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

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re D.W. et al., Persons Coming Under  
the Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT  
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

A.W.,

Defendant and Appellant.

E059224

(Super.Ct.No. SWJ1100234)

OPINION

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

Lauren K. Johnson, under appointment by the Court of Appeal, for Defendant  
and Appellant.

Pamela J. Walls, County Counsel, Julie Koons Jarvi and Kristine Bell-Valdez,  
Deputy County Counsels, for Plaintiff and Respondent.

No appearance for Minors.

The juvenile court terminated the parental rights of A.W. (Mother) to her two sons, C.F. and D.W. (Welf. & Inst. Code, § 366.26, subd. (c)(1).)<sup>1</sup> Mother raises three issues on appeal. First, Mother asserts the juvenile court erred by denying her request to change a court order. (§ 388.) Second, Mother contends the juvenile court erred by not applying the parent-child bond exception to termination. (§ 366.26, subd. (c)(1)(B)(i).) Third, Mother asserts the juvenile court erred by not selecting a permanent plan of legal guardianship or long term foster care. We affirm the judgment.

### **FACTUAL AND PROCEDURAL HISTORY**

#### **A. DETENTION OF C.F.**

Mother has two sons, C.F. and D.W. C.F. was born in 2005. D.W. was born in 2012, while the case was proceeding in the juvenile court.

On March 2, 2011, when C.F. was five years old, Mother was “was ‘higher than a kite going absolutely ballistic’ in front of” C.F.’s elementary school. Mother threatened to kill and “kick [the] ass” of another woman. C.F. was present during the incident. C.F. “was crying and begging [M]other to stop so they could just go home.” On March 20, Mother was at home, in Temecula. Mother had a verbal argument over the telephone. Mother tried to leave the home with C.F., but Mother appeared to be under the influence of prescription medication, so Mother’s roommate tried to stop Mother. Mother called the police. The police determined Mother was under the influence of prescription medication. Mother was not arrested, but C.F. was taken to the

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

house of his maternal grandparents (Grandparents). The maternal grandmother asserted Mother suffered from bipolar disorder and “severe rages.”

A social worker from the Riverside County Department of Public Social Services (the Department) contacted C.F.’s biological father, C.W. (Father). Father had just been released from prison; he had never met C.F. or provided for him. Mother and Father (collectively, “Parents”) divorced in 2006. The Department took C.F. into protective custody and placed him with Grandparents.

On April 4, 2011, the Department filed a petition alleging Mother failed to protect C.F. by (1) abusing prescription medications, (2) displaying “uncontrollable” anger while in C.F.’s presence, and (3) suffering from unresolved mental health issues, i.e. bipolar disorder. (§ 300, subd. (b).) The Department further alleged C.F. suffered serious emotional damage as a result of Mother’s uncontrolled anger. (§ 300, subd. (c).) The Department asserted Father failed to protect C.F. by having an “extensive criminal history” and not providing food, clothing, medicine, and shelter for the child. (§ 300, subd. (b).) The juvenile court found probable cause existed for detaining C.F.

**B. FIRST JURISDICTION**

The Department filed a second amended petition removing the emotional damage allegation. (§ 300, subd. (c).) C.F. was “very clingy” with Grandparents.

Grandparents told the Department that C.F. often tried to be a parent to Mother by comforting her and telling her not to cry. School personnel told Grandparents that C.F. “looks better,’ as he ‘doesn’t have dark circles under his eyes, he ‘doesn’t look sad anymore,’ and he ‘isn’t late to school anymore.’”

In July 2008, Mother had spinal surgery. Mother's medical records, in 2010, reflected various prescription pain medications, such as Oxycodone and Zofran, prescribed by various doctors, including two at an emergency room. Mother's doctor at a pain management clinic reported Mother is "monitored 'via the Department of Justice CURES program for any controlled substances being prescribed by other providers in the state and she has never had a discrepancy.'"

Mother waived her constitutional rights at the jurisdiction hearing. The juvenile court found the "failure to protect" allegations (§ 300, subd. (b)) to be true and sustained the petition. The court granted Mother supervised visits with C.F. The court ordered a psychological evaluation for Mother.

C. FIRST SIX-MONTH REVIEW

Parents were living together at the apartment of C.F.'s paternal grandmother (PGM). Parents' remarried in June 2011. Mother was pregnant with D.W; Father is D.W.'s father. Mother was unemployed, but received food stamps and cash aid. Father was unemployed, but attended classes for air conditioning repair. Mother completed a cooperative parenting program, began an anger management program, and attended individual counseling. Mother tested positive for opiates twice due to her pain medications, but stopped taking all medications as of August 1, 2011. Mother was diagnosed as suffering from Depressive Disorder and Anxiety Disorder.

C.F. "adjusted well" to living in Grandparents' home, he no longer clung to Grandparents. C.F. struggled academically. When the social worker asked C.F. where he wanted to live, C.F. said he wanted to live with Mother. C.F. then apologized to

Grandmother, who was sitting next to him. C.F. was aware of the “animosity and rivalry between” Mother and Grandmother, and he was “sensitive to their feelings.” C.F. was diagnosed as suffering adjustment disorder with anxiety.

There appeared to be a “strong bond” between Mother and C.F. during visits. In November 2011, the juvenile court ordered services be continued, but that C.F. remain out of Parents’ physical custody. The court authorized unsupervised daytime visits for Mother. The court granted de facto parent status to Grandparents.

D. FAMILY MAINTENANCE

D.W. was born in January 2012. Father is D.W.’s presumed father. In February 2012, C.F. was returned to Parents’ physical custody on a family maintenance plan. The family resided in PGM’s apartment. Father worked part time repairing and installing air conditioners. Mother was unemployed. C.F. appeared “happy and content” in Parents’ care.

Prior to being returned to Mother’s care, C.F. displayed anxiety. Grandparents believed C.F. should remain in their care and “frequently” expressed that opinion in front of C.F., which increased C.F.’s anxiety. Grandmother was “uncooperative” in arranging visits and made comments in front of C.F. “to alienate him from the parents and the assigned social worker.” The Grandparents “were resistant” to the Department’s reunification plans. C.F.’s therapist observed, “[C.F.] is very concerned about not hurting mother and grandmother’s feelings and will attempt to please whomever he is talking to at that time.”

E. DETENTION OF D.W.

On June 7, 2012, Father “beat up” Mother in front of C.F. and D.W. (collectively “the children”). Mother “sustained ‘big bruises on her arms, back, and legs.’” Mother contacted law enforcement. Father was on parole; it was estimated he would be in prison for one year due to the violence. C.F. told the Department social worker he was scared during the domestic violence. Both children appeared “clean and well cared for.” D.W. seemed “happy” and “smiled often.”

The Department filed petitions alleging Father failed to protect the children and failed to provide support for them. The court ordered the children be detained as to Father, and remain in Mother’s physical custody.

F. SECOND JURISDICTION

In June 2012, C.F. told a Department social worker he prefers to live with Mother and “does not want to live anywhere else.” Mother was “attentive and appropriate with the children,” and the “children appear[ed] to be happy, safe and comfortable placed with their mother.” Father was in custody, in jail. The court found D.W. came within the juvenile court’s jurisdiction. The court ordered the children remain in Mother’s physical custody. Mother was ordered to continue participating in family maintenance services.

Mother had a part-time job earning \$15 per hour. Mother was contributing \$500 to \$600 per month to household expenses at PGM’s apartment. Mother used some of the money she received through a worker’s compensation settlement for her 2008 back injury to pay the monthly expenses.

G. DETENTION FOR BOTH CHILDREN

On October 25, 2012, the Department filed a supplemental petition alleging Mother was arrested for driving under the influence of prescription medication. Mother was stopped by the police after driving erratically and stopping in the middle of the road. D.W. was in the car with Mother; he appeared neat and clean. Mother said she was under the influence of Methadone, which had been prescribed for pain. Mother explained her doctor warned her not to work on the drug, but failed to tell her not to drive.

Police found Xanax, Methadone, and Percocet in Mother's possession. The Xanax prescription had been filled the day before the accident, and 24 pills were missing from the bottle. Mother said the missing pills were probably stolen by relatives living in PGM's apartment. The Percocet was in a plastic baggie and was from two different pill manufacturers. Mother was arrested for possessing a controlled substance, endangering a child, and driving under the influence.

The Department social worker went to the police station. The social worker spoke to Grandparents. Four months prior, Grandparents received a telephone call from the manager of a Petco who said Mother "passed out inside the store" and asked if Grandparents "could come and get the children." PGM retrieved the children. Mother refused to go with PGM and insisted on driving herself. PGM believed Mother was "still high."

C.F. met the social worker at the police station after a relative picked him up from school. C.F. told the social worker, "I miss my mommy." C.F. said Father

caused Mother to suffer ““huge bruises[.]’ on her ‘legs and face.’” C.F. did not like Father and would like Father to apologize for ““pushing [C.F.] on the couch, drinking and smoking and punching [his] mommy.’” C.F. said Mother was ““really nice[.]’ to him and has been for a long time now.” The Department placed the children with Grandparents.

The juvenile court found the Department presented a prima facie case. The court ordered the children be detained and that they visit Mother twice per week, when Mother was out of custody.

#### H. THIRD JURISDICTION

Mother admitted to the Department social worker that she drove under the influence and has ““an addiction.”” Mother said she was in pain and anxious due to Father’s family pressuring Mother for money, food stamps, and babysitting services. Mother felt she had no support system, especially since being incarcerated. Mother said Grandparents ““hang up the phone”” when she calls to speak to C.F. Mother was frustrated that her family did not try to help her after the incident at Petco, although she accepted the situation was her fault. Grandparents said they did not try to help Mother after the Petco incident because Mother becomes angry when they talk about her medications.

PGM said Mother nearly backed into her car when leaving the Petco, and then Mother drove onto the sidewalk. PGM also witnessed another incident wherein Mother drove her car into an apartment building, denting the car. When Mother was arrested,

PGM cleaned Mother's bathroom and found wine bottles, beer bottles, and liquor bottles.

On November 1, 2012, Mother was convicted of endangering a child (Pen. Code, § 273a) and driving under the influence (Veh. Code, § 23152, subd. (a)). Mother was sentenced to 120 days in jail and granted 48 months of formal probation. Mother was incarcerated at the county jail and released on December 20. Mother moved into a sober living facility. Mother participated in counseling, 12-step meetings, and received medication management. Mother was offered a part-time job as a bookkeeper at a horse ranch. Father was in prison serving a two-year sentence, with an expected release date of April 25, 2013. Mother's weekly visits with the children went well. The juvenile court found the allegations in the supplemental petition to be true. The court denied Mother reunification services.

I. TERMINATION AND REQUEST TO CHANGE A COURT ORDER

The children had been residing with Grandparents since Mother's arrest in October 2012. In April 2013, C.F.'s school decided he would need to repeat the second grade, because he was "significantly behind academically," although C.F. displayed "amazing[] artistic" skills. C.F. was "developmentally on target" and "sensitive to other people's feelings." C.F.'s therapist diagnosed him as suffering generalized anxiety disorder and attention deficit hyperactivity disorder. C.F. appeared anxious and distressed due to "his conflicted loyalties (a 'tug of war')." C.F. was aware he would likely be adopted by Grandparents if he could not be returned to Mother. C.F. appeared

to be content with the adoption arrangement because Grandparents “reassured him that he will be able to [have] regular visitations with his mother.”

D.W. smiled and laughed in Grandparents’ care. The social worker believed there was a bond between Grandparents and D.W. due to hugs and kisses between them. Mother attended her weekly visits with the children. The visits went well. C.F. enjoyed the visits and “look[ed] forward to them.” D.W. was not talking yet, but it was “apparent that he enjoys his visitations with the mother by smiling and laughing.”

In May 2013, Mother filed a request to change a court order. Mother asserted circumstances had changed because she completed a drug program and parenting classes, was participating in Alcoholics Anonymous, testing negative for drugs, residing in a sober living home, complying with the terms of her probation, and filed for divorce. Mother requested the court reinstate reunification services and vacate the hearing date for terminating parental rights. Mother asserted the change would be in the children’s best interests because Mother regularly visited the children and shared a close bond with them. The juvenile court scheduled a hearing on Mother’s request.

During a therapy session, C.F. said, “[Mother] might start drinking again. She was drinking the same amount when I lived with her so I don’t believe she’s stopped drinking. I want to still see or visit her but I want to live with Grandma and Grandpa because it’s safer.” It appeared to the therapist C.F. “had an agenda to let her know that ‘he didn’t feel safe with his mother.’”

At a combined hearing on the request to change a court order and termination of parental rights, minors’ counsel asserted C.F. would testify that (1) he wants to live with

Grandparents; (2) he wants to continue visiting Mother; (3) “he would be sad” if he could not visit Mother; and (4) “he loves his mom and his grandparents.”

Mother’s counsel asserted Mother (1) completed all the required programs, (2) was testing negative for drugs, and (3) was divorcing Father. Counsel said, “She is doing everything that she possibly can do.” Minors’ counsel argued it was not in the children’s best interests to offer Mother more services because C.F. felt safe and secure in Grandparents’ care, and he could be exposed to more domestic violence if returned to Mother. The Department agreed with Mother that circumstances had changed. The Department noted (1) Mother “gained some significant insight into her addiction,” and (2) Mother was now serving as a sponsor for other people in recovery. However, the Department asserted permanency with Grandparents would serve the children’s best interests.

The juvenile court remarked that Mother appeared to be “doing fantastic” and had made “real significant changes to her life.” Thus, the court found a change in circumstances. However, as to the best interests prong, the court found C.F. needed stability. The juvenile court noted there was a “chance that things ultimately could work[]out if [the court] were to extend mother services or reestablish services,” but the court concluded that possibility was too risky given that C.F. was “in a place that he is secure.” The court said, “He loves his mother. He loves his grandparents, so it’s not in [C.F.’s] best interest that I grant [M]other’s motion.”

In regard to D.W., the court found the bond between he and Mother was significantly less than that between C.F. and Mother, due to D.W. spending only the

first eight months of his life with Mother. The court concluded D.W. likely “has no memory” of residing with Mother. The court concluded it would not be in D.W.’s best interests to “put his permanency on hold.” Accordingly, the court denied Mother’s request to change a court order.

Mother’s juvenile court attorney asked the court to apply the parent-child bond exception to terminating parental rights, because C.F. wanted to maintain his relationship with Mother. Minors’ counsel stated she did not know if continuing the relationship with Mother outweighed the benefit the children would gain from permanency with Grandparents. Minors’ counsel asked the court to terminate Mother’s parental rights with the condition that Mother and Grandparents attend counseling together in order to “mend fences.”

The juvenile court found the children were adoptable. In regard to the parent-child bond exception, the court said, “I agree this is an unusual set of circumstances in that it’s one of those cases where the child or children . . . are still both closely bonded to mother and have a positive relationship with her. They have consistent visitation, and the children did, in fact, reside with mother for a significant period of time, so there is a bond there. It’s a good positive bond, and I give a lot of weight to [C.F.’s] stipulated testimony that he loves his mother. That’s really important. That’s a good thing. There is nobody in this courtroom who, in my mind, could tell me that’s a bad thing. That is a very good thing. It should continue.”

The court then concluded the bond between Mother and the children was not so great that it would be detrimental to the children to terminate Mother’s parental rights.

The court explained C.F. “would feel some sadness if he were cut off from mom, but he would probably feel more sadness” and suffer more detriment “if his permanent plan were derailed in order to continue that relationship with [M]other.” As a result, the court found the parent-child bond exception was not applicable. However, the court then remarked, “I think it’s critical that a relationship, though, be attempted to be maintained.”

The court ordered Mother and Grandparents to attend conjoint therapy sessions. The court explained, “If [Mother] continues to show that she’s made the progress to become a better person, it’s clearly in both children’s best interest that she be a part of their lives.” The court then terminated Parents’ parental rights to the children. The court selected adoption as the children’s permanent plan.

## **DISCUSSION**

### **A. REQUEST TO CHANGE A COURT ORDER**

Mother contends the juvenile court erred by denying her request to change a court order because providing Mother with reunification services would have been in the children’s best interests. We disagree.

Under section 388, a parent may petition a juvenile court to modify a previous order on the grounds of changed circumstances. (§ 388; *In re Nolan W.* (2009) 45 Cal.4th 1217, 1235.) The petitioner has the burden to show, by a preponderance of the evidence, a change of circumstances, and to show that the proposed modification is in the child’s best interests. (*In re B.D.* (2008) 159 Cal.App.4th 1218, 1228; Cal. Rules of

Court, rule 5.570(h)(1).) “We review the grant or denial of a petition for modification under section 388 for an abuse of discretion. [Citations.]” (*In re B.D.*, at p. 1228.)

As set forth *ante*, the juvenile court found Mother satisfied the “changed circumstances” prong. Accordingly, we focus our analysis on the “best interests” prong. The best interests of the child are determined by considering (1) the seriousness of the problem that led to the dependency; (2) the strength of the parent-child bond; and (3) whether the problem that led to the dependency has been resolved, or the ease with which it may be resolved. (*In re Amber M.* (2002) 103 Cal.App.4th 681, 685.)

In March 2011, C.F. was detained from Mother due to Mother abusing prescription drugs and suffering uncontrollable rages. In October 2012, both children were detained from Mother due to Mother driving while under the influence of prescription drugs. Thus, the reasons for the dependencies were Mother’s addiction to prescription drugs, her anger issues, and her act of driving while intoxicated with D.W. in the car.

The juvenile court found the children “are still both closely bonded to [M]other and have a positive relationship with her.” However, the court found the bond was not particularly strong. In discussing the parent-child bond exception, the juvenile court explained the exception only applies where the bond is so strong it would be detrimental to terminate the relationship. The court then said, “I don’t think the bond that exists here rises to that level.” The juvenile court’s finding is supported by the stipulated offer of proof that C.F. would have testified to (1) wanting to live with Grandparents and visit Mother, and (2) C.F. “would be sad” if he could not visit Mother. C.F. saw Mother

more as a visitor—someone he wanted to visit, but not someone with whom he wanted to live. This evidence supports the finding that Mother and C.F. shared a bond, but it was not particularly strong.

In regard to resolving the problem that led to the dependency, the timeline reflects C.F. was removed in March 2011, returned in February 2012, and removed again in October 2012. D.W. was born in January 2012. The Petco incident took place in approximately July 2012. Thus, Mother relapsed into abusing prescription drugs within six months of taking care of both children.

Mother explained that her relapse occurred because she was feeling overwhelmed and did not have a support system. Mother explained she had been trying to calm herself, but continued feeling anxious. At the time of the hearing on Mother's request to change a court order, Mother was still residing in a sober living facility. Given the short time frame in which Mother previously relapsed, the juvenile court could reasonably conclude there was a high risk of Mother relapsing when again confronted with stress and anxiety outside of the sober living facility. Thus, the juvenile court could properly find the medication addiction would not be easily resolved.

In sum, the record reflects the juvenile court acted within its discretion when it denied Mother's request to change a court order because the change was not in the children's best interests due to (1) the bond between Mother and the children not being particularly strong, and (2) the difficulties of resolving Mother's medication addiction.

B. PARENT-CHILD BOND EXCEPTION

Mother contends the juvenile court erred by not applying the parent-child bond exception to termination. 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.<sup>2</sup> (*In re Aaliyah R.* (2006) 136 Cal.App.4th 437, 449.)

The juvenile court found Mother’s visits with the children were consistent. Accordingly, we focus on the “benefit” prong of the analysis. “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

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<sup>2</sup> 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].) 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.”

would gain in a permanent home with new, adoptive parents.” [Citation.]” (*In re Aaliyah R.*, *supra*, 136 Cal.App.4th at p. 449.)

In March 2011, the Department took C.F. into protective custody and placed him with Grandparents. At that time, Mother was under the influence of prescription medication. C.F. was returned to Mother’s care in February 2012, on a family maintenance plan. In October 2012, both children were detained because Mother was under the influence of prescription medications. The children were again placed with Grandparents. This evidence supports a finding that C.F.’s well-being would be better served by adoption because C.F. needed stability after going back and forth between Mother’s and Grandparents’ home.

Additionally, Grandparents live in Temecula, while Mother lives in Riverside. Thus, C.F. has to change schools when he switches homes. C.F. is “below grade level in all areas” and needed to repeat second grade. C.F. had an individual education plan (IEP) and received special education services. The juvenile court could reasonably conclude the stability of a single school better served C.F.’s well-being, due to his special education needs.

Further, C.F.’s therapist diagnosed him as suffering generalized anxiety disorder and attention deficit hyperactivity disorder. C.F. appeared anxious and distressed due to “his conflicted loyalties (a ‘tug of war’).” C.F. was aware of the “animosity and rivalry between” Mother and Grandmother, and he was “sensitive to their feelings.” Since the rivalry between Mother and Grandmother is a source of stress for C.F., the juvenile court could also reasonably conclude that adoption would help stop C.F.’s anxiety and

stress, because the animosity between Mother and Grandmother could be reduced once C.F.'s permanent plan was resolved. Thus, the juvenile court was within its discretion in finding C.F.'s well-being was better served by adoption.

In sum, the evidence supports the finding that remaining in Grandparents care would provide C.F. with (1) stability, (2) consistent educational assistance, and (3) less reason to feel anxious. The juvenile court could reasonably conclude that, while C.F. shares a bond with Mother, C.F.'s well-being would be better served by gaining the permanency associated with adoption. Since the evidence supports the conclusion that the adoptive home benefits C.F. in multiple ways, the juvenile court's decision to not apply the parent-child bond exception to C.F. was within the bounds of reason.

D.W. was born in January 2012. D.W. began residing with Grandparents in October 2012. D.W. continued residing with Grandparents through the hearing on Mother's request to change a court order, in June 2013. The evidence supports the juvenile court's finding that D.W. likely did not remember living with Mother, due to his young age at the time of removal. Thus, D.W.'s bond with Mother is not as strong as C.F.'s bond with Mother, since D.W. likely thinks of Grandparents' home as his only home. The juvenile court could reasonably conclude D.W.'s well-being would be better served by gaining permanency through adoption, since D.W. was stable and Grandparents' home was likely the only home he knew.

Mother contends the juvenile court improperly relied on the hope of posttermination contact between Mother and the children when choosing to not apply the parent-child bond exception. Contrary to Mother's position, the juvenile court

explained it was not applying the exception because (1) the bond that existed between Mother and the children was not particularly strong, in that the children would not suffer detriment if the bond were severed; and (2) it would be detrimental to C.F. to “derail” his permanent plan of adoption. After the court concluded the exception did not apply, it discussed conjoint therapy. Thus, it does not appear the juvenile court’s analysis improperly relied upon posttermination contact, since the court had independent reasons for not applying the exception.

C. LEGAL GUARDIANSHIP OR LONG-TERM FOSTER CARE

Mother asserts the juvenile court erred by terminating her parental rights rather than ordering a plan of legal guardianship or long-term foster care. We disagree.

“At a permanency plan hearing, the court may order one of three alternatives: adoption, guardianship or long-term foster care. [Citation.] If the dependent child is adoptable, there is a strong preference for adoption over the alternative permanency plans. [Citations.]” (*In re S.B.* (2008) 164 Cal.App.4th 289, 296-297; see also § 366.26, subd. (c)(1).) Guardianship and long-term foster care are the preferable plans in situations where an exception to terminating parental rights is applicable, e.g., the parent-child bond exception. (*In re Beatrice M.* (1994) 29 Cal.App.4th 1411, 1420.)

The juvenile court found the children are adoptable. This finding is supported by the evidence reflecting Grandparents planned to adopt the children. (See *In re Lukas B.* (2000) 79 Cal.App.4th 1145, 1154 [evidence that a person is interested in adopting the child generally indicates the minor is adoptable].) Thus, the children were adoptable, thereby triggering the preference for adoption. As set forth *ante*, the juvenile court

reasonably concluded the parent-child bond exception did not apply to this case. Accordingly, there was no basis for the juvenile court selecting legal guardianship or long-term foster care over the preferred plan of adoption since (1) the children were adoptable, and (2) an exception to termination did not apply. Accordingly, we conclude the juvenile court did not err.

**DISPOSITION**

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

MILLER  
J.

We concur:

RICHLI  
Acting P. J.

KING  
J.