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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

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

RIVERSIDE COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

C.H.,

Defendant and Appellant.

E055941

(Super.Ct.No. SWJ1100023)

OPINION

APPEAL from the Superior Court of Riverside County. John M. Monterosso,  
Judge. Affirmed.

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

Pamela J. Walls, County Counsel, Julie Koons Jarvi, Deputy County Counsel, for  
Plaintiff and Respondent.

No appearance for Minors.

Plaintiff and respondent Riverside County Department of Public Social Services (the department) placed minors Z.V. (born June 2008) and V.V. (born September 2010) (collectively, “minors”) in protective custody after defendant and appellant C.H. (mother) left them in the care of maternal grandmother (MG) on December 31, 2010, with the understanding mother would pick them up the next day. On January 4, 2011, mother had yet to return; MG reported she had to leave the state on January 6, 2011, and could not continue to watch minors. Mother had a prior history with the department, mental health issues, an extensive history of drug use, an extensive criminal history, and would leave minors with relatives or friends for extended periods of time. Upon petition by the department, the juvenile court removed minors from mother’s custody and granted her six months of reunification services.

At the six-month review hearing on September 19, 2011, the juvenile court terminated mother’s reunification services and set the selection and implementation hearing. Mother filed JV-180 petitions with respect to each of the minors on November 30, 2011, requesting placement of minors in the home of MG. The petitions were later amended to request an additional six months of reunification services.

At the combined Welfare and Institutions Code sections 388 and 366.26 hearing, the juvenile court denied mother’s JV-180 petitions and terminated her parental rights.<sup>1</sup> Mother appeals, contending the court abused its discretion in denying her JV-180 petitions, insufficient evidence supports its decision the beneficial parental relationship

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<sup>1</sup> All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

exception to termination of parental rights did not apply, and the court erred in determining the sibling relationship exception did not apply. We affirm the judgment.

### **FACTUAL AND PROCEDURAL HISTORY**

Z.V. initially came to the attention of the department on June 27, 2010, when it received a referral mother had been admitted to the hospital when 26 weeks pregnant, complaining of pain and admitting to no prenatal care and the use of methamphetamine throughout her pregnancy. An allegation against mother was substantiated and mother enrolled in a substance abuse treatment program. On November 15, 2010, the program issued an emergency response referral to the department alleging mother was being terminated from the program as she had missed the four previous weeks and had numerous absences beforehand.<sup>2</sup> Mother attended the program from July 6, 2010, through October 19, 2010. Mother had reportedly been doing well in the program with clean drug tests, but simply stopped attending prior to completion of the program. She tested clean on July 12, 19, August 2, 16, and 31, 2010. Mother began to associate with a woman from the program who had relapsed.

The program discharged mother on December 2, 2010. The department made numerous attempts to reach mother but was unable to, as mother never returned any of her own phone calls, her voicemail eventually became full, and minors' Father's phone was disconnected.

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<sup>2</sup> Three of the prior four weeks of missed visits were reported to be due to the birth of V.V. in September.

On January 3, 2011, the department received a report mother had left minors with MG on December 31, 2010, saying she would return the next day; she had yet to return. MG was leaving the state on January 6, 2011, and could not continue to watch minors. On January 4, 2011, MG called the police to file a missing persons report with the police with respect to mother; mother called an hour later to report she would return the next day. On January 5, 2011, MG reported caring for V.V. full time for the previous two weeks, and full time for both minors since December 31, 2010. MG “stated that . . . mother has been becoming increasingly unstable with regard to moving around and has been leaving the children for extended periods of time.” MG reported Z.V. had broken her arm in December 2010; it was not casted and MG did not know if any follow-up care was required.

In an interview on January 10, 2011, mother admitted having been diagnosed with ADHD and postpartum depression, the latter for which she had been taking Zoloft, but had difficulty getting an appointment for a medication evaluation. Mother said it was hard for her to focus on anything, she gets frustrated, and wakes up feeling dead to the world. Mother reported last using drugs on June 16, 2010. She reported cessation of her treatment program due to car trouble.

Mother said Z.V. was diagnosed with a “bluestick fracture” at the hospital for which a cast was recommended to be applied by her primary care physician and/or a children’s specialist; mother had taken Z.V. to another facility that denied treatment because it would not take her insurance. Mother never provided any documentation of Z.V.’s injury.

Mother had a record consisting of numerous arrests and convictions, primarily for drug related offenses, going back to 2002. She had previously participated in an 18 month Drug Court recovery program, which took her 22 months to complete because she relapsed. Mother would ask friends and relatives to watch minors for a few hours or a day, but the “visits would frequently turn into several days or a week at a time.” The department placed minors with their maternal aunt and uncle on January 10, 2011. The department attempted to contact mother to arrange visitation with minors, but mother failed to return calls.

On January 12, 2011, the department filed a section 300 petition alleging, as to mother, she endangered the children by leading a transient lifestyle—disappearing for days while leaving children with friends and relatives (B-1); had an extensive history of abusing controlled substances and was discharged from drug treatment for non-attendance (B-2); suffered from unresolved mental health issues and was not currently under a doctor’s care (B-3); failed to obtain proper treatment for Z.V.’s arm injury (B-4); had an extensive criminal history that included drug convictions (B-5); and had a prior history with the department during which mother admitted to the use of methamphetamine while pregnant with V.V., and failing to obtain prenatal treatment (B-8). The juvenile court detained minors on January 13, 2011.

In the jurisdiction and disposition report filed February 8, 2011, the social worker reported mother admitted the B-2 and B-8 allegations. Mother reported first using

methamphetamine at age 15.<sup>3</sup> The maternal aunt and uncle with whom minors had been placed asked to have them removed; minors were placed in a foster home on January 14, 2011. Mother was taking Zoloft for her depression, but wished to speak to a therapist regarding her previous diagnoses of ADHD and Bi-Polar. The social worker noted minors appeared to be well-bonded with both their parents and the foster parents. Mother drug tested clean; she had two hour, twice weekly visits with minors.

On February 14, 2011, the department filed an amended section 300 petition which, with respect to mother, struck the B-1, B-4, B-5, and B-8 allegations in their entirety. It also struck the aspects of the B-2 allegation that mother had an extensive history of drug abuse and was discharged from a drug treatment program for non-attendance, leaving only that mother abuses controlled substances; and the B-3 allegation's assertion that mother was not currently under a doctor's care, leaving only that mother suffered from unresolved mental health issues. At the jurisdiction and disposition hearing held the same day, the juvenile court found the amended allegations true, adjudged minors wards of the court, removed them from mother's care and custody, and gave mother six months of reunification services.

In the status review report filed July 27, 2011, the social worker reported mother had maintained poor contact with the department, last communicating with it on June 8, 2011, and prior to that on May 17, 2011. All calls to her were unanswered, unreturned,

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<sup>3</sup> Mother was born in August 1984, making her first foray into methamphetamine use sometime around 1999.

unconnected, or did not permit a message to be left because her voicemail was full.

Father reported on March 15, 2011, that mother was living in a “meth house.”

Initial visitation was inconsistent. Mother “has been habitually tardy and inconsistent with regard to her visits.” Z.V. exhibited an increase in tantrums following visits with mother, which dissipated several hours afterward. On April 29, 2011, the social worker was compelled to send mother a letter, which mother signed, notifying her that her consistent tardiness for visits, even when called an hour ahead of time by the social worker, would no longer be tolerated; mother would now be required to arrive 30 minutes early in order for minors to be transported to the department for visits.

The foster mother reported on May 23, 2011, that mother had not visited minors in several weeks. Mother was late, and her visits therefore canceled, on May 18, June 8, and July 13, 2011. Mother failed to call to cancel or show up for scheduled visits on May 25, 27, June 3, 24, July 1, 8, 15, 20, 22, 2012. Mother canceled a visit scheduled on June 22, 2012, and was late to a visit on July 6, 2012. Mother attended only seven of her 20 scheduled visits with minors.

Mother failed to fulfill the required portions of her reunification plan requiring that she participate in individual counseling, a domestic violence program, mental health services, parenting education, a substance abuse treatment program, and substance abuse testing. The department had made the requisite referrals going back to February 7, 2011; the various programs had attempted to contact mother with no success; mother never returned their phone calls; the referrals were eventually closed. As to the substance abuse treatment program, mother reported participating in an intake assessment and being

placed on a wait list. The social worker contacted the clinic on June 14, 2011, and was informed mother had not done an intake assessment at that clinic nor any other substance abuse clinic in Riverside County.

The social worker observed V.V. appeared strongly bonded to the foster family and sought them frequently for comfort or approval. “Both girls are doing very well in their current placement. They are progressing well in their development and appear to be very bonded to the foster family. The foster family has been able to provide for all of their needs and has shown them a lot of love.”

In an addendum report filed on September 9, 2011, after the date initially scheduled for the six month hearing, the social worker noted that on August 10, 2011, mother expressed “that she was looking into entering an in-patient [drug] treatment program . . . .” Mother reported she was pregnant and due in December 2011. She denied any drug use since she found out she was pregnant. Mother was admitted to an inpatient drug treatment program for pregnant women on August 24, 2011. Mother’s counselor at the program informed the social worker mother “admitted to ongoing, chronic use of methamphetamines throughout her current pregnancy, estimating approximately seven uses in the previous 30 days.” Mother tested negatively for controlled substances on August 24, and September 7, 2011.

A treatment progress report dated September 7, 2011, reflected mother was compliant with the drug education, individual counseling, group therapy, behavior, and attendance components of the program. Her attitude in the program was deemed enthusiastic; she had made significant progress toward positive behavioral and lifestyle

change. Mother attended numerous AA meetings between August 25, 2011, and September 7, 2011, including several meetings a day—up to five a day. At the contested six month hearing on September 19, 2011, the juvenile court terminated reunification services; set the section 366.26 hearing; and ordered visitation reduced to one, two-hour visit every other week.

On November 30, 2011, mother filed separate JV-180 petitions with respect to each minor in which she requested placement of minors with MG. Mother had moved in with MG, but was willing to move out if minors were placed with MG. Mother was in the residential treatment program from August 24, to September 28, 2011. However, mother “chose to walk away from treatment against the advice of her treatment team.” Mother last tested negatively for drug use on October 27, 2011. She had completed three sessions of individual counseling through Sun Ray Addictions on October 28, November 8, and 11, 2011. Mother continued to attend numerous AA meetings through November 21, 2011.

On December 6, 2011, the juvenile court ordered a combined hearing on mother’s JV-180 petitions and selection and implementation. Mother filed a supplemental declaration on December 9, 2011, requesting reunification services as to both minors. Mother had given birth to another child, E.V., whom the department placed with minors’ foster parents on November 15, 2011. Mother attached a letter from Immaculate Care Center, Inc. dated December 8, 2011, reflecting she had enrolled in a parenting class and

had shown up for all her parenting classes.<sup>4</sup> Mother reported she was on medication for her mental health conditions and continued to attend AA meetings through December 6, 2011.

On December 13, 2011, the department filed an addendum report in response to mother's JV-180 petitions. The department noted MG had declined relative assessment and possible placement in January 2011. The social worker observed mother left her inpatient treatment less than two weeks after her reunification services were terminated. At a hearing the same day, the court permitted an oral amendment of the JV-180 petitions to request six months of reunification services for mother.<sup>5</sup> The juvenile court continued the matter.

On January 3, 2012, the department filed its section 366.26 report. The social worker noted mother had consistently visited with minors twice a month since September 19, 2011. She observed "[t]he foster family has been able to provide for all of [minors'] needs and has shown them a lot of love. The current foster family has expressed they would like to adopt [minors]. They additionally have indicated that they would also consider adoption of [E.V.] in the event the parents are unable to reunify with her." "At this time, it is very likely that the current caregivers will adopt [minors]. [Minors] are

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<sup>4</sup> The letter did not indicate when mother began the parenting class, or how many classes she attended.

<sup>5</sup> Both the court and the department referred to a second report purportedly prepared by the department dated December 8, 2011. That report is not contained in the record on appeal. It could be because the report concerns E.V., who is not a party to this appeal.

securely bonded to their foster family and are easily assimilated as part of their family. The foster family submitted an application to adopt [minors] and an adoption home study has been completed.” Minors “appear to be thriving in the prospective adoptive parent[s]’ home. They both enjoy the attention of their prospective adoptive parents. They appear healthy, are nicely groomed, and had a plethora of toys to play with.”

On January 10, 2012, mother filed a declaration in lieu of testifying at the hearing. She observed she had “failed to do what [she] needed to do during the 6 months after my older two children were taken . . . [and had] been honest regarding using methamphetamine during my early pregnancy . . . .” Mother attached proof of her continued attendance at AA meetings through January 9, 2012. She remained enrolled in a parenting class with Immaculate Care Center. Mother asserted she left the inpatient treatment program because it conflicted with her ability to maintain visitation with minors.

On January 23, 2012, mother’s hair follicle test reflected no use of controlled substances. On January 26, 2012, mother filed another declaration recounting her experiences with minors and extolling their bonds with one another. The same day, MG submitted a declaration similarly recounting mother and minors’ experiences and bonds with each other.

At the hearing on February 2, 2012, the juvenile court observed “a three-or four-month period of sobriety, juxtapose[d] against the chronic history of meth abuse [d]oesn’t tell me that the problem is conquered.” The court denied mother’s JV-180 petitions finding no change in mother’s circumstances and the requested relief was not in minors’

best interests. The juvenile court terminated mother's parental rights and ordered adoption as the permanent plan.

## **DISCUSSION**

### A. JV-180 PETITIONS

Mother contends the court abused its discretion in denying her JV-180 petitions, because mother had established a change in her circumstances by her continued sobriety, consistent participation in AA meetings, and sustained enrollment in parenting classes. Moreover, she maintains reunification would have been in minors' best interests. We disagree.

“The juvenile court may modify an order if a parent shows, by a preponderance of the evidence, changed circumstance or new evidence and that modification would promote the child's best interests. [Citations.] This is determined by the seriousness of the problem leading to the dependency and the reason for its continuation; the strength of the parent-child and child-caretaker bonds and the time the child has been in the system; and the nature of the change of circumstance, the ease by which it could be achieved, and the reason it did not occur sooner. [Citation.] After termination of services, the focus shifts from the parent's custodial interest to the child's need for permanency and stability. [Citation.] ‘Whether a previously made order should be modified rests within the dependency court's discretion, and its determination will not be disturbed on appeal unless an abuse of discretion is clearly established.’ [Citation.] The denial of a section 388 motion rarely merits reversal as an abuse of discretion. [Citation.]” (*In re Amber M.* (2002) 103 Cal.App.4th 681, 685-686.)

Section 388 can provide “an ‘escape mechanism’ when parents complete a reformation in the short, final period after the termination of reunification services but before the actual termination of parental rights.” (*In re Kimberly F.* (1997) 56 Cal.App.4th 519, 528.) “Even after the focus has shifted from reunification, the scheme provides a means for the court to address a legitimate change of circumstances while protecting the child’s need for prompt resolution of his custody status.” (*In re Marilyn H.* (1993) 5 Cal.4th 295, 309.) However, the best interests of the child are of paramount consideration when a petition for modification is brought after termination of reunification services. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 317.)

Chronic substance abuse is generally considered a more serious problem and, therefore, is less likely to be satisfactorily ameliorated in the brief time between termination of services and the section 366.26 hearing. (*In re Kimberly F., supra*, 56 Cal.App.4th at pp. 528, 531, fn. 9 [“It is the nature of addiction that one must be ‘clean’ for a much longer period than 120 days to show real reform.”]; *In re Amber M., supra*, 103 Cal.App.4th at p. 686 [no abuse of discretion in denying section 388 petition where mother established only a 372-day period of abstinence.]; *In re C.J.W.* (2007) 157 Cal.App.4th 1075, 1081 [Fourth Dist., Div. Two] [three-month period of sobriety insufficient to show changed circumstances].)

Here, mother failed to establish a sufficient change in her circumstances to warrant an additional six months of services. Father had reported during her reunification period that mother was living in a “‘meth house.’” Mother admitted to chronic methamphetamine use. Mother reported first using methamphetamine at age 15, meaning

by the time of her enrollment in the inpatient treatment program she had been using for approximately 11 years. Mother admitted to using seven times within the month previous to her enrollment in the inpatient treatment program, and chronically during her latest pregnancy. Mother admitted to methamphetamine use during her previous pregnancy with Z.V. Thus, overwhelming evidence established mother was a chronic abuser of methamphetamine.

Mother tested clean on August 24, 2011, which effectively became her “clean date” for purposes of this case. Nonetheless, mother subsequently left the inpatient program against the advice of her counselors. Mother had previously been terminated from a substance abuse program for non-attendance. Even earlier, mother had participated in an 18 month recovery program through drug court which took her 22 months to complete because she relapsed. Mother’s use of methamphetamine even after participation in two drug recovery programs, one of which was as long as 22 months, demonstrates the intractable nature of mother’s addiction. Mother had an extensive criminal history primarily involving drug offenses. Although at the time of the section 388 hearing mother had been clean for slightly over five months, the court observed such a “period of sobriety, juxtapose[d] against the chronic history of meth abuse [d]oesn’t tell me that the problem is conquered.” Given such facts, we cannot say the court abused its discretion in denying mother’s petitions.

Moreover, mother failed to demonstrate services would be in the best interests of minors. Although Z.V. had been in mother’s custody for two and a half years when she was placed with the prospective adoptive parents (PAPs), mother frequently left minors

with relatives and friends for extended periods of time. Z.V. had now been living with the PAPs for over a year, and with whom she was deemed well-bonded. V.V. was not even four months old when she was placed in protective custody. She lived with the PAPs for far longer than she had with mother. Mother missed more than half the amount of the visitation she was permitted during her period of reunification. V.V. was likewise deemed well-bonded with the PAPs. Thus, the court acted within its discretion in denying mother's JV-180 petitions requesting further reunification services.

B. BENEFICIAL PARENTAL RELATIONSHIP EXCEPTION

Mother argues insufficient evidence supports the juvenile court's implicit determination that the so-called beneficial parental relationship exception did not apply, such that the court erred in terminating mother's parental rights. We disagree.

Once reunification services have been terminated and a minor has been found adoptable, "adoption should be ordered unless exceptional circumstances exist . . . ." (*In re Casey D.* (1999) 70 Cal.App.4th 38, 51.) Under section 366.26, subdivision (c)(1)(B)(i) one such exception exists where "[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship." The parent has the burden of proving termination would be detrimental to the child. (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1350; *In re Jerome D.* (2000) 84 Cal.App.4th 1200, 1207.)

"[I]t is only in an extraordinary case that preservation of the parent's rights will prevail over the Legislature's preference for adoptive placement." (*In re Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1350; see also *In re Casey D.*, *supra*, 70 Cal.App.4th at p.

51.) “We determine whether there is substantial evidence to support the trial court’s ruling by reviewing the evidence most favorably to the prevailing party and indulging in all legitimate and reasonable inferences to uphold the court’s ruling. [Citation.] If the court’s ruling is supported by substantial evidence, the reviewing court must affirm the court’s rejection of the exceptions to termination of parental rights under section 366.26, subdivision (c). [Citation.]” (*In re S.B.* (2008) 164 Cal.App.4th 289, 297-298.)

“[T]here is a rebuttable presumption that, in the absence of continuing reunification services, stability in an existing placement is in the best interest of the child, particularly when such placement is leading to adoption by the long-term caretakers. [Citation.] To rebut that presumption, a parent must make some factual showing that the best interests of the child would be served by modification.” (*In re Angel B.* (2002) 97 Cal.App.4th 454, 465.)

Here, mother failed her burden of demonstrating regular visitation and contact. Mother was habitually tardy and inconsistent with her initial visits. Due to mother’s tardiness and no-shows, the social worker was compelled to require that mother arrive 30 minutes early in order for minors to be transported to the department for visits. The foster mother reported on May 23, 2011, that mother had not visited minors in several weeks. Mother was late, and her visits were therefore canceled, on May 18, June 8, and July 13, 2011. Mother failed to call to cancel or show up for scheduled visits on May 25, 27, June 3, 24, July 1, 8, 15, 20, 22, 2012. Mother canceled a visit scheduled on June 22, 2012, and was late to a visit on July 6, 2012. Mother attended only seven of her 20 scheduled visits with minors during her reunification period. Although mother was

consistent in her twice monthly reduced visitation *after* termination of her reunification services, this, in and of itself, falls short of a demonstration of *regular* visitation and contact.

Similarly, substantial evidence supported the juvenile court's order with respect to additional services not being in minors' best interests. V.V. had spent the overwhelming majority of her life with the PAPs, to whom she was deemed well-bonded. Z.V. had spent more than a year in the PAPs care. Minors' stability in their current placement and bond with the PAPs overrode any marginal benefit they might receive from continued visitation with mother.

Mother expositis *In re Brandon C.* (1999) 71 Cal.App.4th 1530, for the contention minors benefitted within the meaning of the statute from contact with mother despite the fact that mother did not have day-to-day visitation with them or occupy a parental role in the last year of their lives. *Brandon C.* is distinguishable. First, *Brandon C.* reviewed for substantial evidence the juvenile court's order finding the beneficial relationship exception applicable; here, we review the juvenile court's order finding the exception non-applicable for substantial evidence: "We determine whether there is substantial evidence to support the trial court's ruling by reviewing the evidence most favorably to the prevailing party and indulging in all legitimate and reasonable inferences to uphold the court's ruling. [Citation.]" (*In re S.B.*, *supra*, 164 Cal.App.4th at pp. 297-298.)

Second, *Brandon C.* observed it was "undisputed that mother visited the boys consistently for the entire lengthy period of this dependency case, to the extent permitted by the court's orders. The trial court obviously credited the testimony from both mother

and grandmother that there was a close bond between mother and the boys, and that a continuation of contact would be beneficial to the children.” (*In re Brandon C.*, *supra*, 71 Cal.App.4th at p. 1537.) Here, as discussed above, mother did not consistently visit minors for the entirety of the juvenile proceedings. Moreover, we have no credibility determination of the juvenile court in favor of mother. Thus, substantial evidence supported the court’s implicit finding the beneficial parental relationship exception did not apply.

### C. SIBLING RELATIONSHIP EXCEPTION

Mother contends the subsequent proffering of reunification services and placement of E.V. with mother required the juvenile court to analyze its effect on minors. She maintains minors were bonded to E.V. and termination of parental rights that resulted in their separation from E.V. was detrimental to their best interests. The department argues this court cannot consider postjudgment evidence, rendering mother’s argument defunct. We agree with the department. Regardless, we hold the juvenile court acted appropriately in finding no application of the sibling relationship exception.

The sibling relationship exception applies if the court finds a compelling reason for determining that termination would be detrimental to the child due to a “substantial interference with a child’s sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in the

child’s best interest, including the child’s long-term emotional interest, as compared to the benefit of legal permanence through adoption.” (§ 366.26, subd. (c)(1)(B)(v).)

“Reflecting the Legislature’s preference for adoption when possible, the ‘sibling relationship exception contains strong language creating a heavy burden for the party opposing adoption. It only applies when the juvenile court determines that there is a “compelling reason” for concluding that the termination of parental rights would be “detrimental” to the child due to “substantial interference” with a sibling relationship.’ [Citation.] Indeed, even if adoption would interfere with a strong sibling relationship, the court must nevertheless weigh the benefit to the child of continuing the sibling relationship against the benefit the child would receive by gaining a permanent home through adoption. [Citation.]” (*In re Celine R.* (2003) 31 Cal.4th 45, 61.) Mother has the burden of establishing the applicability of the exception. (See *In re Megan S.* (2002) 104 Cal.App.4th 247, 252.)

In reviewing challenges to a trial court’s decision as to the applicability of these exceptions, we will employ the substantial evidence or abuse of discretion standards of review depending on the nature of the challenge. (*In re Bailey J.* (2010) 189 Cal.App.4th 1308, 1315-1316.) We will apply the substantial evidence standard of review to evaluate the evidentiary showing with respect to factual issues, such as whether the parent has maintained regular visits with the child (for the beneficial parental relationship exception) or whether the child has a close and strong bond with a sibling (for the sibling relationship exception). (*Id.* at p. 1315; § 366.26, subd. (c)(1)(B)(i), (v).) However, a challenge to the trial court’s determination of questions such as whether, given the

existence of beneficial parental relationship or a sibling relationship, there is a compelling reason for determining that termination of parental rights would be detrimental to the child “is a quintessentially discretionary determination.” (*In re Scott B.* (2010) 188 Cal.App.4th 452, 469.) We review such decisions for abuse of discretion. (*Ibid.*) In the dependency context, both standards call for a high degree of appellate court deference. (*Ibid.*; *In re Jasmine D.*, *supra*, 78 Cal.App.4th at p. 1351.)

Mother bases her argument on postjudgment evidence that the juvenile court granted mother reunification services as to E.V., removed her from the PAPs’ custody, and placed her with mother. Thus, she argues minors bonded with E.V. during E.V.’s two and a half month placement with the PAPs. Mother argues the decision in *In re Jayson T.* (2002) 97 Cal.App.4th 75 (overruled in *In re Zeth S.* (2003) 31 Cal.4th 396, 413), permits the consideration of postjudgment evidence. “[C]onsideration of postjudgment evidence of changed circumstances in an appeal of an order terminating parental rights, and the liberal use of such evidence to reverse juvenile court judgments and remand cases for new hearings, would violate both the generally applicable rules of appellate procedure, and the express provisions of section 366.26 which strictly circumscribe the timing and scope of review of termination orders, for the very purpose of expediting the proceedings and promoting the finality of the juvenile court’s orders and judgment.” (*Zeth S.*, at p. 413, fn. omitted [expressly disapproving *Jayson T.* on the precise point cited by mother].) Thus, because the juvenile court had not granted reunification services, removed E.V. from the PAPs’ custody, or placed her with mother

when it rendered the decision to terminate mother's parental rights with respect to minors, we cannot consider its subsequent rulings doing so.

Nonetheless, even to the extent we could consider such evidence, we find substantial evidence supported the court's ruling the sibling exception did not apply. The department placed E.V. with the PAPs in November 2011, when she was less than two weeks old. It ordered placement of E.V. with mother on February 2, 2012, when she was less than three months old. Thus, minors had spent less than approximately two and a half months with E.V. while she was a newborn. Mother adduced no evidence of any bond. Substantial evidence supported the juvenile court's decision.

**DISPOSITION**

The judgment is affirmed.

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MILLER  
J.

We concur:

HOLLENHORST  
Acting P. J.

KING  
J.