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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

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

H041391
(Santa Clara County
Super. Ct. No. 1-11-JD20917)

SANTA CLARA COUNTY
DEPARTMENT OF FAMILY AND
CHILDREN'S SERVICES,

Plaintiff and Respondent,

v.

J.G. et al.,

Defendants and Appellants.

I. INTRODUCTION

J.G. is the child in this dependency case. Both his mother, J.C., and his father, also J.G., have appealed following the juvenile court's termination of their parental rights. (See Welf. & Inst. Code, § 366.26.)¹

The mother contends that there is no substantial evidence to support the juvenile court's finding that her continued custody of the child was likely to result in serious emotional damage to the child. (See § 366.26, subd. (c)(2)(B)(ii).) The father contends

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

that there is no substantial evidence to support the juvenile court's finding that the father and the child did not have a beneficial parent-child relationship. (See *id.*, subd. (c)(1)(B)(i).) The father also joins in the mother's briefing. The child has not filed a brief.

For reasons that we will explain, we will affirm the juvenile court's order terminating parental rights.

II. BACKGROUND

A. Section 300 Petition

On November 2, 2011, the Santa Clara County Department of Family and Children's Services (the Department) filed a petition under section 300, subdivisions (b) [failure to protect] and (j) [abuse of sibling] alleging that the child, then three months old, came within the jurisdiction of the juvenile court.

The petition alleged the child had suffered or was at a substantial risk of suffering serious physical harm. The child had been placed in protective custody after the mother was arrested "on multiple felony charges." The mother's criminal history included multiple narcotics convictions. The father also had a "lengthy" history of substance abuse and multiple narcotics convictions.

The parents had been offered "Informal Supervision Services" for the child's three older siblings in 2005. One of the child's siblings had been born with a positive toxicology screen for amphetamines. All three siblings were under a legal guardianship.

The parents were both asked for information about any Indian ancestry. The mother reported that she had no Indian ancestry, but the father indicated he might have Indian ancestry.

B. Detention Hearing

At the detention hearing held on November 2, 2011, the juvenile court found that the Department had not made a prima facie showing to detain the child from the father's

custody, and the juvenile court therefore ordered the child released to the father's care. The juvenile court determined that the Indian Child Welfare Act (ICWA) applied, and it ordered supervised visitation for the mother at least two times per week.

Subsequent to the detention hearing, ICWA notice was sent to the Native Village of Tanana, an Indian tribe in Alaska. A first amended section 300 petition was filed on November 22, 2011. The first amended section 300 petition contained allegations under section 300, subdivision (b) only.

C. Jurisdiction

The Department prepared a jurisdiction/disposition report dated November 23, 2011. Subsequent to the detention hearing, the father had placed the child with a maternal cousin.² The Department requested the juvenile court appoint the child's maternal cousin as the child's legal guardian and dismiss the case. Both parents were willing to waive reunification services in order to effectuate this result.

In an addendum report dated February 14, 2012, the Department changed its recommendation, after both parents indicated they wanted to receive reunification services. The Department recommended that the juvenile court sustain the petition and provide services to both parents.

ICWA expert Sean Osborn submitted a declaration dated February 9, 2012, in which he opined that removal of the child from the parents was necessary and that the child's placement with the maternal cousin complied with the ICWA placement preferences.

On February 14, 2012, both parents submitted on the first amended petition. The juvenile court sustained the petition and set the matter for a disposition mediation.

² The record variously refers to "the child's maternal cousin," "the mother's paternal cousin," and "the paternal cousin." At some point during the proceedings, the Department discovered that the "cousin" was "not related to the child at all." For consistency, we will refer to the "maternal cousin."

D. Disposition

The Department filed an addendum report on March 8, 2012, addressing disposition issues. The father was looking for housing. He was working and trying to visit with the child. He had tested positive for marijuana, but he had a medical marijuana card. The father did not think that smoking marijuana affected his ability to care for the child.

After a disposition mediation, the juvenile court ordered the parents to participate in parenting classes and to drug test. The juvenile court also ordered the mother to participate in counseling and to attend and complete substance abuse programs. The juvenile court ordered the father to obtain stable housing and a childcare plan, and to “have a plan for use of medical marijuana outside the presence of the child and a plan for care [and] transportation of the child while he is under the influence of medical marijuana.” The mother was ordered to have weekly supervised visits, and the father was ordered to have twice weekly unsupervised visits.

E. Interim Review Report

The Department filed two interim review reports on May 10, 2012. In the first report, the social worker stated that he had not been able to contact the mother, and that the mother had not provided any drug tests. The father had lost the drug testing information, and although he had been provided with the information again, he had not reported any drug tests.

In the second report, the social worker stated that he had seen the father’s new apartment. The father had also provided a written day care plan for the child, evidence that he had completed a parent orientation class, and evidence that he was signed up for a parent education class. The father stated that he no longer smoked marijuana. He took a THC pill instead, but not when he was caring for the child. The social worker recommended that the child be returned to the father.

At the six-month review hearing held on May 10, 2012, the juvenile court ordered the child placed with the father.

F. Section 388 Petition

On September 14, 2012, counsel for the child filed a section 388 petition, asking the juvenile court to remove the child from the father's custody. Counsel for the child alleged that the father had "largely" left the child in the care of the maternal cousin, but had provided little to no financial support. The father was not living in the apartment he had shown to the social worker. The child was behind on his immunizations and the maternal cousin could not get him medical care. The father visited the child irregularly, sometimes at bedtime. The maternal cousin believed that the father was using marijuana and alcohol in the child's presence. The child was dirty and wearing soiled diapers when he returned from visits with the father. The maternal cousin had found marijuana in the child's diaper bag. The child had been present during a domestic violence dispute between the mother and the father. The father was allowing the mother to have unsupervised contact with the child.

On September 19, 2012, the juvenile court granted the child's section 388 petition. The court ordered the child placed into protective custody and ordered the Department to file a section 387 (supplemental) petition.

G. Section 387 Petitions

On September 24, 2012, the Department filed a section 387 petition, alleging that the child had been living full-time with the maternal cousin rather than with the father, that the father was not providing the maternal cousin with consistent financial support, that the father had lost his housing and did not have a stable residence, that the father was not ensuring that the child's medical needs were being met, that the father had not consistently maintained contact with the Department, and that the maternal cousin had found marijuana in the child's diaper bag following a visit with the father.

On September 25, 2012, the juvenile court ordered the child detained, and it placed the child with the maternal cousin. The juvenile court ordered the father to have only supervised visits with the child.

The Department filed a first amended section 387 petition on November 19, 2012. The first amended petition added an allegation that two of the child's siblings had recently been taken into protective custody.

H. Jurisdiction/Disposition Reports and Hearing

The Department filed a jurisdiction/disposition report dated October 30, 2012, recommending the father receive reunification services. In the report, the social worker noted that the mother had never met with him and had an outstanding arrest warrant. The father had drug tested, and only marijuana had showed in his system. The father had made efforts to comply with the social worker's requests, and he had shown up for two scheduled supervised visits. During the visits, he had shown that he could "take care of the children and deal with entertaining and soothing the children."

In the jurisdiction/disposition report, the Department noted that the maternal cousin was actually not related to the child. A paternal relative had been found and was being assessed for placement. In an addendum report dated December 18, 2012, the Department reported that the child and his siblings had been visiting with the paternal relative, an aunt, and that they were doing well. In an addendum report dated January 29, 2013, the Department recommended that the child be placed with the paternal aunt.

On January 29, 2013, the juvenile court sustained the first amended section 387 petition, ordered reunification services, and placed the child in the home of the paternal aunt.

I. 18-Month Review Report and Hearing

The Department filed a status review report on April 23, 2013, recommending that reunification services be terminated. The mother had not contacted the social worker or visited with the child for the last six months. The father had visited regularly, bringing

food and water. The father did not have stable housing. He had missed his last three drug tests.

At the 18-month review hearing held on April 23, 2013, the juvenile court terminated family reunification services and set the matter for a selection and implementation hearing.

J. Section 366.26 Report and Hearing

The Department filed a section 366.26 report dated August 20, 2013, recommending that the paternal aunt be named the child's guardian. Although the Department believed the child was adoptable, it recommended the juvenile court find that he was an Indian child and that there was a compelling reason for determining that termination of parental rights would not be in his best interests. (See § 366.26, subd. (c)(1)(B)(vi).)

The father had continued to visit regularly with the child and his siblings. He would prepare meals and play with the children. The mother had not yet visited with the child.

On August 28, 2013, the juvenile court held a selection and implementation hearing. The juvenile court adopted the Department's recommendations, ordering a legal guardianship for the child and dismissing dependency jurisdiction. The paternal aunt was named the child's legal guardian.

K. Section 388 Petition

On December 13, 2013, counsel for the child filed a section 388 petition, asking the juvenile court to reinstate the dependency proceedings, set a new selection and implementation hearing, and terminate parental rights so the paternal aunt could adopt the child.

The Department filed a response to the child's section 388 petition, recommending the juvenile court grant the section 388 petition. The child was two and a half years old and doing well in the home of the paternal aunt, where his siblings had also been placed.

The father had been visiting the child about once a week, but he would spend most of the time watching television, and he had recently stopped visiting the child at all. The father indicated he would not contest the termination of his parental rights.

The mother was living at a drug and alcohol rehabilitation center and had a newborn child. She had not contacted the child for over a year until recently, when she began visiting once a week. She, too, indicated she would not be contesting the termination of parental rights.

The juvenile court granted the child's section 388 petition on January 27, 2014. It reinstated the dependency proceedings and set the matter for a new selection and implementation hearing. On April 7, 2014, the mother requested a contested hearing, and the father joined in that request.

L. Section 366.26 Report and Addendum

The Department filed a section 366.26 report dated March 20, 2014, recommending the juvenile court terminate parental rights and select a permanent plan of adoption for the child. The father had not visited the child for a few months. The mother had continued visiting the child once a week. The child was "very bonded" to the paternal aunt, who was a member of the child's Tribe.

In an addendum report dated July 22, 2014, the Department reported that the child and his siblings had been visiting with the mother and the father. The parents had interacted well with the child, but following the visits, the child had been acting withdrawn.

M. Section 366.26 Hearing

A contested selection and implementation hearing was held beginning on June 18, 2014.

1. Testimony from ICWA Experts and Social Worker

ICWA expert Osborn submitted a declaration and testified. He had no concerns that termination of parental rights would interfere with the child's connection to his tribal

community. He believed that the Department had made active efforts to prevent removal of the child from the parents. He believed that continued custody of the child by either of the parents was likely to result in emotional or physical damage to the child.

Osborn discussed the mother's "long standing" substance abuse problem. He acknowledged that the mother had recently completed a residential treatment program, but described her as "new . . . to recovery." He noted that the mother had a baby to care for, and he believed it could be stressful to add another child to her responsibilities. In other words, returning the child to the mother could cause the mother to relapse, which would be a risk factor for emotional or physical harm to the child. Even though the mother had started visiting the child on a weekly basis, the visits were very different from having the child live with her on a day-to-day basis.

Osborn expressed concern that the father continued to be "a little unstable" and continued to use marijuana. Even when used medically, marijuana "interferes with a parent's ability to be alert and respons[ive] to the needs of a young child."

The social worker, Rashmi Kaul, was deemed an expert in risk assessment and permanency planning assessment. Kaul testified that both parents had been visiting with the child. During visits, they interacted with the child and gave him snacks. The paternal aunt had reported that following visits, the child would become withdrawn.

Kaul acknowledged that the mother had been complying with her case plan for her new child: she was in a transitional housing unit, doing a 12-step program, drug testing, and participating in a support group. However, Kaul believed that returning the child to the mother's custody would be detrimental to the child's emotional and physical well-being. The child was not attached to the mother.

Kaul had observed one of the child's visits with the father. When asked if there was "affection shown between the father [and the child]," the social worker responded, "The father showed a lot of affection, yes." Kaul did not think that the child called the father "papa or daddy."

According to Kaul, the child was bonded to the paternal aunt and to his other three siblings, who lived in the home and as to whom parental rights had already been terminated. The child looked to the paternal aunt for comfort. Removal of the child from the paternal aunt's home would cause the child to become "very, very upset" and "very confused."

Jessica Boyle, an ICWA expert and the tribal family youth specialist for the Circle Native Community, submitted a declaration and testified. In her declaration, Boyle expressed her opinion that the Department had made active efforts to prevent removal of the child from the parents. She also expressed the opinion that continued custody of the child by the mother and the father was likely to result in serious emotional or physical damage to the child. She recommended that parental rights be terminated and that the child be placed for adoption with the paternal aunt. At the hearing, she testified that her opinions had not changed.

2. Testimony from Mother and Father

The mother testified that she was living in a transitional housing unit after completing a residential treatment program. She was staying clean and had completed a support group. She was employed and participating in 12-step meetings as well as an outpatient program. She had a sponsor and was taking a parenting without violence class. During visits, the child called her "Mom."

The father testified that he was supposed to be able to visit the child twice a week for three hours at a time, but that his visits with the child had been limited by the paternal aunt after they had a disagreement. He denied making an anonymous phone call to the paternal aunt in which he threatened not to bring the child back.

3. Juvenile Court's Findings

On August 22, 2014, the juvenile court terminated parental rights and selected adoption as the permanent plan for the child, making the following findings. The child was adoptable, and he was bonded to the paternal aunt. The Department had made active

efforts to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family, but those efforts had been unsuccessful. Continued custody of the child by the parents was likely to result in serious emotional—but not physical—damage to the child. Neither parent had shown that they had a beneficial relationship with the child under section 366.26, subdivision (c)(1)(B)(i).

In support of its finding that continued custody of the child by the parents was likely to result in serious emotional damage to the child, the juvenile court noted the following. Osborn had opined that the mother was at risk of relapse if the child was returned to her and that the father's marijuana use interfered with his ability to be alert and responsive to the child's needs. However, Osborn "lacked knowledge of mother's current circumstances" Boyle had also expressed the opinion that continued custody of the child by the parents was likely to result in serious emotional or physical damage to the child, but she had not provided a factual basis for her opinion. Kaul had testified that the child was not attached to the mother, that he had a strong bond with the paternal aunt and his siblings, and that removing the child from the paternal aunt would cause him to become very upset, confused, and possibly withdrawn. Kaul's testimony was "credible and persuasive on the issue of emotional damage" The paternal aunt had reported that the father's visits often consisted of him watching television instead of interacting with the child. The child had been with four different caregivers since birth and was at risk for attachment problems as a result.

In support of its finding that neither parent had shown that they had a beneficial relationship with the child under section 366.26, subdivision (c)(1)(B)(i), the juvenile court noted that the father had maintained regular visitation and contact with the child, but the mother had not. The father had not shown that the child would benefit from continuing the relationship, since he did not "occupy a parental role" in the child's life and often had poor quality visits with the child. Given the child's adoptability and bond

with the paternal aunt, there was not a compelling reason for not terminating parental rights.

III. DISCUSSION

A. *Mother's Appeal*

The mother contends that there is no substantial evidence to support the juvenile court's finding that her continued custody of the child was likely to result in serious emotional damage to the child. (See § 366.26, subd. (c)(2)(B)(ii).)

Section 366.26, subdivision (c)(2)(B)(ii) states that in the case of an Indian child, the juvenile court shall not terminate parental rights if “[t]he court does not make a determination at the hearing terminating parental rights, supported by evidence beyond a reasonable doubt, including testimony of one or more ‘qualified expert witnesses’ as defined in Section 224.6,^[3] that the continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child.” “This finding is commonly referred to as the ICWA detriment finding. [Citation.]” (*In re M.B.* (2010) 182 Cal.App.4th 1496, 1502 (*M.B.*).

“We review the court's ICWA detriment finding for substantial evidence. [Citation.] Under this standard, we do not pass on the credibility of witnesses, attempt to resolve conflicts in the evidence, or reweigh the evidence. Instead, we draw all reasonable inferences in support of the findings, view the record favorably to the juvenile court's order and affirm the order even if there is other evidence to the contrary. [Citation.] The appellant has the burden of showing there is no evidence of a sufficiently

³ Section 224.6, subdivision (a) provides: “When testimony of a ‘qualified expert witness’ is required in an Indian child custody proceeding, a ‘qualified expert witness’ may include, but is not limited to, a social worker, sociologist, physician, psychologist, traditional tribal therapist and healer, tribal spiritual leader, tribal historian, or tribal elder, provided the individual is not an employee of the person or agency recommending foster care placement or termination of parental rights.”

substantial nature to support the court's finding. [Citation.]" (*M.B., supra*, 182 Cal.App.4th at p. 1506.)

The mother contends that this case is analogous to *J.J. v. State* (Alaska 2001) 38 P.3d 7 (*J.J.*), in which the court reversed termination of parental rights after finding that "a reasonable fact finder could [not] conclude without reasonable doubt that placement of the children with [the mother] would likely cause them serious damage." (*Id.* at p. 11.) In that case, the children at issue were two and four years old at the time the dependency proceedings began. (*Id.* at p. 7.) The mother, who had substance abuse problems, had no contact with the children for over a year. (*Id.* at p. 8.) Meanwhile, she had become pregnant with another child, stopped drinking, and entered residential treatment. At the time of the termination hearing, the children were in a foster home but it was not a concurrent placement. (*Id.* at p. 9 & fn. 6.)

At the termination hearing in *J.J.*, an expert who had never met the children or the parents testified. According to the expert, the mother's completion of alcohol treatment did not remedy the effects of her abandonment of the children, and her period of sobriety had been too short. However, the file the expert had reviewed was "significantly incomplete," as it did not contain any information concerning the six months prior to the termination hearing. (*J.J., supra*, 38 P.3d at p. 10.) The expert would have learned that the mother had successfully completed an inpatient treatment program and that she was still sober.

The *J.J.* court found that it was a "close" question whether the expert's testimony supported the ICWA detriment finding. (*J.J., supra*, 38 P.3d at p. 10.) The court noted that the lower court could have deferred the proceedings to allow some visitation before making the decision on termination, noting that because the children "were not going to remain with their current foster parents," placing the children with the mother would be "no more emotionally disruptive to them than . . . placing them in another home." (*Id.* at p. 9, fn. omitted.) Absent such a "trial period," the court determined that the evidence

was insufficient to show that placement of the children with the mother would likely cause them serious damage. (*Id.* at p. 11.)

The mother contends that here, as in *J.J.*, the ICWA experts' opinions were based on outdated, incomplete, and inaccurate information. The mother points out that the ICWA experts' declarations were prepared about five months before the selection and implementation hearing, and thus that they did not contain an assessment of the mother's current circumstances. However, the juvenile court recognized this fact and specifically declined to rely on those two declarations in determining whether the child's return to the mother's custody was likely to result in serious emotional damage to the child. The juvenile court relied instead on the testimony of the social worker, who was familiar with the updated circumstances, and it expressly found that the social worker's testimony was "credible and persuasive on the issue of emotional damage"

The mother also argues that the juvenile court should not have relied on the social worker's testimony about the emotional damage that the child would likely suffer if removed from the paternal aunt. The mother points out that it is not unusual for a child to bond with his or her caretaker, and that the child had also bonded with the prior caregiver.

By the time of the selection and implementation hearing in the summer of 2014, the child was three years old and had been in the care of the paternal aunt for a year and a half—since January 29, 2013. The paternal aunt wished to adopt the child, which distinguishes this case from *J.J.* Moreover, the child's siblings were also placed with the paternal aunt, and he had strong bonds with them. The child had become withdrawn after visits with the parents, and the social worker believed that removing the child from the paternal aunt and his siblings would cause him to become very upset, confused, and possibly withdrawn. Thus, in this case, the emotional harm stemmed not just from the child's removal from the paternal aunt, but also from his siblings. The child's behavioral changes following visitations with the parents further show that returning the child to the

mother's care was likely to result in emotional damage. On this record, substantial evidence supports the juvenile court's finding that the mother's custody of the child was likely to result in serious emotional damage to the child. (See § 366.26, subd. (c)(2)(B)(ii); *M.B.*, *supra*, 182 Cal.App.4th at p. 1506.)

B. Father's Appeal

The father contends that there is no substantial evidence to support the juvenile court's finding that the father and the child did not have a beneficial parent-child relationship. (See § 366.26, subd. (c)(1)(B)(i).)

At a selection and implementation hearing, the court has four choices. (*In re Celine R.* (2003) 31 Cal.4th 45, 53 (*Celine R.*)) "In order of preference the choices are: (1) terminate parental rights and order that the child be placed for adoption . . . ; (2) identify adoption as the permanent placement goal and require efforts to locate an appropriate adoptive family; (3) appoint a legal guardian; or (4) order long-term foster care. (§ 366.26, subd. (b).) Whenever the court finds 'that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption[]' (§ 366.26, subd. (c)(1)[])" unless it finds one of four specified circumstances in which termination would be detrimental. (*Celine R.*, *supra*, at p. 53; see § 366.26, subd. (c)(1)(A)-(D).)

One of the exceptions to the preference for adoption is the beneficial parent-child relationship exception set forth in section 366.26, subdivision (c)(1)(B)(i). Under that exception, "parental rights cannot be terminated where the juvenile court 'finds a compelling reason for determining that termination would be detrimental to the child' because '[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.' " (*In re C.B.* (2010) 190 Cal.App.4th 102, 123-124 (*C.B.*))

A parent who claims that the beneficial parent-child relationship exception applies, and that therefore parental rights should not be terminated, has the burden of

proof. (*C.B., supra*, 190 Cal.App.4th at p. 122.) To meet this burden, “ ‘the parent must show more than frequent and loving contact, an emotional bond with the child, or pleasant visits—the parent must show that he or she occupies a parental role in the life of the child. [Citation.]’ ” (*Id.* at p. 126.) As this court has explained, “ ‘[i]nteraction between natural parent and child will always confer some incidental benefit to the child. The significant attachment from child to parent results from the adult’s attention to the child’s needs for physical care, nourishment, comfort, affection and stimulation. [Citation.]’ ” (*In re Bailey J.* (2010) 189 Cal.App.4th 1308, 1315 (*Bailey J.*)) “ ‘The exception applies only where the court finds regular visits and contact have continued or developed a significant, positive, emotional attachment from child to parent.’ [Citation.]” (*Ibid.*)

In addition, “ ‘[t]he exception must be examined on a case-by-case basis, taking into account the many variables which affect a parent/child bond. The age of the child, the portion of the child’s life spent in the parent’s custody, the “positive” or “negative” effect of interaction between parent and child, and the child’s particular needs are some of the variables which logically affect a parent/child bond.’ [Citation.]” (*C.B., supra*, 190 Cal.App.4th at p. 124.)

The statutory requirement that “ ‘the child would benefit from continuing the [parent/child] relationship’ means that ‘the relationship promotes the well-being of the child to such a degree as to outweigh the well-being the child would gain in a permanent home with new, adoptive parents.’ [Citation.] The juvenile 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.’ [Citation.] ‘If severing the natural parent/child relationship would deprive the child of a substantial, positive emotional attachment such that the child would be greatly harmed, the preference for adoption is overcome and the natural parent’s rights are not terminated.’ [Citation.]” (*C.B., supra*, 190 Cal.App.4th at p. 124.)

The abuse of discretion standard governs review of a juvenile court's determination that the beneficial parent-child exception to termination of parental rights does not apply, although the substantial evidence test applies to pure findings of fact. (*C.B.*, *supra*, 190 Cal.App.4th at p. 123.)

The father contends he both regularly visited the child and had a beneficial relationship with the child. Below, the juvenile court found that the first prong—regular visitation—was met, and on appeal the Department concedes that “when given the opportunity, the father generally visited [the child] each week.” Thus, we consider only whether substantial evidence supports the juvenile court's finding as to the second prong—that the child would not benefit from continuing the relationship. (See *C.B.*, *supra*, 190 Cal.App.4th at p. 124.)

The father first contends that the record shows that he was engaged, caring, and attentive, in contrast to the parent in *In re C.F.* (2011) 193 Cal.App.4th 549 (*C.F.*), who sometimes needed to be reminded to “play with the children or attend to their needs” during visits. (*Id.* at p. 556.) The record does indicate that the father was sometimes engaged with the child and attentive to him, but the record also shows that during some visits, the father would spend most of the time watching television. This is closely analogous to the evidence in *C.F.*, where the appellate court found substantial evidence to support a finding that the beneficial parent/child relationship did not apply. (See *id.* at p. 557 [mother was “frequently uninvolved with the children during visits, and she would watch TV while they were playing in their rooms”].)

The father next contends he interacted with the child “in a parental fashion,” doing things such as soothing the child and bringing food to visits. The father contrasts his visits with the visits of the father in *In re Jason J.* (2009) 175 Cal.App.4th 922, who was more akin to “‘a friendly visitor’” than a parent. (*Id.* at p. 938.) Although the father's visits were appropriate and parental in nature, the record nevertheless supports the juvenile court's finding that the father did not occupy a “parental role” in the child's life

that benefitted the child to such an extent that severing that relationship would greatly harm the child. (*C.B., supra*, 190 Cal.App.4th at p. 126.) For instance, the father has not produced any evidence, nor pointed to anything in the record, establishing that the child “looked forward to visits with [him] or had difficulty separating from [him] at the end of their visits.” (*Bailey J., supra*, 189 Cal.App.4th at p. 1316.) Although the father claims the child “would get so excited about his visits with his father, he would even tell his siblings about the visits in anticipation,” the addendum report to which the father cites states that the child would tell his siblings about the visits with his parents “after the visits,” and that the child had been “acting withdrawn.”

The father also contends the record does not support a finding that the child had a stronger bond with the paternal aunt than with him. However, in its section 366.26 report, the Department noted that the child was “very bonded” to the paternal aunt and that he saw her “as his primary caretaker.” At the section 366.26 hearing, the social worker testified that the child had a strong bond with the paternal aunt and that he looked to her for comfort. In contrast, the child did not call the father “papa or daddy,” and although the father was affectionate with the child, the record does not indicate that the child returned a similar degree of affection.

Finally, the father disputes the significance of the child’s post-visit withdrawal behavior. According to the father, the child’s behavior shows “his sadness and the harm he would experience without a relationship with his father.” However, the social worker, who was deemed an expert in risk assessment and permanency planning assessment, had testified that removing the child from the paternal aunt would cause him to become very upset, confused, and possibly withdrawn. The juvenile court found the social worker’s testimony “credible and persuasive.” We defer to the juvenile court’s credibility findings, which support its determination that “ ‘the strength and quality of the natural parent/child relationship’ ” did not outweigh the “ ‘the security and the sense of

belonging' ” that would be conferred by adoption. (See *C.B., supra*, 190 Cal.App.4th at p. 124.)

In sum, the juvenile court did not abuse its discretion by determining that the beneficial parent/child exception to termination of parental rights did not apply in this case. (See *C.B., supra*, 190 Cal.App.4th at p. 123.)

IV. DISPOSITION

The judgment (order terminating parental rights) is affirmed.

BAMATTRE-MANOUKIAN, ACTING P.J.

WE CONCUR:

MIHARA, J.

MÁRQUEZ, J.