

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of B.H. and M.H., persons)	(Not For Official Publication)
under eighteen years of age.)	Case No. 20070450-CA
_____)	
L.A.,)	F I L E D
)	(October 4, 2007)
Appellant,)	2007 UT App 323
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third Juvenile District, Tooele Department, 504653
The Honorable Christine S. Decker

Attorneys: David J. Angerhofer, Sandy, for Appellant
Mark Shurtleff and Carol L.C. Verdoia, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, Billings, and Davis.

PER CURIAM:

L.A. (Mother) appeals the termination of her parental rights. Mother's only claim is that the court erred in finding that the Division of Child and Family Services (DCFS) provided reasonable reunification services. Mother does not otherwise challenge any ground supporting termination of her parental rights.

Utah Code section 78-3a-407(3)(a) states that "[i]n any case in which the court has directed [DCFS] to provide reunification services to a parent, the court must find that [DCFS] made reasonable efforts to provide those services before the court may terminate the parent's rights." Utah Code Ann. § 78-3a-407(3)(a) (Supp. 2007). We accord the juvenile court

"broad discretion in determining whether DCFS [has] made reasonable efforts at reunification." In re A.C., 2004 UT App 255, ¶12, 97 P.3d 706. The juvenile court

is in the best position to evaluate the credibility and competence of those who testify regarding the services that were provided, the parent's level of participation in such services, whether the services were properly tailored to remedy the specific problems that led to removal of the child, and whether the parent successfully accessed and then utilized such services to remedy the problem necessitating the removal.

Id.

DCFS prepared three service plans for Mother. The DCFS caseworker discussed the plans with Mother and confirmed that she understood them. Mother was offered reunification services including a psychological evaluation, individual therapy, family therapy, random drug testing, drug treatment, parenting classes, and supervised visitation. Mother attended family team meetings at which the requirements of the service plans were discussed. The DCFS caseworker assisted Mother by making contacts, monitoring her progress, and encouraging her to utilize the services provided for her. Mother made efforts to cooperate and comply until November 2006, when she stopped contacting her caseworker and therapist, stopped drug testing, failed to complete her drug treatment or her parenting course, and ceased having any contact with DCFS other than visitation. Also in November, Mother walked out of a family team meeting after her caseworker stated that DCFS would be recommending at the permanency hearing that efforts to reunify Mother with her children should be terminated because Mother had not demonstrated the ability to protect her children and had denied that B.H. had been sexually abused or that P.H. (Father) could have been the perpetrator. In addition, Mother had decided to continue her relationship with Father and planned to reside with him, despite being informed that this would be detrimental to her efforts to reunify with her children.

Mother argues that DCFS failed to use its best efforts to enable her to complete the service plan and that there was "no diligent follow through on the part of DCFS." This argument is not supported by the testimony of caseworkers and therapists who had contact with Mother during the case, which reflects frequent, diligent, and consistent efforts to assist her. "The juvenile court has been granted broad discretion in determining whether or not DCFS made 'reasonable efforts' to reunify a child with its

parents." Id. at ¶20. Because Mother has not demonstrated that the trial court's determination was clearly in error, we do not disturb that determination. See id.

Affirmed.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

James Z. Davis, Judge