 112 Cal.App.4th 251, 265, fn. 4; *In re Sarah M.* (1991) 233 Cal.App.3d 1486,

1501-1502, disapproved on another ground in *In re Chantal S.* [, *supra.*] 13 Cal.4th [at p.] 204.)” (*Bridget A. v. Superior Court*, *supra.*, 148 Cal.App.4th at pp. 300-301.)

In the present case, there was abundant evidence supporting the juvenile court’s conclusion it was in the children’s best interests to be in mother’s legal and physical custody. Despite mother’s history of drug addiction, she demonstrated that she had been sober for two years, was involved with her church, had maintained a part-time job for over a year, had appropriate housing, and had a strong family support system in her adult son and daughter. She had participated in substance abuse treatment, a life skills course, individual counseling, and parenting classes. She had been in daily contact with both of her children for nearly a year and had demonstrated her commitment to regaining custody of her children by traveling monthly to California from Arizona to see the children and appear at court hearings.

Further, at the time the court entered the exit order, Tony had been living with mother for approximately seven months and was thriving. He had acclimated well to his new high school and improved his grades. Mother reported that he was well-behaved and rarely needed to be disciplined. The CSW observed that mother, Tony, and Raymond appeared to have a close relationship and seemed relaxed with one another and to enjoy each other’s company. Tony reported that he liked living with mother and wanted to remain with her.

At the time of the exit order, T.M., too, was thriving in her sister’s home under mother’s and sister’s care. She told her CSW that she liked living with her sister and loved school. She spoke to mother daily and saw her twice each month in California or Arizona. She reported that she really enjoyed her visits with mother “and they always have a great time.”

In contrast, although father had had a brief period of regular, albeit monitored, visits with the children in late 2009 and early 2010, his relationship with the children since mid-2010 had been strained. In April 2010, immediately after being granted unmonitored visits with the children, father used an April 2010 visit to insult the children’s therapist and make sexually suggestive remarks to their caregiver. Thereafter,

his contact with the children appears to have been sporadic. In April 2011, DCFS reported that the children were having weekly monitored visits with father, but “many of these visits are fraught with conflict and often have been cancelled by the father and by the minors at times.” Further, father was reported to “continue[] to be disrespectful to the monitors and speak inappropriately to them as well as to the minors. Because of this, some visits were cut short.” In April 2012, T.M. said she had not recently seen father; in August 2012, she reported that she had last seen her father a month earlier and did not know when she would see him again. In May 2012, Tony said he rarely spoke to father.

As of the date of the exit order, father had not permitted DCFS to evaluate his home and had never demonstrated compliance with his case plan. Specifically, he never demonstrated to the court that he had conquered his drug addiction, had stable housing, could support himself and the children, or had complied with his case plan by attending anger management training, parenting classes, or individual counseling. Further, both T.M. and Tony, who were then 16 and 15 years old, said they did not want to live with father. Indeed, T.M. had told the social worker that she did not want to see father other than during family gatherings. For all of these reasons, the juvenile court did not abuse its discretion in concluding that awarding mother legal and physical custody of the children was in their best interests.

Father contends that even if he were not ready to assume physical custody of his children, he nonetheless should have been granted shared legal custody with mother. We do not agree. Father points to no evidence suggesting that he could make responsible decisions on the children’s behalf; to the contrary, father’s lengthy history with DCFS suggests otherwise. Further, mother and father had an adversarial relationship and there was abundant evidence that they would not be able to co-parent successfully. The juvenile court did not err in so concluding.

## **II. Father Forfeited His Visitation Claim by Failing to Raise It in the Juvenile Court**

Father contends that the juvenile court erred by failing to specify the frequency and duration of his visits with the children. He urges: “Th[e] exit order was erroneous because it left Father in the unfortunate position of having to guess at what, exactly, would be required not only to carry out the juvenile court’s orders, but also to enforce the orders in the likely event that problems arose with respect to the frequency of the visits, or the ministerial duties such as transportation, including drop-off and pick-up times and locations. Moreover, the juvenile court improperly delegated to Mother the absolute control over visitation between [T.M.], Tony and Father, as well as who should be designated monitors for [T.M.]”

Whatever the merits of his contention, father forfeited it by failing to raise it in the juvenile court. “[A] reviewing court ordinarily will not consider a challenge to a ruling if an objection could have been but was not made in the trial court. [Citation.] The purpose of this rule is to encourage parties to bring errors to the attention of the trial court, so that they may be corrected. [Citation.]’ (*In re S.B.* (2004) 32 Cal.4th 1287, 1293, fn. omitted.)” (*In re Rebecca S.* (2010) 181 Cal.App.4th 1310, 1313.) Because father could have objected to the visitation order in the juvenile court but did not do so, we deem his objection forfeited.

## **DISPOSITION**

The order terminating the juvenile court's jurisdiction, awarding mother sole legal and physical custody of T.M. and Tony, and granting father visitation as agreed by the parents is affirmed.

## **NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

SUZUKAWA, J.

We concur:

EPSTEIN, P. J.

WILLHITE, J.