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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

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

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

J.C.,

Defendant and Appellant.

E056250

(Super.Ct.No. SWJ010008)

OPINION

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

Robert McLaughlin, under appointment by the Court of Appeal, for Defendant and
Appellant.

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

J.C. (Mother) appeals after the termination of her parental rights to her children, J.U. and P.U., at a Welfare and Institutions Code section 366.26¹ hearing. Mother claims on appeal as follows: (1) the juvenile court abused its discretion by denying her section 388 petition because she established a material change of circumstances and proved the reinstatement of reunification services would be in the best interests of J. and P.; and (2) the juvenile court erred by failing to apply the parental benefit exception of section 366.26, subdivision (c)(1)(B)(i).

I

PROCEDURAL AND FACTUAL BACKGROUND

A. *Detention*

Mother has four children who were detained by Riverside County Department of Public Social Services (the Department) in this case: R.S., who was 13 years old at the time of detention; J.S., who was five years old; J., who was one year old; and P., who was only two weeks old. R.S. and J.S. have different fathers than J. and P.

On April 22, 2010, the Department received a referral regarding general neglect. The referral stated that Mother had given birth to P. on April 20, 2010. Mother reportedly was mildly mentally retarded; had some connection to Inland Regional Center (IRC); and had a helper, Catherine, who came to her house to assist with daily tasks. Catherine had reported that she had been unable to gain access to Mother's house for the

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

prior two months because Mother and the father of J. and P., J.U., Sr. (Father), would not allow her access.² Catherine reported that the last time she had seen the home, there were dirty diapers, dog feces, and trash on the floor in the house. There were also dirty diapers and trash on the front yard.

Father had visited Mother at the hospital when P. was born and brought R.S., J.S., and J., who were all “filthy and smelly.” On April 14, 2010, Mother had tested positive for barbiturates and marijuana but, upon admission to the hospital, had a clean drug test.

The Department made an unannounced visit to the home of Father and Mother on April 28, 2010. Father immediately asked if the children were going to be taken. He said the house was in disarray because they were moving.

The home smelled of ammonia. Animal feces and urine were on the floor and had stained the carpet. A dog was observed urinating on the floor. There were holes in the walls in the hallway. The kitchen was infested with cockroaches. There were piles of clothing and trash in the bedrooms. The bedrooms had no furniture.

Mother was interviewed and rapidly changed her demeanor throughout the conversations. She claimed she could not keep up the house since she just gave birth to P. She claimed that she did not use marijuana but was around people who used it. A saliva test was negative. She denied there was any domestic violence in the home.

² Father did not file an appeal from the termination of his parental rights. However, since his relationship with Mother contributed to the termination of her parental rights, we will also refer to his progress in the proceedings.

While one of the social workers was speaking with Father, a dog defecated on the floor in the house. Father called the dog a “piece of shit” and kicked it. He admitted that he had punched the holes in the hallway. He admitted using marijuana. At one time he had been diagnosed with bipolar disorder but took no medication.

R.S. told one of the social workers that one year prior, Father had punched him in the chest. R.S. reported he had not seen Father hit anyone in the family but that Father had an anger problem. R.S. had observed him punch walls and yell profanities. He had observed Father smoke marijuana. R.S. said he felt safer with his real father. J.S. reported that she had observed Father choke Mother. She had seen Father make the holes in the walls. When she had cried in the past, Father had told J.S. that he was going to choke her.

A neighbor reported concern for the children. The neighbor frequently smelled marijuana coming from the house and heard Mother and Father yelling at the children. The neighbor heard profanity and “smacking sounds.”

A social worker also spoke with Catherine. Catherine was employed by the IRC’s community living opportunities program and provided assistance to Mother with transportation, medical visits, and daily tasks. Mother required assistance in order to keep the house even minimally clean. Catherine described Father as having a “hot temper.”

All four children were placed in protective custody due to the unsanitary conditions at the home, Father’s anger problems, and the parents’ possible drug use. R.S.

and J.S. were eventually placed in the custody of their father and are not subjects of the instant dependency proceeding. J. and P. were placed in a licensed foster home.

There had been numerous referrals for this family in the past -- 2002, 2008, and 2009 -- all alleging abuse and unsanitary living conditions. The allegations were either unfounded or Mother and Father completed services. In 2008, R.S. broke his leg, but Mother did not get treatment for him for two weeks.

On April 30, 2010, the Department filed a section 300 petition against Mother and Father for J. and P. It was alleged against Mother and Father, under section 300, subdivision (b), that they neglected the well-being of the children by keeping the family home in deplorable condition. It also alleged that Father engaged in acts of domestic violence in front of the children, he had unresolved mental health problems, and he abused controlled substances. It alleged that Mother abused controlled substances.³

A hearing was held on May 3, 2010. The juvenile court found a prima facie case and ordered J. and P. to be detained. Father was named the presumed father.

B. Jurisdiction/Disposition Reports and Hearing

In a jurisdiction/disposition report filed on June 3, 2010, the Department recommended that J. and P. remain outside the home and that both Father and Mother receive reunification services.

³ On May 7, 2010, the Department filed an amended section 300 petition against Mother and Father for J. and P., but there was no substantive change to the allegations.

R.S. and J.S. had been interviewed and told the Department that the deplorable conditions in the house were common. When R.S. tried to clean, Mother would stop him. She was lazy, and Father played video games all day. R.S. and J.S. claimed that Father had choked J.S. and told her he would find someone to rape her if she did not behave. They had witnessed Father and Mother smoke marijuana in the garage. R.S. was embarrassed to have his friends over to the house.

Mother admitted that the house was a “mess.” She claimed that she had been in poor health and did not see that it contributed to any risk to the children. Mother denied that Father had used violence against the children. Mother and Father did not use marijuana around the children. Mother knew nothing about Father’s mental health issues. When discussing Father hitting the children, she said she was the only one allowed to “punch” the kids. Mother had tested negative for controlled substances on a hair follicle test in May 2010.

Father claimed to have gotten rid of the dogs that were in the home. He admitted punching holes in the wall and that he had a violent temper but denied he had hurt the children or Mother. Father admitted using marijuana in April 2010 but had since stopped. Father had been diagnosed with bipolar disorder but did not take medication.

Catherine helped Mother with daily tasks. Mother always made excuses for why she could not clean. The smell of the house made Catherine sick to her stomach. Catherine had seen bruises on Mother’s face. Mother would claim that she and Father

had been in a fight; she would hit him too. Father had threatened Catherine when she tried to give him advice.

Mother had three other children in addition to the four who were the subject of the petition. Mother had given one child up for adoption. Another child lived with that child's father. The third child had been struck by a car and killed in 1996.

Both J. and P. were developing normally and were healthy. Mother and Father had moved to a new apartment, and it appeared clean. Visitation between Mother and J. and P. had been appropriate.

A first addendum report was filed in anticipation of the contested jurisdiction/disposition hearing with the continued recommendation that J. and P. remain out of the custody of Mother and Father and that the parents be given reunification services. J. and P. had been placed with Catherine. During visitation, J. seemed attached to Mother and did not show any fear. Mother was somewhat more focused on P.

Mother was compliant with her case plan. She consistently attended visitation and tested negative for drugs. She completed a parenting class and was involved in individual counseling and group domestic violence classes. Mother's current home was clean and free from debris. Father was participating in an anger management class. He also was taking medication and seeing a psychiatrist.

The contested hearing was conducted on September 1, 2010. At that time, the petition was amended to exclude an allegation of substance abuse by Mother. Mother submitted on the allegations in the amended petition and the Department's evidence.

Mother and Father waived their rights. The juvenile court found the allegations in the amended petition true against Mother and Father. They were granted reunification services. Mother was granted unsupervised overnight and weekend visits with J. and P. She was specifically admonished that Father was not to be present during the unsupervised visits, and she acknowledged the restriction.

C. *Section 366.21, Subdivisions (e) and (f) Reports*

In the six-month status review report filed on February 17, 2011, it was reported that Mother was no longer with Father. Mother and Father were both unemployed and receiving Social Security benefits.

J. was reported to possibly have developmental delays. Catherine reported that J. was having temper tantrums. He had frequent mood swings. There were no concerns regarding P.'s development. Catherine had told the Department that they could not adopt J. and P. due to her and her husband's ages.

Mother had been discharged from therapy, as it was reported that she did not need it. She had completed a parenting class. She had a negative drug test.

Mother had unsupervised visits in the fall of 2010. These visits were suspended in December 2010 because Mother moved in with an unidentified male who had not been cleared with the Department. Mother had failed to give information to the Department in order to clear the person. Mother got another roommate in February 2011 who also had not been cleared.

In December 2010, an anonymous report was given to the Department that a fight had occurred in Mother's home and that Father was living with Mother. The fight had been with another male. An unannounced visit was made by the social worker on December 17, 2010, at Mother's apartment. Mother had three puppies in the house, and there was dog feces on the carpet. Mother denied Father was living in the home. She acknowledged he had been in a fight with another male, but it did not occur in the apartment.

Catherine reported that during visits Mother was very attentive to the children. Catherine had witnessed Mother keeping her home cleaner. Catherine reported that Father had been aggressive with her during one visit and told her he was not taking his medication.

At the six-month review hearing held on March 2, 2011, the juvenile court continued reunification services for six months and unsupervised overnight and weekend visits.

The Department filed a 12-month status review report on August 18, 2011. It recommended that reunification services be terminated for Mother and Father and that the permanent plan be for adoption. Both J. and P. were still residing with Catherine.

Mother was living in a two-bedroom apartment in Lake Elsinore. Father was found hiding in the closet during an unsupervised visit between Mother and the children. Father was not supposed to be present during unsupervised visits. Mother claimed she did not know Father was hiding in the house.

J. had been diagnosed with developmental delays and still had temper problems. He was receiving services. Mother had not attended all of her scheduled individual counseling sessions. Mother's therapist reported she had shown lack of insight as to how being in a relationship with domestic violence impacted her ability to parent. Although Mother had completed a domestic violence course, there was concern that she had not benefitted. Mother had been referred to another domestic violence therapy group but had failed to attend the sessions.

Visitation between Mother and the children went very well. Mother was appropriate with the children and attended to their needs. On an unannounced visit, the home was clean and the children well cared for. Mother continued to deny that she and Father were in a relationship. She had missed a drug test.

A contested review hearing was held on October 5, 2011. At the hearing, Catherine testified. Catherine had been assisting Mother for seven years. If Mother was given custody, Catherine could help her three to four times a week. Mother contacted Catherine two or three times a day to check on the children. J. and P. were always excited to see Mother. Catherine had never seen Father in the apartment. Mother was keeping her house clean. Catherine had never seen Mother act inappropriately with the children.

The Department argued for termination of services based on Mother's lack of insight into her circumstances. Further, Mother was keeping the house clean because the children were not living with her; it was unclear what would occur if they were living

with her. Counsel for J. and P. agreed to the termination and argued that Catherine was biased. Mother had been discharged from therapy for failing to attend.

The juvenile court acknowledged that even with Catherine's help Mother had been terminated from therapy, she had not been to a recommended domestic violence course, and she had missed a drug test.

The juvenile court considered that both Mother and Father had not completed their case plans. Mother had not attended therapy and had failed to gain insight. She had not benefitted from the domestic violence courses. Catherine was biased for Mother. Mother lied about Father being in the house. Reunification services were terminated. A section 366.26 hearing was set.

D. *Section 366.26 Reports*

On January 17, 2012, the Department filed a report for the section 366.26 hearing and filed addendum reports on January 30 and April 18, 2012. J. and P. had been placed in a licensed foster home on October 14, 2011, at the request of Catherine, who reported that she and her husband were too old to adopt them. However, on October 18, Catherine called to say she made a mistake and wanted the children returned to their care and would adopt them. However, Catherine and her husband changed their minds again on October 20. J. and P. were placed in another foster home, but that family already had two adopted children and were overwhelmed. J. and P. were finally moved into the current prospective adoptive home. Despite these changes, J. and P. were bonding with the adoptive parents and were doing well in their home.

Mother remained unemployed but was looking for work. She was trying to find low income housing. Mother continued to be consistent with visitation. J. and P. enjoyed play time with her. During the visits it was observed by the adoptive mother that Mother did not properly discipline the children for inappropriate behavior. Further, she had been observed talking “baby talk” with them. Mother had appeared forceful with J. and P. She had held them by the face in order to get a photograph. Mother had also made false statements to the children to get them to comply. After the visits, J. and P. regressed in their speech and engaged in aggressive behavior.

By the time of the final addendum report filed on April 18, 2012, J. and P. had significantly bonded with the adoptive parents. The adoptive parents had provided a safe and stable home. They were young (29 and 30 years old), employed, and had stable families. At this point, J. was three years old and P. was two years old. J. continued to exhibit some aggressive behavior but had markedly improved since entering the home of the adoptive parents. Mother had become increasingly difficult, and the adoptive parents would only maintain a relationship after adoption with the Department as an intermediary.

In recent visitation, Mother had been distracted by her cellular telephone and had to get assistance from Catherine in order to control the children.

E. *Section 388 Petition and Section 366.26 Termination of Parental Rights*

On May 3, 2012, Mother filed section 388 petitions for both J. and P., which were denied by the juvenile court, as will be discussed in more detail, *post*. The section 366.26 hearing was held on May 9, 2012. The parental rights of Mother and Father were terminated, and J. and P. were freed for adoption. We will discuss the details of the hearing, *post*.

II

SECTION 388 PETITION

Mother contends the juvenile court erred by refusing to grant her section 388 petition. She claims she made significant changes, including keeping a sanitary home, and there was no reported domestic violence. She argues her one mistake in letting Father into the home should not negate the progress she had made.

A. *Additional Factual Background*

Mother's written petition provided that she had been evaluated by a mental health facility and found to not meet the criteria for treatment; was fully compliant with services given to her by the IRC; participating in counseling two times per month; completed a home parenting class; and completed a 16-week domestic violence course prior to termination. During visits, J. and P. called her mom. She brought them food and changed their diapers. Mother was babysitting for money and had been living in her apartment for over one year. J. and P. had not wanted visits with her to end. There were

observations of visitations that appeared to be written by Catherine. Mother also attached character letters.

On May 7, 2012, the juvenile court heard the section 388 motion. Mother presented the stipulated testimony of Catherine. Catherine had observed that Mother kept her house clean since Father was no longer present. She observed the visitation between Mother and the children, and that Mother was capable of taking care of the children. Father supported the section 388 petition and wanted Mother to have custody.

Mother's counsel argued that there had not been any domestic violence in a long period of time. Mother was more than capable of taking care of the children. There was clearly a bond between them. Any mental health limitations should not keep her from reunifying with her children.

Counsel for the children disagreed because Mother still lacked insight regarding the impact of domestic violence and had not started another domestic violence class even though it had been suggested. Further, it was not in the children's best interests. The behavior of both children had improved since being in the adoptive home. The Department objected to the visitation reports submitted, but Mother clarified they had been written by Catherine. Good visits with the children had always occurred, and this was not new information.

The juvenile court took the matter under submission, indicating that it was a "huge decision." The Department expressed concern about granting more reunification services, as the stable adoptive home might be lost. Father asserted that he had no

relationship with Mother. The Department reiterated that Mother had missed counseling sessions prior to termination of services even though she received assistance to make her appointments.

The juvenile court indicated at the next hearing that it had reviewed most of the case file. It noted that the detention of the children was necessitated because of the deplorable condition of the home. It believed after reviewing the record that the problems had not been resolved and were still ongoing. Further, it was difficult to show that there was a bond with Mother because J. and P. were taken so early from her. It was hard to tell if there was a bond or just familiarity. Even if there was a bond, it did not outweigh the failure to resolve the issues in this case.

The juvenile court denied the section 388 petition, finding no change of circumstances. It was not in the best interests of the children to delay their lives.

B. *Analysis*

“Section 388 allows a person having an interest in a dependent child of the court to petition the court for a hearing to change, modify, or set aside any previous order on the grounds of change of circumstance or new evidence.” (*In re Anthony W.* (2001) 87 Cal.App.4th 246, 250.) “[S]pecific allegations describing the evidence constituting the proffered changed circumstances or new evidence’ is required. [Citation.]” (*Ibid.*) It “shall set forth in concise language any change of circumstance or new evidence that are alleged to require the change of order or termination of jurisdiction.” (§ 388, subd. (a).) “There are two parts to the prima facie showing: The parent must demonstrate (1) a

genuine change of circumstances or new evidence, and that (2) revoking the previous order would be in the best interests of the children. [Citation.]” (*In re C.J.W.* (2007) 157 Cal.App.4th 1075, 1079, 1081 [Fourth Dist., Div. Two] [summary denial of § 388 petition was proper where there was no showing of how the children’s best interests would be served by depriving them of a permanent stable home in exchange for an uncertain future].)

“We review the juvenile court’s summary denial of a section 388 petition for abuse of discretion.” (*In re Anthony W.*, *supra*, 87 Cal.App.4th at p. 250.) A section 388 petition is addressed to the sound discretion of the juvenile court, and its decision will not be disturbed on appeal in the absence of a clear abuse of discretion. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

The juvenile court did not deny the section 388 filed by Mother without due consideration. It stated it was a huge decision that it took seriously. There was not a clear abuse of the juvenile court’s discretion in this case.

As to a change of circumstances, Mother’s home was in deplorable condition when the children were detained. P., who was only two weeks old, and J., who was only one year old, were living in filth and amongst dog feces. This was not the first time that the home was reported to be unclean; such allegations had been made in 2002, 2008, and 2009. As late as December 2010, it was reported that Mother had dogs in the home and feces on the carpet. Although Mother had kept a clean home with the children gone, it was not clear she could keep such order once the children returned. She had a long

history of not being able to clean, and Catherine could not even help her at times.

Although Mother had made progress, there was no certainty she could maintain such cleanliness.

Moreover, Father had an anger problem. There were holes in the wall that were caused by him when he was angry. R.S. and J.S. both reported being hit or choked by Father and observed Mother being choked by him. Catherine reported bruises on Mother's face, which Mother admitted were caused during a fight with Father. Clearly, there was a showing of domestic violence here, although Mother claims there was no evidence of abuse.

Mother had not remedied the problems of domestic violence. The Department expressed true concern that Mother had no insight into the domestic violence and the impact it had on the family. This was certainly evidenced by the fact she let Father in the home despite being ordered by the court to not allow him in the home when the children were present. Further, she lied to the Department about him being in the apartment, which was further evidence that she did not have insight into the true danger to her children. Additionally, she had failed to attend a second domestic violence course.

In addition, Mother had missed a drug test and counseling sessions. Although Mother reported in the section 388 petition that she had completed a home parenting course, was compliant with her IRC services, and had good visitation with J. and P., this did not address the real issues that led to the termination of services. As such, the

juvenile court did not abuse its discretion by finding that Mother's circumstances had not changed.

Moreover, it was clearly not in the best interests of J. and P. that the dependency process be continued. J. and P. were infants when they were removed from Mother. They had been placed in a foster home; lived with Catherine for a long period of time; moved to another foster home, then back with Catherine; went to a third foster home; and then finally moved to their adoptive home. These were young children who desperately needed stability. To extend the services to Mother so she could have further visitation and try to resolve the same issues that had been ongoing for over two years was not in the children's best interests.

J. was making improvements in the adoptive home, having fewer temper tantrums and making improvements in his speech. Both J. and P. were bonded with the adoptive parents. These parents offered a stable home environment. "After termination of services, the focus shifts from the parent's custodial interest to the child's need for permanency and stability. [Citation.]" (*In re Amber M.* (2002) 103 Cal.App.4th 681, 685.) The juvenile court did not abuse its discretion by denying the section 388 petition.

II

SECTION 366.26 HEARING

Mother argues that the beneficial parent exception of section 366.26, subdivision (c)(1)(B)(i) applied, and the juvenile court erred by terminating her parental rights, since she and J. and P. shared a significant bond.

A. *Additional Factual Background*

After the juvenile court denied the section 388 petition, it went on to decide the section 366.26 issue. Mother asked that the beneficial parent exception be applied and a less permanent plan than termination of parental rights be considered. Counsel for J. and P. asked that parental rights be terminated; it was in the best interest of the children to have permanency.

The juvenile court accepted all of the testimony that was presented at the section 388 hearing. J. and P. had never really been parented by Mother or Father. The relationship was more that they played together on a fairly regular basis. The bond they did have did not outweigh the permanency adoption provided. The juvenile court stated, “So it really gives me no pleasure to do this, but at this point in the proceedings, my focus isn’t on [Father] or [Mother.] My focus is on . . . what’s best for the kids. If I were to choose what’s best for you two, I may do something different. Unfortunately, it’s not about you at this point. It’s about the kids.” Parental rights were terminated.

B. *Analysis*

At the section 366.26 hearing, the sole issue “‘is whether there is clear and convincing evidence that the child is adoptable.’ [Citations.]” (*In re Josue G.* (2003) 106 Cal.App.4th 725, 733; see § 366.26, subd. (c).) “Adoption, where possible, is the permanent plan preferred by the Legislature.” (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 573.) If the court finds that a child may not be returned to his or her parents and is likely to be adopted, it must select adoption as the permanent plan, unless it finds that

termination of parental rights would be detrimental to the child under one of the seven exceptions set forth in section 366.26, subdivision (c)(1)(A) and (c)(1)(B)(i) through (v). (See *In re Jamie R.* (2001) 90 Cal.App.4th 766, 773.)

The parental benefit or “beneficial relationship” exception is set forth in section 366.26, subdivision (c)(1)(B)(i). The exception applies where “[t]he parents . . . have maintained regular visitation and contact with the minor and the minor would benefit from continuing the relationship.” (*In re Derek W.* (1999) 73 Cal.App.4th 823, 826.)

The parent has the burden of proving that the exception applies. (*Ibid.*) “The parent must do more than demonstrate ‘frequent and loving contact[,]’ [citation] an emotional bond with the child, or that parent and child find their visits pleasant. [Citation.] Instead, the parent must show that he or she occupies a ‘parental role’ in the child’s life.” (*Id.* at p. 827.) “In other words, for the exception to apply, the emotional attachment between the child and parent must be that of parent and child rather than one of being a friendly visitor or friendly nonparent relative, such as an aunt. [Citation.]” (*In re Angel B.* (2002) 97 Cal.App.4th 454, 468.)

“‘If severing the natural parent/child 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 re Derek W., supra*, 73 Cal.App.4th at p. 827.)

The substantial evidence standard of review applies to the evidentiary showing with respect to factual issues, such as whether the parent has maintained regular visits

with the child. A challenge to the trial court's determination of questions such as whether, given the existence of beneficial parental 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.*)

There is no dispute that Mother participated regularly in visitation. Moreover, Mother certainly had some kind of bond with both J. and P. However, Mother failed to show that there was substantial evidence that the parent/child bond was such that they would be irreparably harmed by terminating the relationship.

P. was only two weeks old when she was taken from Mother's custody, and J. was only one year old. The juvenile court noted that it was not entirely clear what type of bond existed between the children and Mother. It was described as a frequent play date, rather than a parent/child relationship. J. and P. had never spent a significant amount of time in Mother's custody in their lives. There simply was no evidence of significant bond with Mother.

Moreover, the bond between Mother and the children did not overcome the preference for adoption. As set forth, *ante*, J. and P. had been in numerous placements and were especially fragile due their young ages. J. had improved immensely once in the stable adoptive home. The adoptive home provided for much-needed stability in the lives of these young children.

Mother relies upon *In re S.B.* (2008) 164 Cal.App.4th 289, 297 and *In re Amber M.*, *supra*, 103 Cal.App.4th at p. 690 to support her claim that the juvenile court abused its discretion by failing to apply the beneficial parent exception. In both cases, there was third party evidence, including expert opinion, of a strong attachment between the parent and the children and the potential for harm to the children if the relationship was severed. (*S.B.*, *supra*, 164 Cal.App.4th at pp. 295-296, 300-301; *Amber M.*, *supra*, 103 Cal.App.4th at pp. 689-690.) In this case, Mother presented no such evidence of a significant bond. It was reported, however, that the adoptive parents were building a very strong bond with the children.

Further, Mother relies on reports that visitation went well and that she provided a nurturing, parental role in the lives of J. and P. However, many of these reports came from Catherine as to what she observed at visitation, and the juvenile court considered her to be biased. The adoptive mother had reported that Mother did not know how to control inappropriate behavior by the children. Further, she was very forceful with them by holding their faces so she could photograph them. After the visits, J. and P. engaged in aggressive behavior. This was evidence supporting termination of parental rights due to the impact on the well-being of J. and P. in maintaining a relationship with Mother.

The juvenile court properly concluded that the parental benefit exception did not apply in this case.

IV

DISPOSITION

The orders of the juvenile court are affirmed.

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RICHLI
J.

We concur:

HOLLENHORST
Acting P. J.

McKINSTER
J.