DIVISION ONE
FILED: 06/12/2012
RUTH A. WILLINGHAM, CLERK
BY: sls

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

MEREDITH B., SCOTT B.,	)	1 CA-JV 11-0252
	)	
Appellants,	)	DEPARTMENT D
	)	
v.	)	**MEMORANDUM DECISION**
	)	(Not for Publication -
ARIZONA DEPARTMENT OF ECONOMIC SECURITY, DEENA B., FRANCIS B., GRACIE B.,	)	103(G) Ariz.R.P. Juv. Ct.; Rule 28 ARCAP)
	)	
Appellees.	)	

Appeal from the Superior Court in Mohave County

Cause No. S8015JD201000044

The Honorable Richard Weiss, Judge

AFFIRMED

Thomas C. Horne, Arizona Attorney General — Mesa
By Amanda Holguin, Assistant Attorney General
Attorneys for Appellee Arizona Department of Economic Security

Diane S. McCoy, Mohave County Appellate Defender — Kingman
Attorney for Appellant Meredith B.

The Brewer Law Office — Show Low
By Benjamin M. Brewer
Attorneys for Appellant Scott B.

G O U L D, Judge

¶1 Meredith B. ("Mother") and Scott B. ("Father") (collectively "Parents") appeal from the juvenile court's order terminating their parental rights to Deena B. ("Deena"), Francis B. ("Francis"), and Gracie B. ("Gracie") (collectively "Children"). For the reasons that follow, we affirm.

Factual and Procedural Background

¶2 In 2006, the California juvenile court severed Mother and Father's parental rights to their three children on the grounds their mental illness and/or substance abuse impeded their ability to parent. Mother and Father then moved to Arizona and had four more children: Deena B., Francis B., D.B., and S.B.[1]

¶3 In 2010, the Arizona Department of Economic Security ("ADES") took custody of Deena, Francis, D.B. and S.B., after an investigation revealed that Mother and Father's home was unsanitary, infested by bugs and a fire hazard. The children were pale, dirty, and appeared to be undernourished. They also had rashes and bed-bug bites on their bodies. ADES filed a dependency petition alleging that the children were dependent

[1] A total of eight children were involved in this case and other severance proceedings referenced in our decision. In addition, Deena B. and her sibling "D.B." have the same initials. As a result, for the sake of clarity we refer to the minors that are the subject of this appeal by their full first names.

because Mother and Father had neglected them. The court found these children dependent.

¶4 In January 2011, Mother gave birth to the couple's eighth child, Gracie. After attempting to provide services to Mother and Father, ADES moved to terminate their rights with respect to D.B. and S.B. After a trial regarding D.B. and S.B., the court found that termination was appropriate based on the grounds of neglect or willful abuse, inability to parent based on mental illness, drug or alcohol abuse, and prolonged out-of-home placement. The court also found that Gracie was dependent.

¶5 Two days into the trial regarding D.B. and S.B., in April 2011, Mother and Father were arrested, incarcerated, and charged with eight counts of felony child abuse for the abuse inflicted on four of their five children, including Deena and Francis.

¶6 Soon after, the juvenile court approved a case plan of severance and adoption for Deena, Francis, and Gracie. ADES filed a petition seeking to terminate Mother and Father's parental rights to Deena, Francis and Gracie on the grounds of neglect under Arizona Revised Statutes ("A.R.S.") § 8-533(B)(2), mental illness and substance abuse under A.R.S. § 8-533(B)(3), out of home placement for nine months or longer under A.R.S. § 8-533(B)(8)(a) (Deena and Francis only) and out of home placement

for six months or longer under A.R.S. § 8-533(B)(8)(b) (Gracie only), and prior termination within the preceding two years for same cause under A.R.S. § 8-533(B)(10).

¶7 Through counsel, Mother and Father denied the allegations in the termination motion. At the time, Mother and Father were incarcerated awaiting trial on the felony child abuse charges. By the time trial began in November 2011, Deena and Francis had been in an out-of-home placement for more than fifteen months. Gracie had been in an out-of-home placement for more than ten months.

¶8 The court ultimately found that ADES had met its burden and terminated Mother and Father's parental rights to Deena, Francis, and Gracie. Mother and Father timely appealed.

Discussion

¶9 On appeal, "[w]e view the evidence in a severance case in the light most favorable to sustaining the juvenile court's findings." *Christina G. v. Ariz. Dep't of Econ. Sec.*, 227 Ariz. 231, 234, ¶ 13, 256 P.3d 628, 631 (App. 2011). The juvenile court is in the best position to weigh the evidence, observe the parties, judge the credibility of witnesses, and make appropriate findings; we will only reject the court's findings if no reasonable evidence supports them. *Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, 280, ¶ 4, 53 P.3d 203, 205 (App.

2002). If we find one of the statutory grounds on which the court ordered severance is supported by clear and convincing evidence, we will affirm. *See Id.* at ¶ 3.

I. Father

¶10 Father appeals the juvenile court's termination of his parental rights to Child claiming that (1) he was denied effective assistance of counsel throughout the proceedings, (2) the court abused its discretion by admitting exhibits from a prior severance trial, (3) the court abused its discretion in denying Father's counsel's motion to withdraw, (4) the court abused its discretion in finding a chronic history of drug use, (5) the court abused its discretion in finding ADES was diligent in providing services to Father, and (6) the court abused its discretion in finding Father substantially failed to comply with services.

A. Father's Ineffective Assistance of Counsel Claim is Meritless

¶11 We reject Father's claim that ineffective assistance of counsel denied him an opportunity to be heard meaningfully at the severance trial.[2] We will not review an ineffective assistance

[2] We address Father's ineffective assistance of counsel claim assuming without deciding that such a claim is properly raised in the context of a dependency proceeding. *See In re Santa Cruz Cnty. Juv. Dependency Action Nos. JD-89-006 and JD-89-007*, 167 Ariz. 98, 101, 804 P.2d 827, 830 (App. 1990).

of counsel claim on direct appeal unless "we may clearly determine from the record that the ineffective assistance claim is meritless." *State v. Whalen*, 192 Ariz. 103, 110, 961 P.2d 1051, 1058 (App. 1997) (quoting *State v. Carver*, 160 Ariz. 167, 175, 771 P.2d 1382, 1390 (1989)). To prevail on an ineffective assistance claim, a party must show that the representation fell below prevailing professional norms and that the party was prejudiced by the deficient representation. *John M. v. ADES*, 217 Ariz. 320, 323, ¶ 8, 173 P.3d 1021, 1024 (App. 2007). Father claims he was denied the opportunity to be heard meaningfully because his counsel failed to call any witnesses and did not timely object to ADES' disclosure. While Father claims that "[o]n his own, Father filed a disclosure statement containing some 77 witnesses and numerous exhibits," the citation he provides to support this assertion refers to ADES' disclosures. Father also claims that counsel's deficiencies permitted "potentially inadmissible and prejudicial" evidence to be "consider[ed] by the trier of fact," but he does not indicate what specific inadmissible evidence was considered until his reply.

¶12 In Father's reply, he argues that "[p]rejudice for this failure is clear" because the following evidence "would not have been admitted had a motion to suppress been filed":

> The home was unsanitary and posed a fire hazard to its occupants. There were dirty, urine soaked mattresses piled up on the back porch and near the front door, and there were 'rolled up diapers on the kitchen floor.' The home was bed-bug infested, and at times, the family did not have gas or electricity. It was reported that the children often wore the same clothes for a week and were not 'bathed on a regular basis' and that Mother kept '[o]ne of the children in a playpen all day' and kept [S.B.] 'in his crib all day.' At the time of removal, the children were covered in rashes and bed-bug bites. They were also 'dirty,' [and] their clothes were soaked in urine. And according to [Deena] and [Francis's] foster mother, [Deena] was covered with 'some kind of grease substance' and had dried fecal matter on her buttocks. In addition, [Deena and Francis] were drinking formula from a bottle, wearing diapers, and did not know how to eat solid foods.

While there is no doubt that this evidence negatively reflected upon Father's parenting abilities, it does not establish that Father's counsel was ineffective. Father does not explain why the failure to file such a motion means that his representation fell below acceptable professional standards, nor does he argue that the severance proceedings were fundamentally unfair.

¶13 Indeed, it appears that the exclusionary rule does not apply to dependency proceedings because the "paramount concern" of such proceedings is "the child's health and safety" rather than the criminal punishment of the parents. *See* A.R.S. § 8-821(C)(1); *see also, e.g., Idaho Dep't of Health and Welfare v. Doe*, 150 Idaho 103, 112, 244 P.3d 247, 256 (App. 2010) (explaining "[w]e have found no cases, and Parents do not cite to

any, in which any other jurisdiction has applied the exclusionary rule in the context of child abuse and neglect proceedings" and collecting cases holding that the exclusionary rule does not apply to such proceedings); *Doe v. Mann*, 415 F.3d 1038, 1057 (9th Cir. 2005) (explaining that under California law, "[a] parent at a dependency hearing cannot assert the Fourth Amendment exclusionary rule, since 'the potential harm to children in allowing them to remain in an unhealthy environment outweighs any deterrent effect which would result from suppressing evidence' unlawfully seized") (internal citations omitted). An analogous case indicates that Arizona does not recognize the exclusionary rule in civil proceedings. *See Tornabene v. Bonine ex rel. Arizona Highway Dept.*, 203 Ariz. 326, 336, ¶ 26, 54 P.3d 355, 365 (App. 2002) (explaining that "the exclusionary rule, although required to preserve and protect Fourth Amendment rights in the criminal context, should not be applied to civil [driver's] license suspension hearings"). Since termination and dependency proceedings are civil, not criminal, by analogy, the exclusionary rule would not apply to them either.

¶14 In addition, Counsel's failure to call any witnesses appeared to be a sound tactical decision. Moreover, he does not argue that but for the failure to file a motion to suppress, his parental rights would not have been severed. *See John M.*, 217

Ariz. at 325, ¶ 18, 173 P.3d at 1026 ("[N]o reversal of a termination order is justified by inadequacy of counsel unless, at a minimum, a parent can demonstrate that counsel's alleged errors were sufficient to 'undermine confidence in the outcome' of the severance proceeding and give rise to a reasonable probability that, but for counsel's errors, the result would have been different.") (internal citation omitted). It appears that the trial court had ample evidence from which to support its decision, including the prior California and Arizona termination cases; it considered several alternative grounds for termination. Father has provided no basis for us to conclude that the severance proceedings in this case were fundamentally unfair, that the result of the hearing was unreliable; or that, had counsel conducted herself differently, the juvenile court would have reached a different result. Indeed, Father himself admitted while testifying that ADES presented a temporary custody order to the police before taking the children, although he later claimed this order had been signed by one of the caseworkers, not the court.

B. The Court Properly Admitted Exhibits 1-44 from the Prior Severance Trial

¶15 Father next argues the juvenile court abused its discretion by allowing exhibits 1-44 from the prior severance

trial to be admitted when (father claims) ADES failed to timely disclose them. However, ADES timely disclosed these exhibits to both parents on October 7, 2011 as the court directed, which Father acknowledges in his reply.

¶16 Father also contends that if ADES had timely disclosed these exhibits, then ADES would not have needed to seek judicial notice for their admission, but this argument merely provides an alternative, independent basis for finding that there was no abuse of discretion. Generally, a court may take judicial notice of procedural facts reflected in the record of another superior court action, but it may not take judicial notice of "the truth of testimony received in that other action." *State v. Lynch*, 115 Ariz. 19, 22, 562 P.2d 1386, 1389 (App. 1977). However, "[a] court may take judicial notice of the record in another action tried in the same court." *Reidy v. O'Malley Lumber Co.*, 92 Ariz. 130, 132, 374 P.2d 882, 884 (1962); *see also Pierpont v. Hydro Mfg. Co. Inc.*, 22 Ariz. App. 252, 254, 526 P.2d 776, 778 (1974). The juvenile court properly took judicial notice of the record in the prior severance of D.B. and S.B. because both matters took place in the same court, under the same cause number. *See Visco v. Universal Refuse Removal Co.*, 11 Ariz. App. 73, 74, 462 P.2d 90, 91 (1969) ("In Arizona it is proper for a court to take judicial notice of the record in another action tried in that

same court."). Even if it had not, the exhibits were timely disclosed.

C. The Trial Court Did Not Abuse Its Discretion in Denying Father's Request for Substitution of Counsel

¶17 Father argues that the trial court abused its discretion in denying his request for a substitution of counsel.

¶18 Indigent parents have a right to appointed counsel in termination hearings under A.R.S. § 8-225(B) and the United States Constitution. This constitutional right derives from notions of due process, not the Sixth Amendment (as is the case for a criminal defendant). *See Denise H. v. Ariz. Dep't Econ. Sec.*, 193 Ariz. 257, 259, ¶ 6, 972 P.2d 241, 243 (App. 1998); *Pima Juv. Action No. J-64016,* 127 Ariz. 296, 298, 619 P.2d 1073, 1075 (App. 1980). Even in criminal cases, "[a] defendant is not, however, entitled to counsel of choice, or to a meaningful relationship with his or her attorney." *State v. Moody*, 192 Ariz. 505, 507, ¶ 11, 968 P.2d 578, 580 (1998). Substitution of counsel is required only where there has been "a complete breakdown in communication or an irreconcilable conflict between [the parent] and his appointed counsel. *State v. Torres,* 208 Ariz. 340, 342 ¶¶ 6-7, 93 P.3d 1056, 1059 (2004).

¶19 Here, there was no such "complete breakdown in communication" nor an "irreconcilable conflict." Father filed a

request for new counsel on September 22, 2011, explaining his dissatisfaction; counsel had not yet filed an appeal (although the trial had yet to begin) and Father argued that his counsel had "not responded" sufficiently to him. Father's counsel explained that she and Father had "a very divergent understanding . . . and approach" to trial strategy and that he wanted more communication than what she had been able to provide. Father admitted that his counsel had sent him a number of letters that he had not yet received (given that he was in prison). Neither Father nor counsel argued that they had an "irreconcilable conflict."

¶20 Moreover, the trial court noted that Father was requesting a continuance based on his desire for new counsel. Father had previously been represented by at least three different attorneys during the trial regarding D.B. and S.B., and the proceedings had been continued several times. Under these circumstances, it was within the court's discretion to deny Father's request.

D. Reasonable Evidence Supports Severance of Father's Parental Rights Pursuant to A.R.S. § 8-533(B)(8)(a) and (b)

¶21 Father challenges the juvenile court's findings supporting severance of his parental rights for the following reasons: (1) the court abused its discretion in finding a chronic

history of drug use, (2) the court abused its discretion in finding ADES was diligent in providing services to Father, and (3) the court abused its discretion in finding Father substantially failed to comply with services.

¶22 Because we find one of the statutory grounds on which the court ordered severance is supported by clear and convincing evidence, "we need not address claims pertaining to the other grounds."[3] *Jesus M.*, 203 Ariz. at 280, ¶ 3, 53 P.3d at 205 (citing *Michael J. v. Ariz. Dep't of Econ. Sec.*, 196 Ariz. 246, 251, ¶ 27, 995 P.2d 682, 687 (2000)).

¶23 Arizona Revised Statutes § 8-533(B)(8)(a) and (b) provides for termination of the parent-child relationship on the following grounds:

> 8. That the child is being cared for in an out-of-home placement under the supervision of the juvenile court, the division or a licensed child welfare agency, that the agency responsible for the care of the child has made a diligent effort to provide

[3] ADES points out that Father failed to challenge the juvenile court's finding that termination of his parental rights was justified under A.R.S. § 8-533(B)(2) and (10). Father disagrees, but his arguments are limited to the general arguments he made above regarding ineffective assistance of counsel. We may assume that findings of fact not challenged on appeal are conceded. *See Schabel v. Deer Valley Unified Sch. Dist. No. 97*, 186 Ariz. 161, 167, 920 P.2d 41, 47 (App. 1996). However, because we find the court's finding that severance was justified under A.R.S. § 8-533(B)(8)(a) and (b) is supported by reasonable evidence, we affirm the termination of Father's parental rights on that basis.

> appropriate reunification services and that one of the following circumstances exists:
>
> (a) The child has been in an out-of-home placement for a cumulative total period of nine months or longer pursuant to court order or voluntary placement pursuant to § 8-806 and the parent has substantially neglected or willfully refused to remedy the circumstances that cause the child to be in an out-of-home placement.
>
> (b) The child who is under three years of age has been in an out-of-home placement for a cumulative total period of six months or longer pursuant to court order and the parent has substantially neglected or willfully refused to remedy the circumstances that cause the child to be in an out-of-home placement, including refusal to participate in reunification services offered by the department.

At the time of trial, Deena and Francis had been in foster care for more than fifteen months. Gracie, the youngest child who was taken as soon as she was born, had been in foster care for ten months.

¶24 Deena and Francis were originally removed from Parents because they were deemed to be at risk for neglect. ADES had received a report that Deena had wandered across the street and had nearly been hit by a car on July 1, 2010. When a neighbor saw Deena and returned her to her parents, Father was indifferent to the situation and Mother was asleep and had to be awakened.

¶25 According to a case worker's testimony, Parents' home was "unsanitary[,]" with "numerous diapers filled throughout the home" and "garbage and debris" on the floor. The children were "extremely dirty[,] with matted hair. They "were observed to be in urine-filled diapers." One child was kept in a playpen. The home also presented a fire hazard due to the mattresses and boxes cluttering the living room and the entryway. Parents also had a "lengthy history of substance abuse" and mental illness. Gracie was taken from Parents' care after Mother tested positive for methamphetamine during her pregnancy.

¶26 Father substantially neglected or willfully refused to remedy the circumstances that caused Children to be in an out-of-home placement. Throughout the dependency proceedings, Father was noncompliant with services. Prior to the time Father was incarcerated, ADES had provided Father with substance-abuse assessments, treatment and counseling, mental health services, including psychiatric evaluations, medical monitoring, medication treatment and counseling, supervised visitation and parenting classes. Father sporadically participated in TASC and received medication treatment, but otherwise refused to participate in these services because he believed the services were unnecessary and that ADES had kidnapped his children.

¶27 Father next challenges the juvenile court's finding that ADES made a diligent effort to provide Father appropriate reunification services. ADES must "undertake measures with a reasonable prospect of success" of reuniting the family. *Mary Ellen C. v. Ariz. Dep't of Econ. Sec.*, 193 Ariz. 185, 192, ¶ 34, 971 P.2d 1046, 1053 (App. 1999). However, ADES is not required to make efforts that would be futile. *Jordan C. v. Ariz. Dep't of Econ. Sec.*, 223 Ariz. 86, 94, ¶ 20, 219 P.3d 296, 304 (App. 2009).

¶28 Deena, Francis, and Gracie were removed in the midst of removal proceedings involving D.B. and S.B., thus, Father had been receiving reunification services prior to the removal and these services were also considered services to prevent Deena, Francis, and Gracie's removal. Father refused to participate in random drug testing. Moreover, although Father had been diagnosed with various mental disorders in California in 2005, he failed to participate in treatment services provided to him. The CPS case worker testified that in her professional opinion, Father's mental illness impaired his ability to parent.

¶29 Contrary to Father's claims, ADES did not stop offering him services once he was incarcerated in March 2011. By the time he was incarcerated, Father had already been closed out of two substance-abuse referrals for failing to participate in the

services provided. Moreover, the juvenile court had already suspended visits with Deena and Francis due to the children's negative reactions to the visits and Father's erratic behavior and refusal to participate in services provided. Father explained his failure to participate in services by stating "the case plan we were given wasn't anything of a service to us[.]"

¶30 During his incarceration, ADES could no longer offer these services. One case worker testified that during the time parents are incarcerated, "we can seek out services that are willing to come to the jail, but, unfortunately, there were no services willing and able to come to the jail to see the parents or willing to have the parents transported to their facility due to concerns of their safety[.]"

¶31 The record supports the juvenile court's finding that ADES made a diligent effort to provide Father with appropriate reunification services.

¶32 Father does not challenge the juvenile court's finding that severance of his parental rights would be in Children's best interests. Because we find reasonable evidence supports severance of Father's parental rights pursuant to A.R.S. § 8-533(B)(8)(a) and (b), we will not address Father's claims pertaining to the other grounds. *Jesus M.*, 203 Ariz. at 280, ¶ 3, 53 P.3d at 205.

II. Mother

¶33 Mother appeals the juvenile court's termination of her parental rights to Children claiming that (1) the court erred in admitting evidence relating to the termination trial involving her other two children, (2) the court erred in terminating her parental rights based on the mental illness ground, (3) the court erred in terminating her parental rights based on the neglect ground, (4) the court erred in terminating her rights based on her chronic abuse of dangerous drugs, (5) the court erred in terminating her rights based on the time in care grounds, and (6) the court erred in terminating parental rights on the grounds that she had had parental rights terminated within the previous two years because the proceeding relied upon by the court was still the subject of an appeal at the time.

¶34 Because we find one of the statutory grounds on which the court ordered severance is supported by clear and convincing evidence, "we need not address claims pertaining to the other grounds." *Jesus M.*, 203 Ariz. at 280, ¶ 3, 53 P.3d at 205 (citing *Michael J.*, 196 Ariz. at 251, ¶ 27, 995 P.2d at 687 (2000)).

A. The Juvenile Court Did Not Abuse its Discretion By Admitting Evidence from a Prior Hearing into Evidence

¶35 As discussed above, the exhibits challenged by Mother were timely disclosed by ADES. Mother argues that because she was representing herself in the other case and did not object to the admission of the exhibits in the other case, she was prejudiced by the admission of the exhibits in this case. However, Mother knowingly and voluntarily waived her right to counsel in the other case. In addition, on the third day of trial, the court granted her request for court-appointed counsel because she had been arrested and incarcerated. Thus, Mother's rights were adequately protected in the first proceeding, and it was not error for the trial court to take judicial notice of the exhibits given that they were entered in the same court under the same cause number. *See Visco,* 11 Ariz. App. at 74, 462 P.2d at 91 ("In Arizona it is proper for a court to take judicial notice of the record in another action tried in that same court.").

B. Reasonable Evidence Supports Severance of Mother's Parental Rights Pursuant to A.R.S. § 8-533(B)(8)(a) and (b)

¶36 Mother challenges the juvenile court's findings supporting severance of her parental rights based on mental illness, neglect, chronic abuse of dangerous drugs, and the existence of prior parental termination for her other children within the past two years given that the other termination was

being appealed. Because we find that one of the statutory grounds on which the court ordered severance is supported by clear and convincing evidence, "we need not address claims pertaining to the other grounds." *Jesus M.*, 203 Ariz. at 280, ¶ 3, 53 P.3d at 205 (citing *Michael J. v. Ariz. Dep't of Econ. Sec.*, 196 Ariz. 246, 251, ¶ 27, 995 P.2d 682, 687 (2000)).

¶37 Arizona Revised Statutes § 8-533(B)(8)(a) and (b) provides for termination of the parent-child relationship when the child has been in an out-of-home placement for more than nine months (if over three years of age) or more than six months (if under three years of age) when the parent has substantially neglected or willfully refused to remedy the circumstances that cause the child to be in an out-of-home placement.

¶38 As explained above, at the time of trial, Deena and Francis had been in foster care for more than fifteen months. Gracie, the youngest child who was taken as soon as she was born, had been in foster care for ten months.

¶39 The same circumstances that caused the children's removal from Father also caused the children's removal from Mother. Like Father, Mother substantially neglected or willfully refused to remedy these circumstances. Throughout the dependency proceedings, Mother was noncompliant with services. Prior to the time Mother was incarcerated, ADES had provided Mother with

individual counseling to deal with her PTSD, anxiety, and other mental health issues. ADES "continuously asked her to . . . seek a psychiatric evaluation through Mohave Mental Health." Mother refused. Mother was also offered substance-abuse assessments, treatment and counseling, as well as supervised visitation and parenting classes. Like Father, Mother refused to participate in services because she believed that ADES had kidnapped her children.

¶40 Mother also challenges the juvenile court's finding that ADES made a diligent effort to provide her appropriate reunification services. ADES must "undertake measures with a reasonable prospect of success" of reuniting the family. *Mary Ellen C.*, 193 Ariz. at 192, ¶ 34, 971 P.2d at 1053. However, ADES is not required to make efforts that would be futile. *Jordan C.*, 223 Ariz. at 94, ¶ 20, 219 P.3d at 304.

¶41 Like Father, Mother had been receiving reunification services prior to the removal of Deena, Francis, and Gracie, and these services were also considered services to prevent their removal. Mother tested positive for drugs three out of six times from October 2010 to November 2010. Moreover, although Mother had been diagnosed with various mental disorders in California in 2005, she failed to participate in treatment services provided to her aside from the parenting classes offered by Mohave Mental

health. The CPS case worker testified that in her professional opinion, Mother's mental illness impaired her ability to parent.

¶42 Contrary to Mother's claims, ADES did not stop offering her services once she was incarcerated in March 2011. By the time she was incarcerated, Mother had already refused to participate in most of the services. During Mother's incarceration, ADES could no longer offer these services. One case worker testified that during the time parents are incarcerated, "we can seek out services that are willing to come to the jail, but, unfortunately, there were no services willing and able to come to the jail to see the parents or willing to have the parents transported to their facility due to concerns of their safety[.]" Moreover, the juvenile court had already suspended visits with Deena and Francis due to the children's negative reactions to the visits and Mother's refusal to participate in services provided. The record supports the juvenile court's finding that ADES made a diligent effort to provide Mother with appropriate reunification services.

¶43 Mother does not challenge the juvenile court's finding that termination of Mother's relationship with Children is in Children's best interests. Because we find reasonable evidence supports severance of Mother's parental rights pursuant to A.R.S. § 8-533(B)(8)(a) and (b), we will not address Mother's claims

pertaining to the other grounds. *Jesus M.*, 203 Ariz. at 280, ¶ 3, 53 P.3d at 205.

Conclusion

¶44 For the foregoing reasons, we affirm the juvenile court's order terminating Father's and Mother's parental rights.

/S/

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ANDREW W. GOULD, Judge

CONCURRING:

/S/

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JOHN C. GEMMILL, Presiding Judge

/S/

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PETER B. SWANN, Judge