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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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IN RE TERMINATION OF PARENTAL RIGHTS AS TO M.F.

No. 1 CA-JV 23-0208  
FILED 4-30-2024

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from the Superior Court in Maricopa County  
No. JD40672, JS21344  
The Honorable Melody Harmon, Judge

**AFFIRMED**

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COUNSEL

Robert D. Rosanelli Attorney at Law, Phoenix  
By Robert D. Rosanelli  
*Counsel for Appellant*

Arizona Attorney General's Office, Phoenix  
By Ken Sanders  
*Counsel for Appellee*

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**MEMORANDUM DECISION**

Presiding Judge Samuel A. Thumma delivered the decision of the Court, in which Judge Jennifer B. Campbell and Judge Michael J. Brown joined.

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**T H U M M A**, Judge:

¶1 Josalyn F. (Mother) appeals from an order terminating her parental rights to her biological daughter (MF). Mother argues the Department of Child Safety (DCS) did not prove that it had made appropriate reunification efforts. Because Mother has shown no error, the order is affirmed.

**FACTS AND PROCEDURAL BACKGROUND**

¶2 When MF was born in March 2021, she and Mother tested positive for cocaine and fentanyl. MF had withdrawal symptoms in the hospital. DCS took temporary custody of MF before she was discharged al, filing a dependency petition based on Mother’s substance abuse, mental health issues and neglect. When Mother did not contest the petition, the court found MF dependent in May 2021, adopting a family-reunification case plan. The court directed DCS to provide Mother with reunification services, including Physician Services, Inc., (PSI) drug testing, Terros for substance abuse and mental health treatment, counseling and supervised visits.

¶3 DCS offered Mother supervised visits with MF and parent aide services. DCS also referred her to the Nurturing Parenting Program (NPP), where she worked with a professional to learn parenting skills, and to practice those skills during supervised visits. Mother, however, struggled to engage in the services and the NPP provider closed the referral because Mother missed sessions, often had trouble staying awake and made minimal progress in improving her parenting skills.

¶4 After the NPP services ended, DCS referred Mother to Family Connections, a service designed to help her learn to meet MF’s needs. That referral closed when the provider’s attempts to contact Mother were unsuccessful.

¶5 Mother drug tested with PSI four times during the first month of the dependency. She tested negative twice for all substances but another

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test was positive for cocaine and the fourth was a “problem collection” because Mother failed to provide a sample. Mother, however, did not test again for the next 30 months. DCS renewed the referral to PSI many times, but services repeatedly were suspended given Mother’s failure to participate.

¶6 For mental-health and substance-abuse treatment, Terros scheduled Mother for standard out-patient groups and a psychiatric evaluation. Terros assigned her a recovery coach and a care coordinator to help her engage in services. Mother, however, did not attend the groups or stay in contact with her care coordinator. Mother did attend a psychiatric evaluation and received some medication-management services.

¶7 In January 2022, the superior court changed the case plan to severance and adoption and DCS filed a motion to terminate. DCS then withdrew its motion to allow Mother more time to engage in reunification services, and the court changed the case plan back to family reunification. In January 2023, counsel for MF filed a petition to terminate. DCS substituted in as petitioner and, in April 2023, filed an amended petition to terminate, alleging as to Mother 15-months time-in-care, substance abuse and mental illness. See Ariz. Rev. Stat. (A.R.S.) §§ 8-533(B)(8)(c) & (3)(2024).<sup>1</sup>

¶8 The court held a two day termination adjudication ending in July 2023. The DCS case manager testified to the services provided to Mother and her failure to engage in, and benefit from, those services. Mother contended DCS failed to make a diligent effort to provide her appropriate reunification services and asserted that she was managing her mental illness through services at Terros.

¶9 The court granted the petition to terminate Mother’s parental rights, finding DCS had proven by clear and convincing evidence the statutory grounds alleged and, by a preponderance of the evidence, that termination was in the best interests of MF. The court concluded DCS made reasonable and diligent efforts to provide Mother with appropriate reunification services. This court has jurisdiction over Mother’s timely appeal pursuant to Article 6, Section, 9, of the Arizona Constitution, A.R.S. §§ 8-235(A), 12-120.21(A) and 12-2101(A) and Ariz. R.P. Juv. Ct. 602-03.

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<sup>1</sup> Absent material revisions after the relevant dates, statutes and rules cited refer to the current version unless otherwise indicated.

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**DISCUSSION**

¶10 As applicable here, to terminate parental rights, a court must find by clear and convincing evidence that at least one statutory ground in A.R.S. § 8-533(B) has been proven and must find by a preponderance of the evidence that termination is in the best interests of the child. *See Kent K. v. Bobby M.*, 210 Ariz. 279, 288 ¶ 41 (2005); *Michael J. v. Ariz. Dep't of Econ. Sec.*, 196 Ariz. 246, 249 ¶ 12 (2000). Because the superior court “is in the best position to weigh the evidence, observe the parties, judge the credibility of witnesses, and resolve disputed facts,” this court will affirm an order terminating parental rights as long as it is supported by reasonable evidence. *Jordan C. v. Ariz. Dep't of Econ. Sec.*, 223 Ariz. 86, 93 ¶ 18 (App. 2009) (citation omitted).

¶11 The only issue Mother raises on appeal is whether the court erred in finding DCS fulfilled its obligation to provide appropriate reunification services. She also contends DCS failed to tailor such services to accommodate her diagnoses of schizoaffective disorder and bipolar disorder.

¶12 Focusing on the 15-months time-in-care statutory ground, DCS had to prove that it “made a diligent effort to provide appropriate reunification services.” A.R.S. § 8-533(B)(8). As noted long ago, this obligation requires DCS to provide a parent services and “the time and opportunity to participate in programs designed to help her become an effective parent.” *Maricopa Cty. Juv. Action No. JS-501904*, 180 Ariz. 348, 353 (App. 1994). DCS “is not required to provide every conceivable service or to ensure that a parent participates in each service it offers.” *Id.* The record supports the court’s conclusion that DCS made a diligent effort to provide Mother with appropriate reunification services.

¶13 For more than two and a half years, from March 2021 through October 2023, DCS offered Mother supervised visitation, transportation and case-management services to help her participate in, and benefit from, services. DCS also referred Mother to Terros for mental-health and substance-abuse treatment, to PSI for drug testing, to the NPP for education and parenting skills and to Family Connections for resources to assist her in making behavioral changes and in meeting MF’s needs.

¶14 Mother argues the services were inadequate because her case manager failed to maintain regular contact. She asserts the case manager assigned to her case since July 2022 had only one in-person meeting with her before trial. She also asserts he would not initiate contact with Mother

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unless she first contacted him. The DCS case manager, however, testified that their contact was sporadic because Mother's phone number frequently changed or went out of service. The case manager's testimony also allowed the court to conclude that he promptly responded to Mother each time she gave him a new telephone number, and that by doing so he maintained, to the extent possible, consistent contact with her by phone, text message and through service letters.

¶15 Mother argues the DCS case manager referred her to standard reunification services but then failed to assist her with contacting service providers. The trial record shows otherwise. When Mother told him that she was using a catheter and could not drug test at PSI, he arranged for her to take oral-swab tests in lieu of urinalysis testing. She then failed to take the oral drug tests during the two months she had the catheter in place. And when she reported to him on three occasions in 2023 that PSI would not allow her to check-in for tests using her social security number, he contacted PSI and confirmed that her number was correct in the system and that she was able to test. On one occasion, Mother and the case manager called PSI together and the person at the help desk checked Mother's social security number and confirmed there was nothing preventing her from testing.

¶16 The case manager also tried to help Mother engage in the Family Connections program, albeit to no avail. After he made the referral for this service, the provider's staff members were unable to reach Mother. They emailed the case manager, and he sent them her most current phone number. When they were still unable to contact Mother, the case manager spoke to her, encouraged her to participate and asked her what else he could do to help her engage in the service. These examples demonstrate that the case manager helped Mother contact service providers and tried to engage her in reunification services when she struggled with compliance.

¶17 Mother next argues that DCS required her to determine on her own what mental-health services she needed. The case manager referred Mother to Terros for the Arizona Family F.I.R.S.T. program, and immediately Terros employees sought to engage her in mental-health and substance-abuse services. Following Mother's Terros assessment in November 2022, the Terros clinician, Mother, and her care coordinator developed a short-term treatment plan that consisted of her attending a standard out-patient group once a week, calling PSI daily and drug testing as required and regularly meeting with her Terros care coordinator. They also scheduled a psychiatric evaluation to restart her medication-management services. Despite their considerable efforts, Mother did not

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engage in group meetings, standard outpatient drug treatment, PSI or meet with her care coordinator.

¶18 Mother argues the DCS case manager failed to ensure the service providers had the experience or skill necessary to deliver services to a parent with schizoaffective disorder. But Mother fails to explain how Terros – which provided her with mental-health services before and during dependency – lacked the necessary skill and experience. In addition to Terros’ services, the case manager testified that he informed Mother’s case aides, visitation supervisors, the NPP and Family Connections about Mother’s mental-health diagnosis. The records from NPP also show Mother told the instructor that she had mental-health diagnoses that affected her ability to learn and that they accommodated her needs.

¶19 Mother has failed to show that the superior court abused its discretion by finding that DCS made a diligent effort to provide Mother appropriate reunification services. Furthermore, the trial record supports the court’s best interests findings, which Mother does not challenge here.<sup>2</sup>

CONCLUSION

¶20 The order terminating Mother’s parental rights is affirmed.



AMY M. WOOD • Clerk of the Court  
FILED: AA

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<sup>2</sup> Given Mother has shown no error in the court granting termination based on 15-months time-in-care, this court need not and expressly does not address her challenges to the other statutory grounds the court found justified termination. *See Jesus M. v. Ariz. Dep’t of Econ. Sec.*, 203 Ariz. 278, 280 ¶ 3 (App. 2002) (“If clear and convincing evidence supports any one of the statutory grounds on which the juvenile court ordered severance, we need not address claims pertaining to the other grounds.”).