IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

BARBARA L.,
Appellant,

v.

DEPARTMENT OF CHILD SAFETY AND T.S.,
Appellees.

No. 2 CA-JV 2015-0179
Filed January 5, 2016

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 103(G).

Appeal from the Superior Court in Pinal County
No. JD201200193
The Honorable Henry G. Gooday Jr., Judge

AFFIRMED

COUNSEL

Heard Law Firm, Mesa
By James L. Heard
Counsel for Appellant

Mark Brnovich, Arizona Attorney General
By Cathleen E. Fuller, Assistant Attorney General, Tucson
Counsel for Appellee Department of Child Safety

MEMORANDUM DECISION

Presiding Judge Howard authored the decision of the Court, in which Judge Espinosa and Judge Staring concurred.

H O W A R D, Presiding Judge:

¶1 Appellant Barbara L. challenges the juvenile court's order of September 28, 2015, terminating her parental rights to her son, T.S., born in August 2012, on the ground that T.S. had been in court-ordered, out-of-home care for fifteen months or more. *See* A.R.S. § 8-533(B)(8)(c). On appeal, Barbara challenges the sufficiency of the evidence to establish that terminating her parental rights was in the child's best interest.

¶2 Before it may terminate a parent's rights, a juvenile court must find by clear and convincing evidence that at least one statutory ground for severance exists and must find by a preponderance of the evidence that terminating the parent's rights is in the best interests of the child. *See* A.R.S. §§ 8-533(B), 8-537(B); *Kent K. v. Bobby M.*, 210 Ariz. 279, ¶ 41, 110 P.3d 1013, 1022 (2005). We will affirm an order terminating parental rights unless we must say as a matter of law that no reasonable person could find those essential elements proven by the applicable evidentiary standard. *Denise R. v. Ariz. Dep't of Econ. Sec.*, 221 Ariz. 92, ¶ 10, 210 P.3d 1263, 1266 (App. 2009). We view the evidence in the light most favorable to upholding the court's order. *Manuel M. v. Ariz. Dep't of Econ. Sec.*, 218 Ariz. 205, ¶ 2, 181 P.3d 1126, 1128 (App. 2008).

¶3 T.S. was born prematurely and, near the end of his stay in neonatal intensive care, the hospital contacted the Department of Child Safety (DCS)[1] because Barbara was "agitated," "uncooperative

[1]DCS is substituted for the Arizona Department of Economic Security (ADES) in this decision. For simplicity, our references to DCS in this decision encompass ADES, which formerly

and verbally abusive," and had difficulty caring for T.S. DCS discovered Barbara and T.S.'s father were unemployed and had no stable housing. Due to T.S.'s health problems resulting from his early birth, he was at risk of harm if allowed to remain with his parents. T.S. was adjudicated dependent in November 2012.

¶4 DCS provided Barbara various reunification services including a psychological evaluation, individual therapy, parenting classes, supervised visitation, transportation, and employment assistance. The family's case manager indicated she was engaging in services and making improvements and, as a result, unsupervised visits were allowed. Barbara, however, was arrested in September 2014 in relation to her failure to update her address as a registered sex offender. By April 2015, the case worker reported that although Barbara had participated in services, she had "[f]ailed to show the behavior change necessary to reunify with" T.S. In May 2015, DCS filed a motion to terminate Barbara's parental rights.

¶5 At a contested severance hearing, the case manager and some of Barbara's service providers testified that she had made little progress and lacked the ability to appropriately parent T.S. The case manager also stated that Barbara's legal difficulties were ongoing. She further testified that T.S. regressed in behavior after visits with Barbara, that his foster placement was meeting his special needs based on his prematurity, that he loved them and wanted to remain with them, that he was adoptable, and that termination was in his best interest.

¶6 The juvenile court concluded DCS had proven the ground for severance and established severance was in T.S.'s best interest. It consequently ordered Barbara's parental rights to T.S. terminated, and this appeal followed.

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administered child welfare and placement services under title 8, and Child Protective Services, formerly a division of ADES. *See* 2014 Ariz. Sess. Laws 2d Spec. Sess., ch. 1, §§ 6, 20, 54.

¶7 Barbara argues on appeal that DCS was required to show both that T.S. would benefit from severance and would suffer a detriment if severance were denied. That is not, however, the appropriate standard to establish best interests. Rather, "a determination of the child's best interest must include a finding as to how the child would benefit from a severance *or* be harmed by the continuation of the relationship." *Maricopa Cty. Juv. Action No. JS-500274*, 167 Ariz. 1, 5, 804 P.2d 730, 734 (1990).

¶8 The remainder of Barbara's argument amounts to a request for this court to reweigh the evidence presented to the juvenile court.[2] That we will not do. *See Jordan C. v. Ariz. Dep't of Econ. Sec.*, 223 Ariz. 86, ¶ 18, 219 P.3d 296, 303 (App. 2009) (juvenile court in best position to weigh evidence and judge credibility). Rather, because reasonable evidence supports the court's findings, we will not interfere with its ruling. *Denise R.*, 221 Ariz. 92, ¶ 10, 210 P.3d at 1266.

¶9 We affirm the juvenile court's order severing Barbara's parental rights.

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[2]To the extent Barbara's argument can be read to claim that her rights to T.S. could not be severed when her rights to other children were not yet being severed, the argument is waived because she has not sufficiently developed it on appeal. *See Bob H. v. Ariz. Dep't of Econ. Sec.*, 225 Ariz. 279, ¶ 10, 237 P.3d 632, 635 (App. 2010) (argument waived when appellant "cite[d] no legal authority" in support of claim).