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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re Ju.G., et al., Persons Coming Under  
the Juvenile Court Law.

ORANGE COUNTY SOCIAL SERVICES  
AGENCY,

Plaintiff,

v.

J.G. et al.,

Defendants and Respondents,

Ju.G. et al.,

Minors and Appellants.

G049954

(Super. Ct. Nos. DP022980 &  
DP022981)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Deborah C.  
Servino, Judge. Affirmed.

Grace Clark, under appointment by the Court of Appeal, for Defendants and Appellants Ju.G. and Jo.G.

Nicole Williams for Plaintiff and Respondent J.G.

Megan Turkat Schirn under appointment by the Court of Appeal, for Plaintiff and Respondent E.T.

No appearance for Orange County Social Services Agency.

\* \* \*

J.G. (Father) and E.T. (Mother) are the biological parents of seven children in this dependency case. This appeal was filed by the two youngest children, Ju.G. and Jo.G. after the juvenile court granted Father's request for relative placement pursuant to Welfare and Institutions Code section 361.3.<sup>1</sup> We affirm the order.

## I

In September 2012, Ju.G., Jo.G., and their five older siblings (hereafter referred to as "the older siblings")<sup>2</sup> were removed from their parents' care after Jo.G. was born testing positive for methamphetamine. Orange County Social Services Agency (SSA) filed a petition alleging the parents failed to protect their children. (§ 300, subd. (b).) The petition stated Jo.G. and Mother both tested positive for methamphetamine at the hospital, and Mother admitted she had used methamphetamine for the past five to six months of her pregnancy. In addition, Mother failed to participate in regular and consistent prenatal care. It was alleged Mother had a history of substance abuse dating back to 2006. One of the older siblings, born in March 2007, also tested positive for methamphetamine when he was born. In 2007 Mother received Family Voluntary

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

<sup>2</sup> The older siblings range in age from seven years old to three years old. We refer to them collectively as "the older siblings" to achieve the objective of anonymity for all the minors, and we intend no disrespect.

Services that included parenting classes, a substance abuse treatment program, drug testing, and counseling. The petition alleged Mother failed to benefit from these services and continued to make decisions that placed the children at risk. It was alleged Mother and the six children lived in maternal grandmother's one-bedroom apartment. The children slept on blankets on the floor. Maternal grandmother and a maternal aunt and uncle also resided in the apartment, leaving no space for a crib or baby items for the newborn Jo.G. Mother and Father had no baby supplies for Jo.G. There was no room for Father at the residence, and he lived with other relatives. Mother had an eighth child, A.M., who lived with her father (who was not Father) in Las Vegas. Father had a prior drug-related criminal conviction in 2009, and he was unable to prove he completed a substance abuse program.

At the detention hearing on September 5, 2012, the court placed Jo.G. in foster care and released the other six children to Father's care. Jo.G. was placed in the home of his maternal cousin Johanna C.

In SSA's October 2012 report, the social worker recommended the court sustain the petition, declare dependency, and order a family maintenance plan for Father. She reported Mother was remorseful about not obtaining prenatal care and explained the family was experiencing a difficult year. Father had lost his job, and the family had to move out of their apartment. Mother and children began residing in maternal grandmother's small apartment and Father had to live apart from his family. The social worker reported Mother was no longer living with maternal grandmother to permit Father and the children to have a home using maternal grandmother's apartment.

The social worker visited Father and the children in maternal grandmother's home. Father was "finding it hectic and overwhelming in his new role as sole caregiver, and single parent for his six children under the age of [seven]." The social worker opined Father was doing his best and providing the children with their basic needs. She stated, "[F]ather needs to demonstrate a stronger commitment to the

children's safety and well-being before [Jo.G.] can be returned home." The social worker recommended services be provided to both parents.

The detention hearing was continued, and in mid-October SSA filed a report changing its recommendation after Father repeatedly tested positive for drugs. The social worker reported SSA obtained a warrant and removed the children from Father's care. They were initially placed at Orangewood Children & Family Services (Orangewood). SSA filed an amended petition, adding allegations under section 300, subdivision (b), regarding Father's substance abuse history dating back to 2003 and his positive drug tests while being the children's sole caretaker. At the October 17, 2012, detention hearing, the court determined the children must be removed from Father's care and ordered visitation for both parents.

The next SSA report, dated October 31, 2012, stated Jo.G. remained with his maternal cousin, and the other children were placed with maternal grandmother. At the jurisdictional/dispositional hearing, Mother and Father submitted to the allegations in the petition. The court found the allegations to be true. It ordered family reunification services.

#### *A. Six-Month Review*

From December 2012 to May 2013, the parents did not comply with their court-ordered case plan. SSA recommended the court terminate services and schedule a section 366.26 hearing (hereafter permanency hearing). The social worker noted the children were adjusting well to maternal grandmother as their caregiver and "thriving" in her home. Jo.G. appeared to be "relaxed and stable" in the care of his maternal cousin. The social worker stated the caregivers were willing to adopt if the parents failed to reunify with them. The social worker noted the caregivers had violated the visitation guidelines and allowed one or both parents to spend the night with the children. As a result, monitored visits with the parents were moved to SSA's offices. At the May 29,

2013, review hearing, the court terminated reunification services and scheduled a permanency hearing for September 2013.

*B. Change of Placement*

When SSA filed its September 2013 report in anticipation of the permanency hearing, the social worker reported the children were all placed with their maternal cousin and maternal grandmother in a new apartment. Both the maternal cousin and maternal grandmother expressed an interest in adopting the children. The social worker opined each child was adoptable. SSA recommended the court terminate parental rights and suggested the permanent plan of adoption by a relative. The permanency hearing was continued to October 8, 2013.

All did not proceed as planned. On October 2, 2013, two social workers completed an announced home visit at the caretakers' home. One of the older siblings, age six, reported maternal cousin had scratched his ears "with her big nails" hurting him badly. The child reported his maternal cousin made him stand while holding his arms up during a time out. In addition, she spanked him and his siblings with a pink belt that left red marks. The child stated he was afraid of maternal cousin. The social workers interviewed three other children, aged five, seven, and eight, who all denied physical abuse and did not know how their six-year-old brother hurt his ears.

The social workers held a meeting the following day, during which maternal grandmother complained of dizziness and chest pains. She fell from her chair and was taken to the hospital. The meeting was postponed. During these events, one social worker realized Mother was pregnant again and asked her several questions. Mother admitted she was not receiving prenatal care and was still using drugs.

In light of the above events, SSA changed its recommendation of adoption, stating the court should authorize a plan of long-term foster care for the children and schedule a post-permanent plan review hearing. On October 7, 2013, the court ordered the children would be detained in an emergency shelter home pending replacement. The

older children were placed in group homes. Jo.G. and Ju.G. were placed together in the foster home of “Ronald and Regis.”

The following day, county counsel informed the court SSA recommended continuing the permanency hearing “in order to find suitable placement for the children.” The court continued the hearing to January 8, 2014.

On October 9, 2013, SSA held a “Team Decision Making” (TDM) meeting to discuss the children’s emergency removal from maternal cousin. The social worker told the parents the children had “endured multiple placement changes with various relatives and need[ed] a stable and permanent placement that include[d] a permanent plan of adoption for the children.”

Maternal grandmother stated she was willing to take the four oldest children. The social workers determined this was not possible because maternal grandmother did “not have stable housing at present, resides with other family members, is unemployed, and has moved multiple times with various family members.” Paternal aunt, V.G., considered taking the two youngest children (Jo.G. and Ju.G.), but determined she did not have the childcare resources to care for a one-year-old child and a two-year-old child, in addition to her own two young children, while working as a single full-time parent. Paternal grandfather offered to take all the children, however, this plan was rejected because he had an un-exemptible substantiated child abuse report on one of his children in 2003-2004.

In early November 2013, SSA assessed maternal grandmother for relative placement. Maternal grandmother said she wanted to care for all the children. The social worker completed a home evaluation and noted no concerns or deficiencies. Maternal grandmother was residing in a spacious three-bedroom, one-bathroom home. The social worker reported the house was clean and had appropriate bedding and plenty of food. The maternal grandmother reported she had been involved with her grandchildren since they were born. She planned to use after-school care for the children and her ex-husband

was willing to help financially support them. The social worker determined that with respect to the older children, maternal grandmother was “the most favorable placement option at this time.”

SSA held another TDM meeting on November 19, 2013, to discuss the issue of “permanency.” The parents stated they would like all the children to be placed together. Maternal grandmother stated she would like all seven children placed in her care. Paternal aunt V.S. expressed concern about maternal grandmother’s stability and “on-going ability” to care for seven children. V.S. noted maternal grandmother only recently rented her home and she was concerned maternal grandmother would become overwhelmed. A senior social worker expressed concern that some of maternal grandmother’s stability was contingent on financial support she received from Father and her ex-husband. Maternal grandmother previously had custody of all the children but lost her housing due to violating the lease terms about the maximum number of inhabitants. The social worker wondered if maternal grandmother would be able to set boundaries with Father, even though he was providing her support. A different social worker discussed maternal grandmother’s ability to deal with the children’s behaviors and developmental issues. One of the older siblings had twice expressed suicidal ideation while staying in the emergency group home. Another child had exhibited extreme temper tantrums that required extended individual staff supervision at the group home. A social worker stated the children would benefit from therapy, and it was unclear what resources would be available for the children if they lived with maternal grandmother in a small town located in the Mojave Desert.

The social workers also discussed some of the family’s positive attributes. One social worker stated the children all loved each other and wanted to be together. A relative was willing to move into maternal grandmother’s home and provide childcare while grandmother was working. Father was employed full time and financially helping maternal grandmother. He had purchased beds, a washer, and a dryer for the house.

Mother and Father stated they were staying at her father's home, they had been clean for over a month, and Mother was expecting her child to be born in January. A social worker pointed out the children were eligible for financial assistance, sufficient to cover the rent and other expenses without assistance from Father or maternal grandfather.

The paternal aunt and uncle expressed an interest in adopting one of the older children. The foster parents for the two youngest children stated they wished to adopt these children and would facilitate visits between all the siblings. Regis reported Jo.G. was frequently sick and had many doctor's appointments. Jo.G. was starting a program to address issues related to prenatal drug exposure. Regis stated Ju.G. was talking more but having trouble sleeping through the night. Regis and Ron opined the children were doing well in their placement.

At the end of the meeting, it was determined "by consensus of those persons present" that the older children would be placed with maternal grandmother and the two youngest children would remain in their current placement. The social worker noted in her report that maternal grandmother agreed with the plan of placing the older siblings with her, and having the two younger children, Ju.G. and Jo.G., remain in foster care.

In early December, the older siblings were placed with maternal grandmother. The social worker visited the children soon after their arrival. She observed the children were well-adjusted and happy.

At the end of December 2013, Father filed a motion for relative placement pursuant to section 361.3. He requested the court to order SSA to place Ju.G. and Jo.G. with maternal grandmother. The matter initially scheduled to be heard on January 8, 2014, was continued (by stipulation of the parties) to February 3, 2014. The permanency hearing was also continued to that date.

The social worker reported she visited maternal grandmother on January 16, 2014. Maternal grandmother stated she wished to have all seven children placed in

her care. After discussing the challenges to providing a safe and permanent home to seven children, maternal grandmother acknowledged there had been difficulties but she asserted she was in a position to provide a stable home for all seven children. She stated she was receiving financial help from Father and maternal grandfather, but their assistance was no longer needed because she had found employment. Maternal grandmother also reported the children were happy and her grandson no longer expressed suicidal ideation. Maternal grandmother stated she would be willing to transport the minors to therapy.

The social worker reported Ronald and Regis continued to provide excellent care for Ju.G. and Jo.G., and included the children in all family activities. They expressed a desire to adopt the children and indicated they would be willing to continue visitation between the siblings as well as with the biological parents. They stated they understood the importance of family and would do whatever they could to ensure the children maintained a connection with their biological family. Ronald and Regis had been in a committed life-partner relationship for over 15 years and married in 2013. They both had graduate degrees and successful careers. Ronald and Regis had been licensed foster care providers for six years, and they had grown to love Ju.G. and Jo.G. The social worker opined Ronald and Regis were excellent caretakers who had gone “above and beyond” in ensuring the children’s specialized needs were met, as well as providing a stable and loving home.

On the hearing date, February 3, the matters were continued to February 6. Counsel for the older siblings filed a section 388, subdivision (b) petition that requested they have standing to participate in the hearing on relative placement. The petition stated SSA’s “current recommendation is adoption by non-related caretakers, which [would] sever their sibling relationship and foreclose a future relationship with them.” Counsel added, “The minors are all extremely bonded and have lived their lives together. They all need to be placed together with their [m]aternal [g]randmother . . . where the [five] oldest

minors are currently placed, and with whom both . . . Mother and Father seek to have all the children placed . . .” The parties agreed to the petition, and the court granted the request. The hearing was continued to February 10, 2014.

At the hearing, the oldest of the sibling set (age nine) testified maternal grandmother provided appropriate care and he wanted Jo.G and Ju.G. to live with them. The child became tearful on the stand when speaking about how he missed Ju.G. in particular. Counsel stipulated the next oldest children (ages seven and six) would testify to the same information. The court also heard testimony from social workers and maternal grandmother. The court granted Father’s motion for relative placement with maternal grandmother. Jo.G. and Ju.G. appealed.

## II

Jo.G. and Ju.G. (hereafter referred to collectively as “appellants”) contend section 361.3 “was not properly at issue here, and did not authorize” the court to change their placement because they were “happily placed in a prospective adoptive home with caretakers they were bonded to,” and maternal grandmother was “found to be an unsuitable caretaker[.]” We find no error.

Section 361.3, often referred to as the relative placement preference, provides that preferential consideration must be given to suitable relatives whenever the placement of a dependent child must be made. (§ 361.3, subs. (a), (d).) “‘Preferential consideration’ means that the relative seeking placement shall be the first placement to be considered and investigated.” (§ 361.3, subd. (c)(1).) It is well settled, “The relative placement preference . . . is not a relative placement *guarantee*[.]” (*In re Joseph T.* (2008) 163 Cal.App.4th 787, 798 (*Joseph T.*)) However, section 361.3, “express[es] a command that relatives be assessed and *considered* favorably, subject to the juvenile court’s consideration of the suitability of the relative’s home and the best interest of the child.” (*In re Stephanie M.* (1994) 7 Cal.4th 295, 320.)

Section 361.3 identifies the factors the trial court and social worker must consider in determining whether the child should be placed with a relative, including the child's best interest, the parents' wishes, the good moral character of the relative and any other adult living in the home, the nature and duration of the relationship between the child and the relative, the relative's desire to provide legal permanency for the child if reunification fails, and the relative's ability to protect the child from his or her parents. (§ 361.3, subd. (a)(1)-(8).) The juvenile court is required to consider the factors identified in section 361.3, subdivision (a), "in determining whether placement with a particular relative who requests such placement is appropriate. [Citation.]" (*In re Antonio G.* (2007) 159 Cal.App.4th 369, 377, fn. omitted.) However, the "linchpin of a section 361.3 analysis is whether placement with a relative is in the best interests of the minor. [Citation.]" (*Alicia B. v. Superior Court* (2004) 116 Cal.App.4th 856, 862-863.) Consequently, "[R]egardless of the relative placement preference, the fundamental duty of the court is to assure the best interests of the child, whose bond with a foster parent may require that placement with a relative be rejected." [Citation.] Section 361.3 does not create an evidentiary presumption that relative placement is in a child's best interests. [Citation.]" (*In re Lauren R.* (2007) 148 Cal.App.4th 841, 855.)

By its express terms, section 361.3 applies in two situations: When a child is removed from parental custody (§ 361.3, subd. (a)), and thereafter, "whenever a new placement of the child must be made . . . ." (§ 361.3, subd. (d).)<sup>3</sup> In this case, we have determined the second situation applies.

It is instructive to review what section 361.3, subdivision (d), provides: "[W]henever a new placement of the child must be made, consideration for placement

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<sup>3</sup> We recognize one appellate court, in *Joseph T.*, *supra*, 163 Cal.App.4th at page 795, has interpreted section 361.3, subdivision (d), as an ongoing preference, whether or not a new placement is needed. Even if subdivision (d), is construed as broadly as *Joseph T.* suggests, a matter we need not decide, it does not change the outcome of this appeal. As we will explain, there was a need for a new placement.

shall again be given as described in this section to relatives who have not been found to be unsuitable and who will fulfill the child's reunification or permanent plan requirements." The relative placement preference afforded by section 361.3, subdivision (d), has been found to apply when a new placement becomes necessary after reunification services are terminated, but before parental rights are terminated. (*Cesar V. v. Superior Court* (2001) 91 Cal.App.4th 1023, 1032 (*Cesar V.*)) Such was the case here.

In May 2013 reunification services were terminated, and the issue of parental rights was scheduled for a hearing in September. At the time, all the children were residing together with their maternal cousin, Johanna C. On October 2, 2013, the seven children were removed from Johanna C.'s home after it was determined she was abusive. On October 7, 2013, the court ordered all the children be detained for their protection "pending replacement." The court ordered the children be detained at "Orangewood, [an] emergency shelter home, or any suitable facility pending placement." The following day, county counsel stated SSA requested a continuance to find a "suitable placement for the children." County counsel advised the court, "It's my understanding that there are a number of relatives that are asking to be assessed right now. The agency does not anticipate it taking real long to get the children re-placed. They are asking for 90 days, if that's agreeable to the parties, and the recommendation would be still for adoption, but with meeting time." The matter was set for a 15-day review hearing. The children were separated into three temporary placements. The older children were placed at two group homes. Appellants were placed together in a foster home (with Ronald and Regis). SSA held TDM meetings in October and November to consider the needs of all the children, not just the older siblings. SSA requested a continuance to have time to assess the homes of relatives. Based on this record, the necessity for a new placement for *all* seven children is readily apparent. SSA and the court were required to consider the relative placement preference pursuant to section 361.3, subdivision (d).

Appellants suggest they were not put in a temporary placement but rather went to a permanent pre-adoptive home with Ronald and Regis (after being removed from Johanna C.). The record does not support this contention. At the section 361.3 hearing, the program manager for the adoptions division family services, Shekoufeh Markel, testified Ronald and Regis's foster home was a temporary shelter. Markel explained her job was to oversee the entire Orange County adoptions program. Markel testified she arranged for the two youngest children of the sibling set to be "placed with one of the families who have an approved home study, and that's a new program that we implemented about a year ago where we offer concurrent help for families, planning families, completed home study and foster care license to be available to provide short term foster placement for children in order to avoid having children going to Orangewood." Markel stated appellants' placement was a "temporary shelter" and "not [an] arranged adoptive placement." Markel explained the agency has a strong desire and has made a commitment to keep very young children out of Orangewood.

Markel stated that after the children were placed with Ronald and Regis the SSA's plan for the children "evolved" to keeping the children there in a permanent adoptive home. This occurred, "When it became known that the children were on [an] adoption track, meaning there had been a recommendation to terminate services . . . ." Markel stated that at the TDM meetings about where the children should be placed, the caretakers "expressed a desire to maintain the children in their care if allowed. So that's how it evolved."

The record from the TDM meeting on November 19, 2013, shows maternal grandmother requested all seven children. The social workers discussed where the seven children should be placed, not just five. Thus, as of November 2013, SSA did not consider the placement with Ronald and Regis to be permanent. It was not until after the November TDM meeting that SSA concluded the relative placement presumption would

apply to only five of the seven children. SSA determined appellants would be put in an separate adoptive placement with non-relatives.

Contrary to the arguments raised on appeal, it was entirely appropriate for Father to seek review of SSA's relative placement decision two weeks later. (See *Cesar V.*, *supra*, 91 Cal.App.4th 1023, 1033 ["the juvenile court must exercise its independent judgment rather than merely review SSA's placement decision for an abuse of discretion"].) "The statute itself directs both the 'county social worker and court' to consider the propriety of relative placement. [Citation.] The cases, too, discuss the relative placement preference in the context of an independent determination by the juvenile court. '[T]he statute expresse[s] a command that relatives be assessed and considered favorably, subject to the juvenile court's consideration of the suitability of the relative's home and the best interests of the child.' [Citation.]" (*Ibid.*) To summarize, SSA's decision at the November TDM meeting was not the final say on the issue of relative placement. We recognize Ju.G. and Jo.G. were happily living in their temporary arrangement with foster parents, but there was a need for a permanent placement order. For the above reasons, we reject appellants' argument the trial court was not authorized to consider the relative placement preference or that section 361.3 was not at issue. The court properly exercised its independent judgment on the relative placement preference as required by section 361.3.

The second issue raised on appeal is whether maternal grandmother was found to be "unsuitable" and therefore would not qualify for relative placement under section 361.3, subdivision (d) ["consideration for placement shall again be given as described in this section to relatives who have not been found to be unsuitable"]. The fact SSA placed the older siblings in maternal grandmother's care squarely defeats this claim. There is no factual basis in this record on which we could conclude maternal grandmother is a suitable caretaker for five but not seven children. By all accounts she provides the children with a loving and stable home life.

The last argument is the court abused its discretion in moving appellants from a potential adoptive home to maternal grandmother's home. As stated above, courts must consider the factors enumerated in section 361.3, subdivision (b), when assessing a relative. There appears to be no dispute the court properly evaluated these factors and discussed its reasoning on the record.

Nevertheless, appellants assert the court abused its discretion because the court did not adequately consider the following facts: (1) maternal grandmother would never be approved to adopt the minors and offer them legal permanence; (2) she could not provide them with an adequate home and necessities because there would be 10 people residing in a three-bedroom house; (3) she created an employment plan that did not leave her with any time or resources to provide anything other than the barest of necessities; (4) she had no plan for childcare while she worked; and (5) she could not implement the case plan because she had failed to start the minors in therapy. We conclude these concerns are unfounded, and will address each one separately.

#### *A. Legal Permanence*

Section 361.3, subdivision (a)(7)(H), states a factor for the court to consider is the relatives' ability to "[p]rovide legal permanence for the child if reunification fails." Subparagraph (H), also states, "However, any finding made with respect to the factor considered pursuant to this subparagraph and pursuant to subparagraph (G) [regarding implementing all the elements of the case plan] shall not be the sole basis for precluding preferential placement with a relative." (§ 361.3, subd. (a)(7)(H).) Thus, "legal permanence" is not a dispositive factor standing alone. In addition, we found no case authority, and appellants cite to none, holding "legal permanence" means adoption. Legal guardianship can also be child's permanent plan under section 366.26, subdivision (c)(1)(A). Maternal grandmother can provide the children with a stable and permanent environment through legal guardianship.

### *B. Inadequate Home*

Appellants suggest maternal grandmother's home is inadequate because if seven children were to live with her there would be nine or ten people residing in a three-bedroom apartment. There is nothing in the record to support this argument. The social workers reported the children living with maternal grandmother always appeared to be well cared for. The minors did not exhibit any emotional or mental health issues while residing with her. One social worker opined the children "thrived" in maternal grandmother's care. To hold cramped living arrangements would be detrimental to appellants' well-being would be pure speculation. We will not be influenced by "'class and life style biases.'" (*In re G.S.R.* (2008) 159 Cal.App.4th 1202, 1212, ["indigency, by itself, does not make one an unfit parent"].)

### *C. Employment Plans*

Appellants argue, "[T]he [maternal] grandmother's plan to work two or three jobs so she could independently provide financial support, even if realistic, did not leave any extra time or resources for anything but the barest of necessities, if that. . . . It also left very minimal time for her to actually spend with the children." Like the previous argument, this contention appears to suggest earning a low income should be the dispositive factor when considering a relative's fitness as a caregiver. It is not. Moreover, appellants' contention is factually inaccurate. Maternal grandmother never said she intended to work three jobs to support the children. During cross-examination maternal grandmother admitted she relied on Father and maternal grandfather's financial assistance of approximately \$1,000 per month. When asked what she would do *if* she no longer received help from relatives, maternal grandmother stated she would work more jobs. She explained she was about to begin a new job and "if I need to get a second job I'll do it." She added, "If I need to have a third job, I'll do it. I mean, I will fight for

these kids, for their health and for their . . . safety.” If she had to get additional jobs, her niece, Geneva, would be able to help with the children. In short, maternal grandmother never said it was necessary for her to work three jobs to make ends meet. In addition, maternal grandmother stated she would soon be receiving food stamps and public assistance to help with the household costs. A social worker at the November 2014 TDM meeting opined maternal grandmother was eligible for public assistance that would be sufficient to cover the rent and other expenses without having to rely on family members. At the court’s evidentiary hearing, a different social worker confirmed this information was accurate. In light of the above, it is unlikely maternal grandmother will have to work three jobs and be away from the children for financial reasons.

#### *D. Childcare*

Appellants point to maternal grandmother’s admission she had not looked into the cost of what full-time daycare would cost. Appellants assert maternal grandmother simply “hoped” her niece, Geneva, would help watch the children and consequently, there was no plan in place for childcare. They note there are “no extra resources from which to easily provide care.” They misrepresent the record. Maternal grandmother made definite plans for childcare. On direct examination, maternal grandmother said she planned (not hoped) that Geneva, who was 20 years old, would take care of the children. On cross-examination, maternal grandmother elaborated Geneva would care for the children while she worked the graveyard shift (10:00 p.m. to 6:00 a.m.) at Jack-in-the-Box. She planned on having Geneva live with the family and also pay her. She also said her 27-year-old son, who lived nearby, would help with daycare. It should go without saying that many loving families rely on relatives for support with daycare. Some would argue this familial arrangement as opposed to a “for-profit” daycare is in the child’s best interests.

### *E. Implementing the Case Plan*

Appellants argue maternal grandmother failed to show an “ability to implement the case plan.” Two of the older siblings demonstrated a need for therapy when they were in temporary emergency care. Appellants argue the social worker had recommended therapy for the children, but maternal grandmother had not taken the children to therapy. They ignore evidence showing the social worker never provided a referral for the children to begin therapy. Maternal grandmother was told that after a referral was generated a therapist would contact her directly. The maternal grandmother testified, and the social worker confirmed, the referral was not made. The social worker stated maternal grandmother was willing to take the children to counseling. There is no evidence she lacked an “ability” to do so.

### III

We review a juvenile court’s placement determination for abuse of discretion. (*Alicia B. v. Superior Court* (2004) 116 Cal.App.4th 856, 863.) We conclude the trial court had ample evidence maternal grandmother was a competent, loving, and stable placement for seven children. Three-year-old Ju.G. had spent most of his life with his siblings and maternal grandmother, who he called, “mommy.” It was undisputed the older siblings were closely bonded with Ju.G., and he to them. The court reasonably concluded there was also a significant bond between Ju.G., and 18-month-old Jo.G., and they should not be separated. The court acknowledged the younger children were placed with Ronald and Regis for five months and developed a loving bond, but it was in appellants’ best interests to be placed with their older siblings and maternal grandmother. Although maternal grandmother had limited financial means, there is no dispute she intends (and is capable of) offering a loving, safe, and permanent home to her grandchildren. Based on the totality of the circumstances in this record, it cannot be said

the court abused its discretion in ordering appellants placed with maternal grandmother.  
The order is affirmed.

O'LEARY, P. J.

WE CONCUR:

RYLAARSDAM, J.

MOORE, J.