

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. 20070449-CA
_____	)	
	)	
P.H.,	)	F I L E D
	)	(October 4, 2007)
Appellant,	)	
	)	2007 UT App 322
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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

Attorneys: Wayne A. Freestone, Sandy, for Appellant  
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake  
City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Greenwood, Billings, and Davis.

PER CURIAM:

P.H. (Father) appeals the termination of his parental rights in B.H. and M.H. We affirm.

Father claims that the juvenile court impermissibly relied upon hearsay statements in determining that Father's parental rights in B.H. should be terminated on the basis of sexual abuse. Specifically, the juvenile court admitted into evidence selected statements compiled by the director of a group home. These statements were purportedly made by B.H. to, or overheard by, various employees of the group home.

Without determining whether such statements were inadmissible hearsay, we conclude that even if the statements should have been excluded, they were cumulative of other evidence that was received without objection. For instance, Michelle Main gave extensive testimony regarding the issue of Father's sexual

abuse of B.H. During the course of this testimony, the juvenile court also received, without objection, a transcribed interview of B.H. regarding Father's abuse. Because the statements complained of were merely cumulative, any error in admitting the statements would have been harmless. See In re J.C., 808 P.2d 1131, 1136 (Utah Ct. App. 1991) (concluding that harmless error doctrine applied to appellant's claim that the juvenile court improperly admitted hearsay evidence when other non-hearsay evidence supported the juvenile court's findings and conclusions). Accordingly, Father can demonstrate no harm in the admission of the testimony. See id.

Father next argues that the evidence was insufficient to support the termination of his parental rights. 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 terminated Father's parental rights on the bases of abuse, neglect, and unfitness. See Utah Code Ann. § 78-3a-407(1) (2002). A review of the record shows there was sufficient evidence to support the juvenile court's findings and conclusions regarding each of these grounds, although any single ground is sufficient for termination. See id.

For instance, as detailed above, the record contains sufficient admissible evidence to support the juvenile court's determination that Father sexually abused B.H. In addition, the evidence establishes that Father's drug and alcohol dependency rendered him an unfit parent. See id. § 78-3a-408 (2)(c) (2002) (providing that sustained drug use must be considered as evidence of unfitness). Father acknowledged continued drug and alcohol use after the children's removal. Such continued drug use was one of the reasons for the children's removal. Father had not

resolved his drug problem at the time of trial. In short, there was sufficient evidence supporting the juvenile court's termination of Father's parental rights.

Accordingly, we affirm.

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Pamela T. Greenwood,  
Associate Presiding Judge

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Judith M. Billings, Judge

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James Z. Davis, Judge