

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re J.G., a Person Coming Under the
Juvenile Court Law.

RIVERSIDE COUNTY DEPARTMENT
OF PUBLIC SOCIAL SERVICES,

Plaintiff and Respondent,

v.

J.S.,

Defendant and Appellant.

E065620

(Super.Ct.No. RIJ1401233)

OPINION

APPEAL from the Superior Court of Riverside County. Matthew C. Perantoni,
Judge. Affirmed.

Emery El Habiby, under appointment by the Court of Appeal, for Defendant and
Appellant.

Gregory P. Priamos, County Counsel, James E. Brown, Guy B. Pittman, and
Carole Nunes Fong, Deputy County Counsel, for Plaintiff and Respondent.

J.S. (mother) appeals from the juvenile court’s order denying her Welfare and Institutions Code section 388 petition and the judgment terminating her parental rights (§ 366.26)¹ with respect to her child, J.G. Mother contends the trial court erred by denying her section 388 petition to reinstate reunification services and by determining the parent/child relationship did not outweigh the benefits of adoption under section 366.26, subdivision (c)(1)(B)(i).² We affirm.

I

FACTUAL BACKGROUND

A. *Jurisdiction and Removal*

Mother and her two-year-old son, J.G., came to the attention of the Riverside County Department of Public Social Services (the Department) on November 21, 2014, by way of a referral for sexual abuse, caretaker absence or incapacity, and general neglect after the police arrested mother for prostitution.

A social worker spoke with law enforcement and met with mother and child at the police department the same day. At the time, mother was 22 years old. A police officer told the social worker mother was caught in a prostitution sweep. She had posted an advertisement offering “sexual favors” on the craigslist website. An undercover officer posed as a client, obtained prices, and arranged a meeting with mother. When police

¹ Unlabeled statutory citations refer to the Welfare and Institutions Code.

² Mother’s challenge to the judgment terminating her parental rights is based on the success of her challenge to the court’s denial of her section 388 petition.

officers arrived at mother's motel, they searched her room and found the child under a table covered with a blanket.

Mother confirmed these facts in an interview with police. Mother said she had two or three clients a day. She kept a baseball bat in the room for protection and admitted she knew her activities were wrong and put herself and her child in danger. In a separate interview with the social worker, mother said she was homeless, had stayed in shelters when she was pregnant, and most recently had been sleeping at a friend's house. Mother later admitted a history of using methamphetamine.

Mother identified F.G. as J.G.'s biological father. She said she met him in Tampa Bay, Florida. She said they were never married and he abandoned her when she told him she was pregnant. Mother said she had not had contact with the father, he had taken no responsibility for J.G. and had not provided either economic or emotional support.³

Later, social workers found marks on J.G. He had "scratches and scars on [his] legs[,] . . . several bumps with puss filled centers . . . on his diaper area and buttocks[,] . . . several scratches and bruises on his stomach, his left side rib area, and several bruises on his left arm, at or near his tricep area," as well as "a small cut to his outer left eye . . . [and] scarring to the right side of his neck." J.G.'s social worker reported doctors performed a child abuse and neglect exam on J.G and "informed her that the bumps on the child's private parts . . . were indicative of a severe diaper rash[,] . . . there was no

³ J.G.'s father is not a party to this appeal. We omit discussion related to the juvenile court's rulings on his parental rights.

evidence of sexual abuse to the child[,] . . . and the marks and bruises on his body are also indicative of physical abuse.”

Mother had previously been accused of sexual abuse and general neglect. On February 25, 2014, a reporting party said mother “has strangers pay for motel/hotel rooms and then have sex with them in the presence of the child in order to make money. Two weeks ago the caller saw the mother use crystal meth in front of the child. The caller states that the mother smokes marijuana in the hotel room in the presence of the child.” Mother denied the accusations at the time. The investigation terminated because the Department lost contact with the family.

On November 25, 2014, the Department filed a dependency petition on the basis that J.G. suffered or is at substantial risk of suffering serious physical harm or illness (§ 300, subd. (b)(1)) and that mother is incarcerated and father’s whereabouts are unknown so they cannot arrange for the child’s care (§ 300, subd. (g)). The Department made the following allegations supported by the social worker’s report. “The mother places the child’s physical and emotional health at risk in that the mother has engaged in sexual acts with strangers, while in the presence of the child and on November 21, 2014, the mother was arrested for child endangerment and loitering for solicitation of prostitution” (allegation b-1). “While in the care and custody of the mother, the child has suffered injuries, including, but not limited to, scratches, bruises, and scarring to multiple areas of his body . . . [and] has severe diaper rash” (allegation b-2). “The mother is homeless and is unable to provide adequate food, clothing, shelter, or medical treatment

for the child” (allegation b-3). “The mother has a history of abusing controlled substances, to include marijuana and methamphetamine” (allegation b-4). “The father is not a member of the child’s household, his whereabouts are unknown and he has failed to provide the child with adequate food, clothing, shelter, or medical treatment” (allegation b-5). Finally, the Department alleged “father’s whereabouts are unknown . . . [and] he is unable to provide care of support of the child” (allegation g-1) and “mother is currently incarcerated and her exact release date its unknown . . . [and] she is unable to provide care or support for the child” for J.G. (allegation g-2).

On November 26, 2014, based on the social worker’s report, the juvenile court found the Department had established a prima facie case J.G. came within section 300, subdivisions (b) and (g), and ordered him detained. The court ordered weekly supervised visits for mother.

The same day, mother was convicted of misdemeanor child endangerment or abuse (Pen. Code, § 273a, subd. (b)) and misdemeanor loitering with intent to commit prostitution (Pen. Code, § 653.22). Mother received 48 months of probation, set to expire on February 22, 2019.

The juvenile court held a jurisdictional and dispositional hearing on December 22, 2014. Mother was present, but waived her rights to present and cross-examine witnesses at trial. Based on the social worker’s reports, the juvenile court found true all the subdivision (b) and father’s subdivision (g) allegations. The court found the allegation that mother was incarcerated to be not true. The court sustained the petition and

adjudged J.G. a dependent of the court. The court removed J.G. from his mother, ordered the Department to provide mother with reunification services, and approved mother's case plan.

Mother's case plan required her to receive general counseling, parenting education, substance abuse treatment, and to submit to random substance abuse testing. Because J.G. was under three years old at the time of removal, the juvenile court indicated, "[f]ailure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services six (6) months from the date the child entered foster care" and "[a]t the 6 month hearing under [Welfare & Institutions Code section] 366.21 (e), if [J.G.] is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under [Welfare & Institutions Code section] 366.26," which "may result in the termination of parental rights and the adoption of [J.G.]."

B. The Reunification Period

According to the Department's six-month status review report, mother had failed to participate regularly in any reunification services. Mother attended only one general counseling session—the intake session, to which she arrived 30 minutes late. After she missed three subsequent appointments, her counselor discharged her. Mother claimed to have started her parenting class in late March 2015 and to have gone to a few sessions, but gave vague answers to the social worker's questions about which program she was attending and had not provided documentation confirming her attendance. Mother was

found to be in violation of her probation terms for failing to enroll in a parenting class, and the court ordered her to re-enroll by May 18, 2015 and demonstrate completion by July 13, 2015. Mother also failed to enroll in a substance abuse treatment program and failed to submit to random drug testing on April 6 and 22 and May 6, 2015. Mother claimed she went to test, but had been turned away because her name was not on the list. However, she did not provide the social worker documentation to support her story. On May 18, 2015, mother submitted to a random saliva drug test and tested negative for all controlled substances. Mother reported living in an apartment in Los Angeles County and working as a housecleaner earning \$800 a month.

Mother's visits during the reunification period began poorly before improving. Initially, mother cancelled several consecutive visits, but started attending regularly by February 2015, cancelling only a couple of visits. According to J.G.'s first foster mother, "[he] would not want to be near his mother for the first two months of visits. He would stay close to the foster mother and would not speak to the mother when spoken to or try to play with her when she brought toys. However," as of the time of the six-month status review report, J.G. had "slowly been engaging more with his mother and is now playing with her for approximately the last month of visits." The social worker reported observing J.G. "with his mother and he will sit next to her and play play-doh or cars with his mother but is very quiet." The foster mother reported J.G. "does not present as happy or sad when it is time to see his mother he will just say ok when she tells him that he is going to visit his mother. In addition, the foster mother reports that when the visit is

over, he is very willing to go and will say bye to his mother. He will often refuse to listen at home shortly after his visits but the foster mother is able to get him back on track within a few hours after coming home from his visits.”

The juvenile court held the six-month review hearing on August 3, 2015. Mother did not attend the hearing, and her counsel represented she had not been in contact with mother since July 13, 2015. The juvenile court refused to continue the hearing. Based on the social worker’s reports, the juvenile court found mother had made insufficient progress on her case plan and court-ordered treatment plan, terminated reunification services, and set a section 366.26 hearing for December 1, 2015.

C. *Section 366.26 Report and Mother’s Section 388 Petition*

In the section 366.26 report filed on November 19, 2015, the social worker reported, “The Department has not received any new information from the mother to indicate that she has enrolled or completed any services to overcome the issues that brought her to the attention of the Court.” The social worker reported mother had fallen out of compliance with the terms of her probation. “[A] warrant was issued on July 13, 2015, for violation of probation. On October 19, 2015, the warrant was recalled as the mother was cited and released. A Warrant/Violation of Probation Hearing is calendared on November 19, 2015. In addition, on November 02, 2015, the mother was terminated from her work release program for failure to complete.” The Department concluded, “it would be detrimental to return [J.G.] to the care of his parents at this time.”

The social worker reported J.G. was placed with a relative on July 13, 2015⁴ and was thriving since the placement. The relative is J.G.'s first cousin once removed, has no biological children, and lives with her mother and brother "in a small apartment with two bedrooms and one bathroom." Since moving into the new home, J.G. "has increased his vocabulary significantly and does not present as guarded or afraid. [J.G.] has lived with this caregiver in the past and this allowed for positive transition into her care. He has been able to strengthen his bond with the caregiver that he had prior to the Department's involvement in his life. [J.G.] has been able to gain weight and presents as a much happier child in his current caregiver[']s care." The social worker also reported, "[t]he caregiver indicated that she is happy to have [J.G.] in her home and is willing to provide permanency for him via adoption" and "is eager to adopt him."

The Department recommended termination of mother's parental rights and adoption as J.G.'s permanent plan. On December 1, 2015, the juvenile court continued the contested 366.26 hearing until February 29, 2016.

On February 29, 2016, mother filed a section 388 petition asking the juvenile court to change its order terminating her reunification services and setting a section 366.26 hearing. To support her petition, she represented she completed an outpatient substance abuse program, tested negative throughout the program, attended 12-step meetings,

⁴ Exhibit B to the November 19, 2015 section 366.26 report states J.G. was placed with the relative on July 15, 2015.

completed a parenting program, secured stable housing, became gainfully employed, and maintained visitation with J.G.

Mother attached to her petition a certificate of completion for a 12-step program at the Center of the Study and Treatment of Substance Abuse along with a progress report from the same organization indicating she had attended 42 sessions and had tested clean for all drugs. Mother also submitted a certificate of completion for a parenting program with a completion date of July 10, 2015. Mother also submitted a seller's permit issued by the California State Board of Equalization for an interior design business bearing her name dated November 24, 2015.

D. Hearing on Mother's 388 Petition and Termination of Parental Rights

The court held a hearing on mother's section 388 petition and on termination of parental rights on February 29, 2016. Mother testified regarding her changed circumstances. In addition, the court reviewed and admitted into evidence the social worker reports and mother's 388 motion and attachments.

Mother testified she had made substantial changes in her life since the termination of reunification services. She said she completed an outpatient substance abuse program on February 14. The certificate and progress report she attached to her motion shows the program ran for two and a half months, from November 30, 2015 to February 14, 2016. She testified she tested for drugs approximately 16 times during the program and all of the tests turned out negative. She also submitted a drug screen analysis showing she tested negative for drugs on November 25, 2015. Mother said she attended a weekly 12-

step program at the same time and is in contact with a sponsor to help her maintain her sobriety. Mother had finished both programs and said she was looking for an aftercare program. Mother also testified she had not used drugs since the case started in November 2014. In addition, mother said she had begun attending weekly counseling sessions for the prior four weeks. She explained she had tried to get into counseling earlier, but had been placed on a waitlist for six weeks. Finally, mother said she had completed a parenting program on July 10, 2015, as part of fulfilling the conditions of her probation and under threat of immediate incarceration.

Mother also testified she found a home and became employed. She said she began living alone in a two-bedroom home in July 2015 and had furnished the second bedroom for her son. Mother said she began doing interior design a couple of months earlier, and attached to her motion a permit from the California Board of Equalization dated November 24, 2015 to support the claim. On direct examination, mother testified she works on her interior design business from home, on a full-time basis, and it brings in sufficient income to support herself and J.G. However, on cross-examination, mother testified she usually works “two hours per week.” Prior to starting her interior design business, she had worked as a housekeeper, keeping steady hours of 9 a.m. to 2 p.m.

Mother testified she had attended supervised visits with J.G. regularly since the hearing terminating reunification services. Aside from two instances, one of them cancelled because J.G. was sick, mother attended all scheduled visits. Mother testified J.G. recognizes her at visits and “[h]e runs to me and he says ‘mommy’ and he hugs me.”

She said she brings J.G. clothes, snacks, and toys to every visit. Mother said she and J.G. talk and play during the visits. According to mother, a couple of times J.G. indicated he wanted to go with her at the end of visits and he acted sad when he could not do so.

Mother did not testify about why she received a warrant for failing to comply with the terms of her probation. Nor did she address how the court resolved the issue. She did not contradict the social worker's report that she was terminated from work release for failure to complete. She said she was finishing up her work release program in August and September, 2015.

The juvenile court found no change in circumstances. It noted, "mother does present as a very, quite frankly sympathetic person who appears to be trying hard to change her life around. . . . But, the law requires that I find changed circumstances not changing circumstances. And I cannot find changed circumstances in this case. Mother appears to be on the road to changing her circumstances, and I commend her for that, but her circumstances at this point the Court does not find have changed."

The juvenile court also found it would not be in the best interest of J.G. to resume reunification services. The court said, "[T]he child has been in [and] out of home care for 15 months, with the same caregiver for approximately half of that amount of time, a little over seven months. The child is in a stable placement, in a loving home that is dedicated to providing permanency for the child. The Court does not find that it would be in the best interest of the child to grant the motion."

The court then found a sufficient basis for terminating mother’s parental rights and that adoption is in the best interest of the child. The court also found by clear and convincing evidence that terminating parental rights “would not be detrimental to the minor in that none of the exceptions contained in Welfare and Institutions Code Section 366.26 (c)(1), (a) or (b) are applicable in this case” and adoption would “be in the best interest of the minor child.” The court ordered mother’s parental rights severed, referred J.G. to the county adoption agency for placement, and ordered an application for adoption by the current caregiver be given preference over any other application.

II

DISCUSSION

A. The Court Properly Denied Mother’s Section 388 Petition

Mother contends the juvenile court abused its discretion by denying her section 388 petition. We disagree.

“A juvenile court order may be changed, modified or set aside under section 388 if the petitioner establishes by a preponderance of the evidence that (1) new or changed circumstances exist, and (2) the proposed change would promote the best interest of the child. [Citation.] “The parent bears the burden to show both a ““legitimate change of circumstances”” and that undoing the prior order would be in the best interest of the child. [Citation.]” (*In re S.J.* (2008) 167 Cal.App.4th 953, 959.) To support a section 388 petition, the change in circumstances must be substantial. (*In re Heraclio A.* (1996) 42 Cal.App.4th 569, 577.) A petition must allege changed circumstances, not merely

circumstances that are in the process of changing. (*In re Casey D.* (1999) 70 Cal.App.4th 38, 47.)

“The petition is addressed to the sound discretion of the juvenile court, and its decision will not be overturned on appeal in the absence of a clear abuse of discretion. [Citations.]” (*In re S.J., supra*, 167 Cal.App.4th at pp. 959-960.) “[W]e 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.” (*In re A.S.* (2009) 180 Cal.App.4th 351, 358.)

Here, mother had several problems leading to the dependency. Mother was homeless, exposed her son to her prostitution activities, used drugs, and had mental health problems. In addition, J.G. had marks and scars that indicated physical abuse. The court terminated mother’s reunification services because she failed to participate regularly and make substantive progress in her case plan and treatment plan at the time of the six-month review hearing. As far as the juvenile court was aware at that hearing, mother had completed no elements of her case plan. She went to a general counseling intake session, but never returned. She claimed to have attended some parenting classes, but had not provided documentation. And she had completed one drug test, which was negative, but failed to test on three other occasions.

Mother filed her section 388 petition at the last minute, on the day of the section 366.26 hearing. There she claimed to have fulfilled the terms of her case plan and changed all the circumstances that led to the dependency. She testified she had in fact

completed a parenting class and located an apartment in July 2015, before the six-month review hearing. Further, she testified in the three months before the 366.26 hearing, she completed a substance abuse course and a 12-step program, tested clean for drugs, began attending counseling, and started her own interior design business, which she said provided enough income to support herself and J.G.

Mother's initial strides toward achieving stability are laudable. The problem with mother's efforts is they began late and are nascent; her testimony and exhibits show only that she has *begun* the process of addressing the very serious, often intractable problems that led to the dependency. Most of the changes mother identifies are steps she took within the three month period before the section 366.26 hearing. She enrolled in a substance abuse program on November 30, 2015 and began attending a 12-step program around the same time. She started seeing a counselor only in late January or early February. She obtained a permit for her business on November 24, 2015 and said she had been working at the business for a couple of months.⁵ And though she finished parenting classes in July 2015, she testified she did so only under threat of immediate incarceration. Only her housing situation was reasonably settled, as she testified she had been living in the same apartment for seven months. In the face of the many intractable problems that

⁵ Mother's testimony about the income she received from her interior design business is mixed. She testified she worked full-time and earned enough to support herself and J.G. But she also testified she worked only two hours a week. It is possible mother meant to say she worked two projects a week, rather than two hours. Even assuming mother had worked full-time over two months, the business was too new and too subject to failure for us to displace the trial court's determination that it represented a changing, not a changed, circumstance.

led to the dependency, the juvenile court could reasonably conclude that stable housing alone did not constitute a changed circumstance warranting modification of the order for termination of reunification services.

It is well established “[a] petition which alleges merely changing circumstances and would mean delaying the selection of a permanent home for a child to see if a parent, who has repeatedly failed to reunify with the child, might be able to reunify at some future point, does not promote stability for the child or the child’s best interests.

[Citation.]” (*In re Casey D.*, *supra*, 70 Cal.App.4th at p. 47.) Here, the juvenile court determined mother did not show her efforts were established enough to constitute a change in circumstances. We conclude that determination was not arbitrary, capricious, or patently absurd.

Even if there were a change in circumstances, mother does not explain how reunification services and liberalized visitation would be in J.G.’s best interest. The fact a parent “makes relatively last-minute (albeit genuine) changes” does not automatically tip the scale in the parent’s favor. (*In re Kimberly F.* (1997) 56 Cal.App.4th 519, 530.) Instead, the courts consider the following factors in evaluating the child’s best interest under section 388: (1) the seriousness of the problem that led to the dependency and the reason for any continuation of that problem; (2) the strength of the child’s bond with his new caretaker compared with the strength of the child’s bond with the parent, and (3) the degree to which the problem leading to the dependency may be easily removed or

ameliorated, and the degree to which it actually has been. (*In re Kimberly F.*, at pp. 531-532.)

In this case, these factors weigh against granting mother's section 388 petition. Mother had multiple problems that led to the dependency, each of them quite serious on its own. She was homeless, exposed her son to her prostitution, had a history of substance abuse, and exhibited mental health problems. In addition, J.G. had marks on his body indicative of physical abuse. Drug addiction and mental health problems are enduring problems that can require extended treatment; they are not easily ameliorated. (*In re Kimberly F.*, *supra*, 56 Cal.App.4th at pp. 531-532 & fn. 9 ["It is the nature of addiction that one must be 'clean' for a much longer period than 120 days to show real reform"].) As we discussed above, mother's actual efforts to ameliorate her problems, other than finding housing, are not sufficient to engender confidence that she has decisively addressed those problems.

Nor did mother show J.G.'s bond with her is so strong it compels a finding that further reunification services are in the child's best interest. It does appear from the record that mother and J.G. had developed a bond. Mother said J.G. recognizes her at visits and "[h]e runs to me and he says 'mommy' and he hugs me." She attended visits regularly after the August 3, 2015 hearing and brought him clothes, snacks, and toys to each visit. She reported they talked and played together and on a couple occasions J.G. indicated he wanted to go with her at the end of some visits and acted sad when he could not do so.

However, reports regarding the bond were not uniformly positive. Prior to the August 3, 2015 hearing, mother's attendance at visits was spotty and she missed visits several weeks in a row. According to the foster mother, J.G. "would not want to be near his mother for the first two months of visits. He would stay close to the foster mother and would not speak to the mother when spoken to or try to play with her when she brought toys." J.G.'s contact with mother had improved by the time of the six-month status review report, but the social worker reported observing J.G. "with his mother and he will sit next to her and play play-doh or cars with his mother but is very quiet." The foster mother reported J.G. "does not present as happy or sad when it is time to see his mother he will just say ok when she tells him that he is going to visit his mother."

In addition, J.G. was also bonded to his new caregiver. He had been placed with his caregiver for seven months at the time of termination, and according to his social worker was bonded to her and appeared to be thriving after only four months. The caregiver provided a nurturing, stable environment and is committed to adopting him. The social worker noted J.G. "has increased his vocabulary significantly and does not present as guarded or afraid. [J.G.] has lived with this caregiver in the past and this allowed for positive transition into her care. He has been able to strengthen his bond with the caregiver that he had prior to the Department's involvement in his life. [J.G.] has been able to gain weight and presents as a much happier child in his current caregiver[']s care."

Given these facts, we conclude the juvenile court did not abuse its discretion in determining that granting mother's section 388 petition would not serve J.G.'s best interest. (*In re Casey D., supra*, 70 Cal.App.4th at p. 47.) "Childhood does not wait for the parent to become adequate. [Citation.]" (*In re Marilyn H.* (1993) 5 Cal.4th 295, 310.)

B. The Parental Benefit Exception Does Not Apply

Mother contends the court erred in failing to find the parental benefit exception to terminating parental rights applied. Again, we find no error in the court's ruling.

"Adoption, where possible, is the permanent plan preferred by the Legislature." (*In re L. Y. L.* (2002) 101 Cal.App.4th 942, 947.) Once the juvenile court finds a child is adoptable, the parent bears the burden of proving one of the exceptions to terminating parental rights exist. (*In re Lorenzo C.* (1997) 54 Cal.App.4th 1330, 1343.) "[I]t is only in an extraordinary case that preservation of the parent's rights will prevail over the Legislature's preference for adoptive placement." (*In re Jasmine D.* (2000) 78 Cal.App.4th 1339, 1350.)

The exception at issue here, commonly called the parental benefit exception, requires the parent to prove "termination would be detrimental to the child" because the parent has "maintained regular visitation and contact with the child and the child would benefit from continuing the relationship." (§ 366.26, subd. (c)(1)(B)(i).) California courts have interpreted this exception to apply to only those parent-child relationships the severance of which "would deprive the child of a substantial, positive emotional

attachment such that the child would be greatly harmed.” (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 575.)

“The parental benefit exception applies when there is a compelling reason that the termination of parental rights would be detrimental to the child. This exception can only be found when the parents have maintained regular visitation and contact with the child *and* the child would benefit from continuing the relationship.” (*In re Anthony B.* (2015) 239 Cal.App.4th 389, 395.) “[T]he court balances the strength and quality of the natural parent/child relationship in a tenuous placement against the security and the sense of belonging a new family would confer. 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.” (*In re J.C.* (2014) 226 Cal.App.4th 503, 528-529.)

At the time of the February 29, 2016 hearing, J.G. was three years seven months old and had been out of mother’s custody for 15 months. As we discussed above, the evidence concerning the bond between J.G. and his mother is, at best, mixed. Initially, her attendance at visits was spotty and J.G. was afraid of her and stayed close to his foster mother when she did visit. Over the course of a couple months, J.G. began sitting and playing with mother, though he remained quiet and did not express enthusiasm for visits or upset at their termination. Crediting mother’s testimony about visits in the months leading up to the section termination hearing, the relationship had improved. She said J.G. recognized her at these visits and “runs to me and he says ‘mommy’ and he hugs

me.” She said she and J.G. talk and play during the visits, and a couple of times J.G. indicated he wanted to go with her at the end of visits and acted sad when he could not do so.

Against this evidence the juvenile court weighed evidence J.G. was bonded with his relative caregiver. J.G. had been placed with her for seven months at the time of the hearing, and had lived with her previously, before the removal. The social worker reported that since moving into the new home, J.G. had shown marked improvement on several fronts. The social worker also reported, “[t]he caregiver indicated that she is happy to have [J.G.] in her home and is willing to provide permanency for him via adoption” and “is eager to adopt him.”

We cannot conclude on this record that the juvenile court erred by determining the parent/child bond did not override J.G.’s need for a stable, permanent home with a caregiver who was meeting his needs and enthusiastic about adopting him.

In re Scott B. (2010) 188 Cal.App.4th 452 (*Scott B.*) and *In re Jerome D.* (2000) 84 Cal.App.4th 1200 (*Jerome D.*) do not require a different result. In both cases, the child’s relationship with the mother was much stronger, and explicitly so. In *Scott B.*, the child was 11 years old at the time the court terminated his mother’s parental rights. (*Scott B.*, at p. 471.) He had spent the first 9 years of his life with his mother. (*Ibid.*) Mother maintained regular weekly visits with him and the child looked forward to the visits. (*Ibid.*) Moreover, the child’s court appointed special advocate said mother and son had a very close relationship and expressed the opinion that it would be detrimental

to the child to disrupt the relationship. (*Ibid.*) Finally, the child repeatedly expressed his preference to live with his mother. (*Ibid.*) Similarly, in *Jerome D.*, the child “was nearly nine years old. He had lived with Mother for the first six and one-half years of his life and expressed his wish to live with her again. For at least two months, he had been having unsupervised overnight visits in her home. He called her ‘mom’ or ‘mommy.’ There was apparently no woman in his life other than Mother with whom he had a beneficial relationship.” (*Jerome D.*, at p. 1207.) In addition, the child’s new caretaker had “serious shortcomings as a caretaker, including his violence toward Mother in the children’s presence.” (*Id.* at p. 1208.) None of these factors is at play in J.G.’s case, and we conclude *Scott B.* and *Jerome D.* do not support reversing the juvenile court order terminating parental rights.

III

DISPOSITION

We affirm the order denying mother’s section 388 petition and the judgment terminating her parental rights.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

SLOUGH

J.

We concur:

McKINSTER

Acting P. J.

CUNNISON

J.