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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re Z.G. et al., Persons Coming Under the
Juvenile Court Law.

B260619

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. CK78729)

Plaintiff and Respondent,

v.

N.D.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County,
Rudolph Diaz, Judge. Affirmed.

Pamela Deavours, under appointment by the Court of Appeal, for Defendant
and Appellant.

Tarkian & Associates and Arezoo Pichvai for Plaintiff and Respondent.

INTRODUCTION

N.D., mother of six children in the dependency system, appeals from the orders of the juvenile court (1) denying her petition to modify previous orders concerning her two youngest children, Z.G. and Joseph G. (Welf. & Inst. Code, § 388),¹ and (2) terminating her parental rights to these two children (§ 366.26). We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

1. *The dependency for the four older children*

Mother's older children were removed from their parents' custody in 2009 after father, Joseph G., physically abused their then-one-year-old child by repeatedly striking the child's face with his fists causing the child to suffer "subconjunctual [*sic*] hemorrhages, bruising, swelling, and abrasions." Father also hit the eight-year-old child with a belt or a closed fist. Mother was present but did not stop the abuse and denied it occurred. She did not seek timely medical treatment for the younger child, and attempted to hide the abuse by keeping that child home from daycare. The four older children, who are not at issue in this appeal, were declared dependents of the juvenile court and placed in foster care.

Father was convicted of cruelty to a child. He served 199 days of a five-year sentence and was released in March 2010. A warrant for his arrest was issued three months later.

2. *Z.G.*

Z.G. was born in 2010, around a month after father was released from jail. When Z.G. was four months old, a social worker went to mother's house to assess whether the child was at risk. Mother claimed that the man who answered the door was her cousin. She denied knowing where father was and insisted she was able to protect Z.G. from him. The social worker obtained a police photograph and identified father as the man who

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise noted.

answered mother's door. The police arrested father and the social worker took Z.G. into protective custody.

The Department of Children and Family Services (the Department) filed a dependency petition on Z.G.'s behalf alleging father's physical abuse of Z.G.'s siblings; mother's failure to protect the siblings; the parents' history of violent altercations; and that mother allowed father access to Z.G. despite father's history of physically abusing her siblings. (§ 300, subds. (a), (b) & (j).)

Z.G. was placed with her older siblings for a few months and then placed in foster care. The juvenile court awarded mother monitored visits. She and the children visited Z.G. every Sunday.

Father was sentenced to two years in prison. Mother continued to defend father and to deny he caused her child's injuries.

3. *Joseph G.*

Joseph G. was born in January 2011. The following month, the police notified the Department that father had been released on parole and had listed mother's address as his home. Father failed to report to his parole officer and a warrant was issued for his arrest. Mother denied having seen father or knowing his whereabouts. Because father was no longer incarcerated, the social worker expressed concern that mother would be unable to protect newborn Joseph from him.

The Department filed a petition on behalf of baby Joseph (§ 300, subds. (a), (b), & (j)) and placed him in the foster home of Ms. L. where he remained throughout the dependency. Mother visited Z.G. and Joseph once a week, although the court had awarded her at least three times that amount.

4. *Post-adjudication and disposition*

Mother pled no contest and so the juvenile court sustained the petitions, declaring Z.G. and Joseph dependents of the court under section 300, subdivisions (a), (b), and (j). The court denied family reunification services for the parents, having already terminated services in the older siblings' dependency for the parents' failure to comply with the

court's orders. (§ 361.5, subd. (b)(10).) The court set a section 366.26 hearing for January 2012 to select and implement a permanent plan.

a. *2012*

The children had weekly two-hour visits with their half-siblings. The visits reportedly had a positive impact on Z.G. and Joseph. However, in the fall of 2012, mother was visiting Joseph every other week for two hours, while Z.G. did not see her siblings or mother for a while.

Z.G. got along well with other children and appeared to be happy and comfortable. She was friendly, outgoing, verbally expressive and liked to play with others her age. She suffered from a medical condition called reactive airway disease. The Department recommended Z.G. be adopted.

Joseph was also doing well. He had bonded with Ms. L. who reported that the child was very sweet and lovable. He laughed out loud while playing peek-a-boo. The Department opined that the likelihood that the children would be adopted was "very good." After discussing Ms. L.'s background, motivation, and history, the Department's status review report for the section 366.26 hearing noted that mother wanted her children to be in permanent living arrangements because her work schedule made it difficult for her to comply with a case plan. Ms. L. was willing to maintain communication with Joseph's siblings.

b. *2013*

(i) *The children's progress*

The juvenile court ordered Z.G. moved to a new caregiver because the Department had received a referral alleging that on multiple occasions the child had stated in a sensual manner, "Come lay with me baby." In April 2013, Z.G. was placed with Mr. D. and Ms. C., who had an approved adoption home study. She remained with this couple ever since.

Z.G. made "tremendous strides" with Mr. D. and Ms. C. If she adopted Z.G., Ms. C. promised to encourage the child's relationship with her siblings. By the fall of 2013,

Ms. C. reported that Z.G. had shown great emotional improvement and was strongly bonded with her caretakers. The child appeared happy and content in the household.

Joseph continued to be very affectionate with Ms. L. and was “extremely bright,” although he displayed behavioral problems. The Department recommended termination of parental rights and adoption of Z.G. and Joseph by their respective caregivers, who had begun to visit each other and who planned to maintain sibling visits after adoptions were finalized.

Mother’s visits and intra-sibling visits were inconsistent. Scheduling was difficult because the six children lived separately and the foster family agencies were not always available to transport the children. The social worker worked with the caregivers to create a consistent sibling visitation schedule. Joseph and Z.G.’s caregivers were also working together to arrange more visits for the two youngest children.

(ii) *Mother’s section 388 petition for modification*

Mother filed her operative petition for modification in September 2013, seeking the return of all six children to her custody. As changed circumstances, mother indicated she had completed anger management and parenting classes, and domestic violence counseling, and continued to participate in individual therapy. She claimed to have visited her children regularly and had not had a “romantic” relationship with father for over three years. The change would be in the children’s best interest, mother asserted, because they were in four separate placements, but mother wanted them to achieve permanency together.

Mother attached to her petition a letter and a certificate from Single Parents of Power, indicating that mother had completed a program of individual counseling, parenting education, domestic violence counseling, substance abuse and anger management counseling on November 3, 2012. Also attached were two 2013 letters from I’m Possible Youth Foundation indicating that mother had completed 15 sessions of individual counseling to address domestic violence and other concerns. The letter stated that mother identified and addressed therapeutic *goals*, and that she “*will* work on addressing new tools” to resolve her issues. (Italics added.)

(iii) *The Department's response*

The social worker reported that between September 9, 2013 and November 5, 2013, mother did not visit, and made no attempts to see, five of her six children. The social worker was unable to reach mother, despite leaving numerous messages at both telephone numbers mother provided.

With respect to Z.G., Mother made arrangements to see that child on September 25, 2013, but canceled. During two visits with Z.G. in October 2013, mother appeared exhausted and her eyes were glazed over, which the social worker found to be a “drastic change in [mother's] behavior.” Mother claimed to be tired because she was working night shifts or had food poisoning and the stomach flu. Mother texted Ms. C. to arrange a visit with Z.G. on October 4, but never confirmed. No one heard from mother until October 15, when without explanation, she texted from a new telephone number. The social worker left numerous messages for mother to call, but received no response. The foster care agency reported that although Z.G. is always happy to see mother, she showed no distress when mother left.

Pursuant to court order, the Department held a team decision-making meeting with mother and the caregivers of all six children to arrange a visitation schedule. They agreed to meet on Fridays from 5:00 p.m. to 7:00 p.m. at McDonald's.

Meanwhile, the children were “thriving” in their current placements.

c. *2014*

On January 3, 2014, the police received a report that a man, who was living with mother, dragged a badly beaten, bloody puppy up and down the street. The police had received numerous calls about a dog being beaten. Officers arrived at mother's house to find Mr. J. dragging a three month old beaten, bloody puppy. Witnesses observed Mr. J. smash the puppy onto the ground and punch the puppy. The puppy was bleeding from all four paws and from the stomach. The puppy had several open wounds, was missing several claws, and was shaking and cowering. Mother did not think Mr. J. was doing anything wrong with the puppy and agreed with Mr. J. that the puppy was lazy and would not walk. She told the officers that Mr. J. had been her boyfriend a year. She brought

Mr. J. to at least one visit with the children. Mr. J.'s own two children are dependents of the juvenile court based on domestic violence. The police arrested Mr. J. for felony animal cruelty, but the charges could change if the puppy died.

Mother visited with the children on a weekly basis. She interacted more with the older children, than with Z.G. and Joseph.

In 2014, the Department reported that Z.G. had made tremendous strides in her current home. She had been in foster care for most of her four-year life and had been with Mr. D. and Ms. C. for a year. They provided the child with a sense of security and stability. Z.G. appeared to be able to form healthy, sustainable attachments. She was "thriving" in her preschool where she was doing "very well" socially and academically. She appeared to "adore" Mr. D. and Ms. C. and affectionately called them " 'dad' " and " 'mom,' " and their residence her home. The caregivers were willing to provide her with a loving, stable, and permanent home by adopting her. Their home study had already been approved.

Joseph had been with Ms. L. for three years, since he was three weeks old. She was the only mother he had known, and he identified her as " 'momma.' " They interacted very affectionately, had bonded, and he told Ms. L. that he loves her. Joseph threw temper tantrums and was physically aggressive with the other children in the house but Ms. L. responded appropriately by hugging him and keeping him safe. Ms. L. wanted to adopt him and her home study was being completed.

Joseph had had sporadic contact with mother and no recent contact with his siblings. At a visit in June 2014 between mother, Z.G., and Joseph, mother stood around with Ms. C. while the children played with each other. In a second visit, mother was on her telephone most of the time, but played with the children "for a short while." Mother missed her August 2014 visits. The social worker found that the children "have no significant bond with mother, as they have been in foster care for the majority of their young lives" and visits have been inconsistent.

5. *The hearings*

Mother's therapist opined that nothing in counseling led the therapist to believe that mother would pose a risk to the children if they were returned to her. Knowing that one of the reasons mother was in therapy was to address her history of bad relationships with men, the therapist was *not* concerned that mother had chosen to live with Mr. J. for a year, or that her relationship with Mr. J. placed in question mother's progress in therapy. The therapist opined that *reunification services* would be appropriate for mother and the younger two children because it would "allow us *additional time* to see the mom's consistent with her therapy and *how she is progressing* with the four older children." (Italics added.) Mother told her therapist that she was having problems with visitation.

The supervising children's social worker opposed returning Z.G. and Joseph to mother's custody because they had never had unsupervised visitation, the two were young, and the reason for their dependency was mother's relationship with father, which relationship mother has recapitulated with Mr. J. The Department could agree to a reunification plan for these two children but adoption remained the permanent plan. Counsel for Z.G. and Joseph declared that she would not agree to reunification services. The court awarded mother unmonitored overnight visits for the older four children, during which the Department could make unannounced visits.

The children's social worker opined that it would not be in the two youngest children's best interest to return to mother and their siblings because mother would have difficulty meeting the needs of two additional children. Mother did not inform the Department that she had issues with her visits with Z.G. and Joseph.

Mother testified that she consistently visited the children. She admitted that she did not request that the social worker set up additional visits. She testified that Z.G. called mother "mommy N[.]" and is very happy to see mother. During visits, mother asks Z.G. how she is doing and they play. Z.G. knows her siblings' names and is happy when she sees them. She laughs and plays with them. Z.G. loves all of her siblings but is closest to Joseph, mother explained. Joseph knows mother is his birth mother because his foster mother tells him. Mother believed that Joseph was "a little bit" aware that he has

older siblings but because of his age, he does not have a strong bond with them. At the end of visits, the children told mother, “I love you” and “bye.” Mother claimed that when she had problems with visits, the social worker would not take her calls. After the hearing, mother had one visit and then canceled her next scheduled visit.

Ms. C. testified that she had missed two visits since Z.G. was placed with her, but never refused a visit. Mother consistently attended weekly visits until she had overnight visits with the older siblings. Mother missed visits in April and May 2014, although Ms. C. gave mother her telephone number. Ms. C. described mother’s visits as “fine.” Z.G. was always excited to go to the playground and would play while mother shadowed her. Mother did not really “parent” the child during visits; they mostly stood close to each other. Z.G. never reacted negatively when the visits ended. Joseph was present during most of those visits.

The juvenile court denied the 388 petition with respect to Z.G. and Joseph because mother failed to carry her burden to show a change in circumstance and because a change of order would not be in the children’s best interest.

Turning to section 366.26, the juvenile court noted that this case had dragged on for years, but that mother only recently appeared to accept *some* responsibility for the dependency. The court found clear and convincing evidence that Z.G. and Joseph were adoptable and that mother did not meet her burden to show application of an exception to adoption or that removing these children from their prospective adoptive parents would be detrimental to them. The court terminated mother’s and father’s parental rights and mother appealed.²

DISCUSSION

1. *The trial court did not err in denying mother’s section 388 petition.*

Section 388 allows a parent to petition the court for a hearing to modify or set aside any previous order on the grounds of change of circumstance or new evidence. “To support a section 388 petition, the change in circumstances must be substantial.

² Father is not a party to this appeal.

[Citation.]” (*In re Ernesto R.* (2014) 230 Cal.App.4th 219, 223.) In ruling on a section 388 petition, the juvenile court’s task is to determine whether mother demonstrated by a preponderance of the evidence that (1) there was new evidence or a change of circumstances demonstrating that (2) it was in the children’s best interest to change the previous order denying reunification services. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 317; *In re Jasmon O.* (1994) 8 Cal.4th 398, 415.) The petition is addressed to the juvenile court’s sound discretion and on appeal, the decision will be disturbed only when there is a clear abuse of that discretion. (*In re Jasmon O., supra*, at p. 415.)

Mother has not demonstrated a change in circumstances, notwithstanding all of her classes and therapy. Z.G.’s and Joseph’s dependencies arose because mother failed to protect her children from father’s physical abuse of two siblings. She lied to the social worker about who and where father was; denied he hurt the children; and went so far as to hide the damage father wrought. Five years later -- after three years of therapy, and completing counseling, and parenting classes -- mother was in another relationship with a man with violent tendencies similar to father’s, whose own children were dependents of the juvenile court because of his domestic violence, and whose treatment of his and mother’s three-month-old puppy resulted in his arrest. As before, mother denied knowing about the animal abuse, notwithstanding the police report shows she tried to justify the boyfriend’s treatment of the puppy to the police, and notwithstanding the neighbors called the police repeatedly because of a yelping puppy. While mother’s therapist did not appear concerned, the evidence supports the juvenile court’s finding that mother had failed to demonstrate a change in the circumstances that led to this dependency.

Mother has a history of protecting the violent men around her at the expense of her own children’s safety. Despite extensive therapy and programs, mother continued the same pattern with her new boyfriend. Although the juvenile court returned the older children to mother, Z.G. and Joseph are still very young and impressionable and so the circumstances as they apply to these two youngest children are different that with the

older children. Furthermore, the interest of these two children at this stage of a dependency is in permanence and stability. (*In re S.R.* (2009) 173 Cal.App.4th 864, 871.) “ ‘Children should not be required to wait until their parents grow up.’ [Citation.]” (*In re Ernesto R.*, *supra*, 230 Cal.App.4th at p. 225.) Mother has not shown a change in circumstances, let alone the required substantial change. (*Id.* at p. 223.) Hence, we need not address whether mother met her burden under the second prong of section 388. Mother did not demonstrate abuse of juvenile court discretion in denying her section 388 petition with respect to Z.G. and Joseph.

2. *The trial court did not err in terminating mother’s parental rights.*

a. *The juvenile court had the necessary information.*

Mother raises a litany of challenges to the Department’s assessment. Mother observes that no “adoption assessment” report was prepared and argues that the court denied her due process by terminating parental rights without having an adoption assessment as required by section 361.5, subdivision (g)(1).

“Whenever a court orders that a hearing shall be held pursuant to Section 366.26 . . . it shall direct the agency supervising the child . . . to prepare an assessment that shall include: [¶] (A) Current search efforts for an absent parent or parents [¶] (B) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. . . . [¶] (C) An evaluation of the child’s medical, developmental, scholastic, mental, and emotional status. [¶] (D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian . . . to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child’s needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. . . . [¶] (E) The relationship of the child to any identified prospective adoptive parent or guardian . . . the duration and character of the relationship, the degree of attachment of the child to the prospective . . . adoptive parent, the . . . adoptive parent’s strong commitment to caring permanently for the child, the motivation for seeking adoption . . . a statement from the

child concerning placement and the adoption or guardianship [¶] (F) An analysis of the likelihood that the child will be adopted if parental rights are terminated.” (§ 361.5, subd. (g)(1).)

Obviously, the purpose of statutorily required assessments is to provide the juvenile court with the information necessary to determine whether adoption is in the children’s best interest and whether the prospective adoptive parents are the appropriate people to assume the duties of parenthood. (*In re Dakota S.* (2000) 85 Cal.App.4th 494, 501.) Assessments are sufficient if they substantially comply with the statutory requirements. (See *In re Diana G.* (1992) 10 Cal.App.4th 1468, 1481.) Courts look to the totality of the evidence. (*In re John F.* (1994) 27 Cal.App.4th 1365, 1378.) Thus, while usually assessments are done in one document, “the absence of the statutorily required preliminary assessment [does] not result in a miscarriage of justice” if “the juvenile court was presented, in other forms, the information that would have been contained in the preliminary assessment.” (*In re Dakota S., supra*, at pp. 502-503.)

Mother’s challenges are unavailing. As she observes, social workers testified and the Department introduced into evidence at the section 366.26 hearing the April 23, 2014 interim report, and the April 28, 2014, July 21, 2014, August 5, 2014, September 9, and September 24, 2014 last minute information reports. Although mother takes issue with the social workers’ testimony, she was able to bring out the deficiencies on cross-examination. We may not reweigh that evidence. (*In re Casey D.* (1999) 70 Cal.App.4th 38, 52-53.) Taken together, along with the rest of the record, these documents provided the juvenile court with required information.

Specifically, mother argues that the juvenile court had no “current information regarding a search for alleged father.” (§ 361.5, subd. (g)(1)(A).) The record shows that father *appeared* at the section 388 hearing in September 2014, and so the court knew where father was. Mother next argues the court had no “meaningful information” about contact Z.G. and Joseph had with each other, with mother, and with their siblings. (§ 361.5, subd. (g)(1)(B).) To the contrary, the social worker’s reports are replete with

information about, and witnesses testified to, visits, contact, and mother's relationship with the children.

Mother argues that the juvenile court had minimal information about the children's medical, developmental, and emotional status. (§ 361.5, subd. (g)(1)(C).) She overlooks the caregiver information form from Z.G.'s prospective adoptive parents raving about the child's development, personality, and her interests, and describing the child as "thriving!" and "happy." Mother also ignores the Department's repeated reports discussing the children's development, Z.G.'s progress in preschool, her dietary restrictions and respiratory problems; Joseph's aggression, and the children's bonds with their prospective adoptive parents. The record also contains reports of mother's visitation failures.

Reading down the statute's list, mother next argues that the juvenile court did not have the social history of the children's caretakers, or an analysis of the likelihood that the children would be adopted if parental rights were terminated. (§ 361.5, subd. (g)(1)(D) & (F).) Yet, that information is contained in the Department's September 18, 2013 section 366.26 report. That report gave a full history of Z.G.'s and Joseph's prospective adoptive parents, the same parents who are taking care of the children today. The Department likewise recommended adoption for Z.G. and Joseph, along with three of their older siblings. In short, looking at the totality of the evidence, the Department's reports and notices more than adequately provided the juvenile court with the information that would have been contained in an assessment. Taken together, this evidence substantially complied with the statutory requirements as any deficiencies were satisfied by the vast record in this case. The juvenile court did not err in relying on the information it had. (*In re Diana G.*, *supra*, 10 Cal.App.4th at pp. 1481-1482; *In re John F.*, *supra*, 27 Cal.App.4th at p. 1378.)

b. *Mother failed to demonstrate application of any exception to adoption.*

At the hearing under section 366.26, the juvenile court must order one of three dispositional alternatives: adoption, guardianship, or long-term foster care. The Legislature has declared a strong preference for adoption over the alternative plans.

(*In re Scott D.* (2010) 188 Cal.App.4th 452, 469.) Once the juvenile court finds that the children are adoptable, a finding mother does not challenge, “*the court shall terminate parental rights unless*” the court “finds a compelling reason for determining that termination would be detrimental to the child due to” one of the six delineated exceptions. (§ 366.26, subd. (c)(1) & (c)(1)(B), italics added.) Only if a compelling reason for applying an exception appears may the court select a plan other than adoption.

As the parent, mother had the burden to show application of an exception. (*In re Megan S.* (2002) 104 Cal.App.4th 247, 251.) On appeal, the substantial evidence standard applies to the question of whether a beneficial relationship exists. (*In re Bailey J.* (2010) 189 Cal.App.4th 1308, 1314.) The abuse of discretion standard applies to the juvenile court’s determination whether the cited relationship constitutes a “ ‘compelling reason for determining that termination [of parental rights] would be detrimental.’ ” (*Id.* at p. 1315, italics omitted.)

(i) *The parent-child exception to adoption does not apply here.*

The first exception to adoption mother cites is that found in section 366.26, subdivision (c)(1)(B)(i), the so-called parental-relationship exception. This exception applies when the court finds that (1) “[t]he parents have maintained regular visitation and contact with the child and [(2)] the child would benefit from continuing the relationship.” (*Ibid.*) A beneficial parent-child relationship “is one that ‘promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents.’ [Citation.]” (*In re Amber M.* (2002) 103 Cal.App.4th 681, 689.) In applying the exception, courts “balance[] the strength and quality of the parent-child relationship in a tenuous placement against the security and sense of belonging that a stable family would confer on the child.” (*In re B.D.* (2008) 159 Cal.App.4th 1218, 1234–1235.) “[I]f severing the existing parental relationship would deprive the child of ‘a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent’s rights are not terminated.’ [Citation.] In other words, if an adoptable child will not suffer great detriment by terminating parental rights, the court must select adoption as

the permanency plan. [Citation.]” (*In re Dakota H.* (2005) 132 Cal.App.4th 212, 229.) Thus, “[t]he juvenile court may reject the parent’s claim simply by finding that the relationship maintained during visitation does not benefit the child significantly enough to outweigh the strong preference for adoption.” (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1350.)

Mother failed to carry her burden to show that she shared a beneficial relationship with the two children that is worth preserving. Z.G., who is four and a half years old, lived with mother for only the first four months of her life and three-year-old Joseph lived with mother for less than a month of his life. Although mother appeared most interested in visitation with Z.G., her visits with both children were always monitored and never lasted more than a few hours at the most. Mother’s own descriptions of visits demonstrate that her relationship with Z.G. and Joseph was that of a friend, not a parent. That is, mother did not show that she attended to the children’s needs for physical care, nourishment, comfort, affection, stimulation, companionship and shared experiences. Meanwhile, both the social worker and Ms. C. found that Z.G. was not upset at the end of visits. Z.G. and Joseph, have bonded with their prospective adoptive parents and referred to them as their parents. Mother admitted that Joseph only knew she was his birth mother because Ms. L. told him so. Thus the record supports the juvenile court’s finding that mother was not consistent with visitation and did not parent these two children. The juvenile court did not abuse its discretion in finding it would not be detrimental to Z.G. and Joseph to sever mother’s parental rights.

(ii) *The sibling-relationship exception to adoption does not apply here.*

The second exception to adoption on which mother relies is based on the relationship between the children—who are the subject of selection and implementation proceedings—and their siblings. (§ 366.26, subd. (c)(1)(B)(v).) Under this exception, the juvenile court balances the benefit of the child’s relationship with his or her siblings against the benefit to the child of gaining a permanent home by adoption. (*In re L. Y. L.* (2002) 101 Cal.App.4th 942, 951.) That is, the court weighs the benefit to the child in maintaining the sibling relationship, which might leave the child in a tenuous

guardianship or foster-home placement, against adoption, which is designed to confer security, belonging, and permanence. (*Ibid.*) This exception applies when termination of parental rights would be detrimental to the child because “[t]here would be substantial interference with a child’s sibling relationship” To find “substantial interference,” the juvenile court evaluates “the nature and extent of the relationship, including . . . whether the child was raised with a sibling in the same home, . . . shared significant common experiences or has existing close and strong bonds, . . . whether ongoing contact is in the child’s best interest, including the child’s long-term emotional interest.” (§ 366.26, subd. (c)(1)(B)(v).) If the court concludes that terminating parental rights would substantially interfere with the sibling relationship, then it must “weigh the child’s best interest in continuing that sibling relationship against the benefit the child would receive by the permanency of adoption.” (*In re L. Y. L.*, *supra*, at p. 952.) However, if the relationship is not sufficiently significant to cause detriment by its termination, then no substantial interference with that relationship exists. (*Ibid.*) The parent has the burden to show “the existence of a significant sibling relationship, the severance of which would be detrimental to the child.” (*Ibid.*)

Mother failed to carry her burden to show that Z.G. and Joseph have a relationship with their older siblings such that its severance would be detrimental to the two younger ones. Although the older children stated they would be sad if they did not visit with Z.G. and Joseph and did not want the two to be adopted, “the ultimate question is whether adoption would be detrimental *to the adoptive child*, not someone else.” (*In re Celine R.* (2003) 31 Cal.4th 45, 55, italics added; see also *In re L. Y. L.*, *supra*, 101 Cal.App.4th at p. 952 [sibling’s sadness is insufficient].) There is no indication that the feeling was reciprocated by the younger two children. The record shows that Joseph never lived with the older children. Although Z.G. was initially placed with her half-siblings, she was removed and placed elsewhere within months. These two children did not share significant experiences with their older siblings. Mother even testified that Z.G. was closest to Joseph, and that Joseph was not bonded with his four older siblings. Meanwhile, the prospective adoptive parents have provided these children with safe,

secure, loving, violence-free homes where the two children are thriving. They have emphasized their willingness to maintain the sibling relationship. Mother has demonstrated no detriment to these two younger children from severing their relationship with the older children.

Mother first contends that the juvenile court erred in declining to grant her request for a bonding study (Evid. Code, § 730). Yet, mother first requested the bonding study in August 2014 on the eve of the section 366.26 hearing. In denying the request, the court noted the timing and that a study would delay the proceedings, and heard that there were others who had monitored visits and could attest to the quality of those visits. The court did not abuse its discretion in declining to order a bonding study at this juncture. (§ 361.5, subd. (a)(1)(B)).³ Mother's request was tardy; the study would be time consuming and redundant; this dependency has lasted nearly four years, well beyond the statutory time frame of 12 months if mother had been awarded services; and at this juncture, the children's interest is in permanency and stability. In sum, the order terminating parental rights was not error.

³ Section 361.5, subdivision (a)(1)(B) contemplates that when family reunification services are provided, "For a child who, on the date of initial removal from the physical custody of his or her parent or guardian, was *under three years of age*, court-ordered services shall be provided for a period of six months from the dispositional hearing . . . but no longer than 12 months from the date the child entered foster care . . . unless the child is returned to the home of the parent or guardian." (Italics added.)

DISPOSITION

The orders appealed from are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

ALDRICH, J.

We concur:

EDMON, P. J.

JONES, J.*

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