

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of M.W., K.W., and L.W.,	)	(Not For Official Publication)
persons under eighteen years	)	
of age.	)	Case No. 20061049-CA
_____	)	
	)	
M.W.,	)	F I L E D
	)	(March 29, 2007)
	)	
Appellant,	)	2007 UT App 110
	)	
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 454374  
The Honorable Robert S. Yeates

Attorneys: Jeffrey J. Noland, Salt Lake City, for Appellant  
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake  
City, for Appellee  
Martha Pierce and Tracy S. Mills, Salt Lake City,  
Guardians Ad Litem

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Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

M.W. (Mother) appeals the juvenile court's termination of her parental rights in M.W., K.W., and L.W. Mother argues that there was insufficient evidence to support the grounds for termination and the juvenile court's finding that the Division of Child and Family Services (the Division) provided reasonable services. We affirm.

In reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶6, 991 P.2d 1118 (quotations and citation omitted). A juvenile court's findings of fact will not

be overturned unless they are clearly erroneous. See In re E.R., 2001 UT App 66, ¶11, 21 P.3d 680. Further, we give the juvenile court a "wide latitude of discretion as to the judgments arrived at based upon not only the court's opportunity to judge credibility firsthand, but also based on the juvenile court judges' special training, experience and interest in this field." Id. (quotations and citation omitted).

The juvenile court found five separate grounds for termination, including neglect, unfitness or incompetence, refusal to remedy circumstances that caused out-of-home placement, failure to make a parental adjustment, and token efforts. See Utah Code Ann. § 78-3a-407(1)(b)-(f) (Supp. 2006). Any single ground is sufficient to warrant termination of parental rights. See id. § 78-3a-407(1) (providing that court may terminate parental rights if it finds "any one of" the listed grounds); see also In re D.B., 2002 UT App 314, ¶13 n.4, 57 P.3d 1102.

"If a child has been placed in the custody of the [D]ivision and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which . . . the plan was commenced, . . . that failure to comply is evidence of failure of parental adjustment." Utah Code Ann. § 78-3a-408(5) (Supp. 2006). The Division created multiple plans, each running six months, to assist Mother in obtaining necessary parenting skills. These plans required Mother to, among other things, complete parenting classes, maintain her home in a suitable living condition, participate in ongoing therapy, and obtain appropriate employment. The record reveals that Mother failed to substantially comply with the requirements set forth in these plans. Thus, eighteen months after the children's removal, Mother was not ready to assume her responsibilities as a parent and would not be ready to do so in the immediate future. Under these circumstances, the juvenile court did not err in concluding that there was a failure of parental adjustment. See In re S.L., 1999 UT App 390, ¶17, 995 P.2d 17 (affirming termination of parental rights based upon failure of parental adjustment when parent failed to complete the provisions of two service plans over a twelve-month period and at the time of trial was not yet ready to parent her child).

Mother also argues that the Division did not provide her with reasonable services. "The [juvenile] court has broad discretion in determining whether [the Division has] made reasonable efforts at reunification." In re A.C., 2004 UT App 255, ¶12, 97 P.3d 706. The juvenile court noted the Division's efforts regarding evaluations, therapy, financial assistance, and other programs, along with Mother's lack of progress despite such

assistance. The juvenile court also noted that the Division had an extensive history with Mother and her family, and that three reunification plans had been initiated for Mother since March 2005. The juvenile court's findings are supported by the record. As this court has noted on more than one occasion, rehabilitation is "a two-way street which requires commitment on the part of the parents, as well as the availability of services from the State." In re P.H., 783 P.2d 565, 572 (Utah Ct. App. 1989) (quotations and citation omitted); see also In re M.S., 806 P.2d 1216, 1219 (Utah Ct. App. 1991). "The parent must be willing to acknowledge past deficiencies and [exhibit a] desire to improve as a parent and correct the abuses and neglect." In re P.H., 783 P.2d at 572 (quotations and citation omitted).

We affirm.

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Pamela T. Greenwood,  
Associate Presiding Judge

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge