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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re P.A. et al., Persons Coming Under
the Juvenile Court Law.

SAN BERNARDINO COUNTY
CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

A.M.,

Defendant and Appellant.

E056266

(Super.Ct.Nos. J232701 &
J232702)

OPINION

APPEAL from the Superior Court of San Bernardino County. Christopher B. Marshall, Judge. Affirmed.

Joseph T. Tavano, under appointment by the Court of Appeal, for Defendant and Appellant.

Jean-Rene Basle, County Counsel, Jamila Bayati, Deputy County Counsel, for Plaintiff and Respondent.

No appearance for Minors.

A.M. (Mother) appeals from the juvenile court's orders (1) denying her petition to modify a court order related to her son, P.A., and her daughter, M.M., (Welf. & Inst. Code, § 388),¹ and (2) terminating her parental rights to P.A. and M.M. (§ 366.26). First, Mother contends the juvenile court erred by denying her a hearing concerning her petition to modify a court order because Mother made a prima facie case showing (1) her circumstances had changed, and (2) it would be in P.A.'s and M.M.'s best interests to order reunification services. Second, Mother asserts the juvenile court erred by terminating her parental rights because the court should have applied the parent-child bond exception. (§ 366.26, subd. (c)(1)(B)(i).) We affirm the judgment.

FACTUAL AND PROCEDURAL HISTORY

A. BACKGROUND

Mother has four children. D.R. is Mother's oldest child; he was born around 2000. A.A. is Mother's second oldest child; she was born in 2002. M.M. was born in 2006, and P.A. was born in 2007. A.A.'s presumed father is F.A. M.M.'s alleged father is C.S. P.A.'s alleged Father is C.A. (Father).²

On October 19, 2006, Mother was arrested, and eventually convicted for misdemeanor willful cruelty to a child. The following day, on October 20, 2006, San Bernardino County Children and Family Services (the Department) removed D.R., A.A., and M.M. from Mother's care due to Mother leaving the children home alone,

¹ All subsequent statutory references will be to the Welfare and Institutions Code unless otherwise indicated.

² None of the fathers are party to the appeal.

Mother's drug use, and domestic violence between Mother and the children's maternal grandmother. D.R. and A.A. were given to their respective fathers. Mother was given reunification services for M.M. Mother completed parenting classes, substance abuse counseling, substance abuse outpatient treatment, and a 12-step program. M.M. was returned to Mother's custody, and the 2006 dependency case was closed on February 1, 2008. Approximately six months later, on July 16, 2008, Mother was convicted of possessing a controlled substance and being under the influence of a controlled substance. Mother was scheduled to be on summary probation until November 29, 2010.

B. DETENTION

On April 29, 2010, the Department received a referral alleging Mother was (1) abusing drugs, (2) leaving bruises on the children when using corporal punishment, and (3) engaging in domestic violence with Father. On May 5, 2010, a Department social worker interviewed A.A. A.A. said Mother became angry with M.M. and spanked M.M. when M.M. "has an accident." A.A. saw bruises on Mother, which were inflicted by Father. A.A. saw Father spit on Mother's face and cause her to have a bloody mouth. A.A. also saw Father pick up P.A. and the blankets P.A. was lying on, and throw P.A. and the blankets to the ground, when P.A. was approximately two years old. A.A. told the social worker Father frequently hit Mother, causing bruises.

The Department decided to remove A.A., M.M., and P.A. from Mother's custody; D.R. was with his father. When Mother learned the children were being removed due to domestic violence, she accused A.A. of lying about the violence. A.A.

cried as Mother “continued to rant” about A.A. lying. Mother accused A.A. of having “mental problems,” and said A.A. needed counseling. A.A. wanted to live with her father, and her father wanted custody of her. At the time of the 2010 removal, M.M.’s father was incarcerated in Chuckwalla Valley State Prison. M.M.’s father was required to register as a sexual offender due to a conviction for committing a lewd and lascivious act with a child under the age of 14.

On May 7, 2010, the Department filed a petition against Mother alleging she failed to protect A.A., M.M., and P.A. (§ 300, subd. (b).) Specifically, the Department asserted the three children were at risk of being neglected due to Mother’s history of drug abuse and Bipolar disorder, and that they were at risk of being injured due to Mother’s and Father’s domestic violence. The juvenile court found a prima facie case had been made for detaining the children outside of Mother’s care. M.M., P.A., and A.A. were placed in foster care. The court ordered visits between Mother and the three children for one hour, two times per week.

C. JURISDICTION/DISPOSITION

On May 6, 2010, Mother agreed to attend domestic violence classes, parenting classes, individual counseling, and drug abuse treatment. On May 19, 2010, Mother missed her appointment with a Department social worker to discuss services, as well as her appointment to visit the children. Mother later explained that her psychologist appointment had run late and she would need a gas card to attend the visits. On May 20, the Department social worker learned Mother missed the appointment due to oversleeping. That same day, Mother arrived at the Department to receive her gas card.

On June 7, 2010, Mother entered a seven day detoxification program. Mother admitted recent use of methamphetamine and Vicodin.

The three children were placed in a single foster home. The children said they liked living in their foster home. A.A. said she does not feel safe at Mother's home, and she is afraid of Father. A.A. was eventually moved to her father's home. P.A. and M.M. told the social worker Mother and Father fight and "hit them." P.A. said Mother hit his leg. M.M. said Mother hit her leg and made her nose bleed.

On June 29, 2010, the juvenile court found P.A. and M.M. came within the court's jurisdiction. The court found true the allegations against Mother made in the Department's petitions. The court ordered the two children remain in foster care. The court ordered no contact occur between Father and P.A.

D. SIX-MONTH STATUS REVIEW

Mother rejected living in a sober living facility, and instead moved into her mother's (Grandmother) home. Mother has a "significant" history of physically abusing Grandmother. Mother was actively participating in drug court, and completed her inpatient drug treatment program. However, Mother tested positive for morphine on November 16, 2010, which she blamed on eating too many poppy seeds. Mother obtained a part-time job as a receptionist at a hair salon. Mother had a criminal trial scheduled for December 15, 2010, for an October 8, 2009, charge of receiving stolen property (Pen. Code, § 496, subd. (a).)

M.M. and P.A. adjusted to their foster home, and referred to their foster mother as "Mommy." M.M. and P.A. appeared to be bonding with their foster family. M.M.

and P.A. visited A.A. once every other week for two hours. M.M. and P.A. visited Mother twice per week for two hours. Mother's visits with M.M. and P.A. "generally [went] well," and the children eagerly replied "Yes" when asked if they wanted to visit Mother.

The juvenile court found Mother had made "moderate" progress with her case plan. The court ordered Mother have "loosely supervised" visits with the children, which the Department could liberalize to unsupervised overnight visits.

E. 12-MONTH STATUS REVIEW

Mother and Grandmother participated in conjoint therapy to address their domestic violence issues. Mother continued residing in Grandmother's home. On August 30, 2010, Mother filed for a divorce from Father. Mother continued to actively participate in drug court; however, Mother tested positive for drugs three times. Mother completed (1) parenting classes, (2) three months of drug and alcohol treatment, and (3) a victim impact class. Mother had not yet completed her (1) general counseling, (2) anger management classes, and (3) domestic violence class for batterers. Mother obtained a full-time job working at a restaurant.

M.M. and P.A. appeared bonded to their foster family and continued to refer to their foster mother as "Mommy." Mother's visits with M.M. and P.A. went "well overall," although there were "a couple complaints" about Mother being unable to control the children. Mother complained to the social worker about M.M.'s behavior and explained she "did a lot of drugs while pregnant with [M.M.]" Mother was given

“multiple day visits, at least one (1) overnight visit, and at least one (1) weekend visit” with the children.

On August 15, 2011, the Department received a referral that Mother and the foster parents were permitting Father to have contact with the children in violation of the court’s no contact order. Mother and the foster parents denied violating the no contact order, although Mother said she sent pictures of her visits to Father. On August 29, 2011, Father described the foster parents’ physical appearance to the social worker and said the foster mother permitted Mother to see the children “whenever [Mother] wanted them.” Father said the foster mother left the children with Mother, while the foster mother went to Las Vegas for the Fourth of July holiday. M.M. told the social worker she spent the Fourth of July with her aunt and Grandmother, while P.A. spent the holiday with Mother. The Department decided to move M.M. and P.A. to a new foster home. The juvenile court found the new placement to be appropriate.

Father informed the Department Mother was abusing drugs again. On September 2, 2011, Mother tested positive for methadone. Mother told the Department she had not consumed drugs and the test was incorrect. The Department requested Mother reenroll in drug treatment, and Mother agreed. The Department discontinued Mother’s unsupervised visits with M.M. and P.A. due to Mother violating the no contact order and using methadone. Mother blamed the Department for her unsupervised visits being terminated. As of October 28, 2011, Mother completed her anger management class, but had not completed her domestic violence class for batterers or her individual counseling. Overall, Mother had received 32 months of services.

The juvenile court found Mother failed to participate regularly and make substantive progress in her treatment plan. The juvenile court terminated Mother's reunification services. The court ordered M.M. and P.A. continue to be placed in foster care, but also continued Mother's visits.

F. REQUEST TO CHANGE A COURT ORDER

M.M. and P.A. continued in the foster home they had been moved to on December 14, 2011. M.M. was in two foster homes during her 2006 removal, and three foster homes during the 2010 removal. M.M. had been in foster care for two and one-half years, or 40 percent of her life. P.A. was removed from Mother's custody when he was 22 months old, and spent 50 percent of his life in foster care. Mother sometimes brought D.R. (M.M. and P.A.'s half-brother) along for visits.³ M.M. and P.A. enjoyed seeing D.R. M.M. and P.A. did not visit A.A., who was residing with her father. M.M. and P.A. referred to their foster parents as "mom" and "dad," and appeared bonded to their foster parents.

On March 2, 2012, Mother filed a request to change a court order. (§ 388.) Mother asserted changed circumstances existed because she (1) completed a three-month substance abuse outpatient program; (2) was participating in aftercare services, including random drug testing; (3) enrolled in a 52-week domestic violence program; and (4) completed individual counseling. Mother requested the court grant her reunification services and authorize the Department to liberalize her visitation with

³ Mother had custody of D.R. every other weekend.

M.M. and P.A. Mother asserted the changes would be in the two children's best interests because Mother "maintained a strong loving bond with her children," Mother was sober, and she could provide a stable and loving home for the children.

The Department opposed Mother's request. The Department asserted Mother was "provided with an exhaustive amount of services," but the services did not alleviate the issues that caused the children to be removed from Mother's care. The Department argued Mother received two and one-half years of services during the 2006 and 2010 dependencies, but Mother continued relapsing into prior negative behaviors. The Department asserted Mother had previously been in domestic violence and drug treatment programs, but failed to benefit from the services. Thus, the Department believed there was no reason to believe the services would now create a change in circumstances.

In regard to visitation, the Department contended Mother was receiving more visitation than most parents would receive near the termination phase of the proceedings—most parents receive only one monthly visit. The Department asserted Mother's visits should not be increased, since she was already having a greater amount of visitation than is usually granted, and the children would need to start "breaking away" from Mother.

The juvenile court heard Mother's request on March 16, 2012. Mother's attorney asked the court to provide an evidentiary hearing, if it was not inclined to grant the section 388 request. Mother's attorney argued that Mother would testify about "what she has internalized, what she is learning [and] additional things that have gone on since

the time that the 388 was filed.” Mother’s attorney described Mother’s negative drug tests, her participation in drug abuse treatment, and positive visits with the children. After counsel’s argument, Mother’s attorney asked the court, “You want to go off the record?” The juvenile court agreed to go off the record, and an unreported chambers conference took place.

When the court and parties returned to being on the record, Mother’s attorney resumed arguing that a prima facie case of changed circumstances had been established. Mother’s attorney repeated that Mother was participating in domestic violence classes, a drug treatment program, had tested negative for drugs for a “few months,” and had no involvement with law enforcement. Further, Mother’s attorney asserted Mother no longer had contact with Father, was living with Grandmother in a stable environment, and had positive visits with M.M. and P.A.

The children’s attorney asked the court to deny Mother’s request. The children’s attorney asserted Mother had a six-year history with the Department, and “has been unable to sustain any kind of progress.” The children’s attorney argued Mother’s recent participation in “a couple months” of treatment and classes could not “compete with a six-year history.” The Department joined in the arguments raised by the children’s attorney.

The juvenile court found “that there are changing circumstances and the Court agree[d] with [Mother’s attorney] that [Mother] is making strides, but the Court [did] not find changed circumstances sufficient to state a prima facie case.” The court also

found there was not a showing of how the change would promote the children's best interests. Thus, the juvenile court denied Mother's request to change a court order.

G. TERMINATION

The juvenile court held a contested termination hearing on May 11, 2012. A social worker assigned to Mother's case testified at the hearing. The social worker stated Mother visited P.A. and M.M. for one hour each week, and Mother attended all of her visitation appointments. M.M. and P.A. both referred to Mother as "Mom." The children enjoyed seeing Mother. P.A. typically played videogames on Mother's telephone and did not interact with Mother during visits. M.M. liked receiving attention from Mother. M.M. often danced to try to get Mother's attention. Mother sometimes combed M.M.'s hair during visits. At the beginning and end of visits M.M. hugged Mother. The social worker described the affection between Mother and M.M. as "like going for a visit with like a friend." Both children appeared happy at the end of the visits—the children did not cry or appear upset when Mother left.

The social worker believed it would not be detrimental to M.M. and P.A. to discontinue visits with Mother. The social worker felt M.M. might miss Mother, but P.A. would not, due to being placed in foster care at a young age. The social worker thought Mother and the children did not have a strong bond, because the children were not upset about leaving Mother at the end of the visitation appointments. The social worker opined that adoption was the appropriate option for the children because they were young and needed stability.

M.M. and P.A.'s adoption counselor also testified at the hearing. The adoption counselor stated that, in March 2012, Mother had a birthday party for M.M. during a visit. When M.M. blew out the candles, Grandmother asked M.M. what she wished for, and M.M. responded that she wished to go home. The adoption counselor believed M.M. meant go home with Mother. In late April or early May, M.M. told the adoption counselor she wanted to live with Mother. M.M. said if she could not go home to Mother, then she would want to be adopted by her foster parents. P.A. did not have the verbal skills to fully express his ideas. When the adoption counselor saw M.M. and P.A. at the end of their visits, she noticed the children would "walk off easily with the person who is supervising the visit."

The adoption counselor felt M.M. had a stronger parent-child bond with her foster parents. The adoption counselor explained that M.M. took directions better from her foster parents and looked to them for guidance, while M.M. mostly tried to get attention from Mother. The adoption counselor believed Mother's and M.M.'s interactions were not those of a parent and child.

As an example, the adoption counselor described a visit wherein P.A. was playing on a telephone, Mother was talking to someone on another telephone, and M.M. "was running around the room with a chair and was asked to stop and she didn't. And then [M.M.] would come over periodically and try to get attention, but [Mother] was focused more on the phone at that time." Mother was on the telephone for approximately 15 minutes.

Mother testified at the termination hearing. Mother wanted the juvenile court to order a plan of guardianship. Mother said M.M. ran towards Mother at the start of the visits, and P.A. laid his head on Mother's shoulder. Mother described playing and coloring with the children during visits. Mother explained she was not on the phone for 15 minutes during a visit; rather, she was playing music for M.M. on her telephone. Mother discussed school with M.M. during visits. Mother recalled three separate occasions when M.M. asked Mother about "com[ing] home." P.A. talked to Mother about D.R. and Mother's dog.

Mother said she often comforted M.M. during the course of the case. Mother explained M.M. was confused when the visits were reduced from overnight to supervised visits. Mother comforted M.M. by holding her and telling her to pray. Mother described M.M.'s birthday party, and said M.M. cried when she blew out the candles and wished to go home. M.M. told Mother she loved her "[a]ll the time." M.M. would hug Mother and sit on Mother's lap during visits. P.A. also told Mother he loved her. Mother believed it would be detrimental for M.M. and P.A. to no longer see her because they know Mother and their siblings, so they would feel abandoned if they no longer visited her.

The Department argued the children were young, adoptable, and in a placement that wished to adopt them. Thus, the Department reasoned it met its burden of showing the children were adoptable. Further, the Department asserted the parent-child bond exception to terminating parental rights should not be applied in this case because (1) Mother had M.M. removed previously, but still continued using drugs; (2) the

children spent a large portion of their lives in foster care; (3) the Department employees described Mother's relationship with the children as that of a friendly visitor; and (4) the children would gain a greater benefit from adoption than they would from periodic visits with Mother and their siblings. M.M. and P.A.'s juvenile court attorney joined in the Department's arguments. The children's attorney believed the children needed the stability offered by adoption, given the multiple foster homes the children had lived in.

Mother's attorney argued M.M. had a strong bond with Mother. Mother's attorney pointed to the evidence that (1) M.M. expressed a desire to live with Mother, (2) M.M. cried during her birthday party, (3) P.A. was affectionate with Mother during visits, (4) P.A. talked to Mother about D.R., and (5) Mother had previously been given overnight visits with the children. Mother's attorney asserted M.M. was not adoptable due to her desire to return to Mother, and that M.M. would suffer irreparable harm if she were permanently separated from Mother.

The juvenile court found M.M. and P.A. were adoptable, based upon their ages, health, and interactions with their foster parents. The juvenile court found that neither the parent-child nor the sibling relationship exceptions to termination were applicable in this case. As to the parent-child bond exception, the juvenile court found (1) Mother regularly visited the children, but (2) Mother did not have a parent-child relationship with the children, rather, she had a friendly and familiar relationship with the children. The juvenile court terminated Mother's and Father's parental rights to P.A., and Mother's and C.S.'s parental rights to M.M.

DISCUSSION

A. REQUEST TO CHANGE A COURT ORDER

Mother contends the juvenile court erred by denying her an evidentiary hearing on her request to change a court order (§ 388) because Mother made a prima facie showing of changed circumstances. We disagree.

“Section 388 permits ‘[a]ny parent or other person having an interest in a child who is a dependent child of the juvenile court’ to petition ‘for a hearing to change, modify, or set aside any order of [the] court previously made or to terminate the jurisdiction of the court’ on grounds of ‘change of circumstance or new evidence.’ (§ 388, subd. (a).) ‘If it appears that the best interests of the child may be promoted by the proposed change of order, . . . the court shall order that a hearing be held’ [Citation.] Section 388 thus gives the court two choices: (1) summarily deny the petition or (2) hold a hearing. [Citations.] In order to avoid summary denial, the petitioner must make a ‘prima facie’ showing of ‘facts which will sustain a favorable decision if the evidence submitted in support of the allegations by the petitioner is credited.’ [Citations.]” (*In re Lesly G.* (2008) 162 Cal.App.4th 904, 912.)

“We review a summary denial of a hearing on a modification petition for [an] abuse of discretion. [Citation.] Under this standard of review, we will not disturb the decision of the trial court unless the trial court exceeded the limits of legal discretion by making an arbitrary, capricious or patently absurd determination. [Citation.]” (*In re A.S.* (2009) 180 Cal.App.4th 351, 358.)

In asserting circumstances had changed, Mother cited her (1) completion of a three-month drug treatment program; (2) participation in aftercare drug treatment, including drug testing; (3) enrollment in a domestic violence program; and (4) completion of individual counseling. Given Mother's lengthy history of drug use and services that did not have lasting beneficial effects, it was reasonable for the juvenile court to conclude the short-term changes cited by Mother did not constitute a change in circumstances. While Mother was making progress, her history reflects that it was too soon to label the progress a true change in circumstance—Mother has a record of improving, but then backsliding into the negative behaviors that led to the dependency. Thus, it was within reason for the juvenile court to summarily deny Mother's request to change a court order, because Mother did not present a prima facie case of changed circumstances.

In her request, Mother asserted the modification would be in the children's best interests because Mother had a strong bond with the children, due to her weekly visits, and she could provide a stable home for the children. Mother's history reflects years of participating in services interspersed with the negative behaviors that led to the dependency. In other words, Mother's history reflects that a continuation of services would only delay the case, as Mother has not shown a benefit from years of past services. Further, Mother's counselor believed Mother suffered from "self-sabotaging behaviors." Thus, the juvenile court could reasonably conclude the children would not benefit from modifying the court order to provide Mother with more services and

visitation. Accordingly, we conclude the juvenile court did not err by summarily denying Mother's request to modify a court order.

Mother asserts the children had recently been placed with their foster family, so there would have been no harm in modifying the court order to provide Mother with more time to show she was able to maintain her sobriety. We do not find Mother's argument to be persuasive because Mother had a great deal of time—she received two and one-half years of services during the 2006 and 2010 dependencies, but Mother continued relapsing into prior negative behaviors. Given the amount of time Mother already received services, it was reasonable for the juvenile court to summarily conclude that more time for services would not have been in the children's best interests.

Mother highlights the various facts that are favorable to her, and argues the juvenile court abused its discretion. For example, Mother and Grandmother attended conjoint therapy, Mother had unsupervised visits for a portion of the dependency, Mother was employed, and Mother filed for divorce from Father. While we agree there was evidence favorable to Mother, there was also evidence reflecting she relapsed into negative behaviors after receiving more than two years of reunification services. For example, Mother tested positive for methadone and violated the no-contact order with Father. Given that over two years in services did not prevent Mother from using drugs and interacting with Father, it was reasonable for the juvenile court to summarily conclude more services would not have cured the issues.

B. TERMINATION

Mother asserts the juvenile court erred by terminating her parental rights to M.M. and P.A. because the court should have applied the parent-child bond exception to termination. (§ 366.26, subd. (c)(1)(B)(i).) We disagree.

If a juvenile court finds a dependent child is adoptable, then it will terminate parental rights unless one of the statutorily enumerated exceptions is applicable. (§ 366.26, subd. (c)(1).) One of the enumerated exceptions provides that parental rights shall not be terminated if “[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.” (§ 366.26, subd. (c)(1)(B)(i).) We review the juvenile court’s decision to not apply the parent-child bond exception for an abuse of discretion.⁴ (*In re Aaliyah R.* (2006) 136 Cal.App.4th 437, 449.)

The first requirement for the parent-child bond exception is that Mother maintained regular visitation with the child. The record reflects Mother regularly visited the children. Thus, the first requirement of the exception is satisfied.

⁴ There appears to be a split of authority as to which standard of review is applicable to a decision to not apply the parent-child bond exception—substantial evidence or abuse of discretion. (*In re Clifton B.* (2000) 81 Cal.App.4th 415, 424-425 [Fourth Dist., Div. Three applied the substantial evidence standard]; *In re Autumn H.* (1994) 27 Cal.App.4th 567, 576 [Fourth Dist., Div. One applied the substantial evidence standard].) In the “standard of review” section of Mother’s appellant’s opening brief, she describes the burden of proof as “a preponderance of the evidence.” We choose to follow the precedent of *In re Jasmine D.*, (2000) 78 Cal.App.4th 1339, 1351, which explained the abuse of discretion standard is applicable because “[t]he juvenile court is determining which kind of custody is appropriate for the child[, and s]uch a decision is typically review[ed] for abuse of discretion.”

We now turn to the second prong of the exception—the benefit to the child from continuing the relationship. “The benefit to the child from continuing such a relationship must . . . be such that the relationship “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 Aaliyah R.*, *supra*, 136 Cal.App.4th at p. 449.) In other words, for the exception to apply the bond between the parent and child must be a parent-child bond, rather than the type of bond a child might have with a friendly visitor or non-parent relative, such as an aunt. (*In re Angel B.* (2002) 97 Cal.App.4th 454, 468.)

A social worker assigned to Mother’s case described the interaction between Mother and M.M. as “like going for a visit with like a friend.” Both children appeared happy at the end of the visits—the children did not cry or appear upset when Mother left. The social worker believed Mother and the children did not have a strong bond, because the children were not upset about leaving Mother at the end of the visitation appointments. The social worker believed adoption was the appropriate option for the children because they were young and needed stability. The record reflected P.A. spent half his life in foster care, in three different placements, and M.M. spent 40 percent of her life in foster care, in five different placements.

When M.M. and P.A.’s adoption counselor saw the children at the end of their visits, she noticed the children would “walk off easily with the person who is supervising the visit.” The adoption counselor felt M.M. had a stronger parent-child bond with her foster parents. The adoption counselor explained that M.M. took

directions better from her foster parents and looked to them for guidance, while M.M. mostly tried to get attention from Mother. The adoption counselor believed Mother's and M.M.'s interactions were not those of parent and child.

As an example, the adoption counselor described a visit wherein P.A. was playing on a telephone, Mother was talking to someone on another telephone, and M.M. "was running around the room with a chair and was asked to stop and she didn't. And then [M.M.] would come over periodically and try to get attention, but [Mother] was focused more on the phone at that time." Mother was on the telephone for approximately 15 minutes.

From the foregoing evidence, the juvenile court could reasonably conclude Mother did not have a parent-child bond with the children. Rather, Mother was more akin to a friendly visitor—the children were happy to see her, but did not have a parent-child relationship with her. P.A. paid little attention to Mother, while M.M. mostly sought attention from Mother, as opposed to treating Mother like a parent. Thus, the juvenile court's decision to not apply the parent-child bond exception was within reason; the juvenile court did not err.

Mother asserts the juvenile court abused its discretion because the children "knew [Mother] was their mother, enjoyed being with her, and missed her." Mother highlights the evidence reflecting the children were affectionate with her, the children told Mother they loved her, and M.M. asked about living with Mother. Mother further cites a social worker's November 2011 testimony the children were bonded to Mother. Mother contends the record reflects she shared a strong bond with M.M. and P.A.

The record reflects M.M. was an affectionate child who ran up to and hugged the social worker during visits. The record also reflects M.M. and P.A. referred to both of their foster mothers as “Mom” or “Mommy.” Thus, the affection and use of the term “mom” does not equate with a strong parent-child bond in this case. Further, while a social worker believed the children were bonded to Mother, it was not described as a parent-child relationship. It is clear from the record the children shared a bond with Mother as they were happy to see her during visits and M.M. enjoyed Mother’s attention; however, the record supports the juvenile court’s decision that the bond was not that of a parent and child.

DISPOSITION

The judgment is affirmed.

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MILLER
J.

We concur:

HOLLENHORST
Acting P. J.

KING
J.