

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah, in the interest)	MEMORANDUM DECISION
of A.L. and A.L., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20100074-CA
)	
T.J.L,)	F I L E D
)	(March 18, 2010)
Appellant,)	
)	2010 UT App 68
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 1001391
The Honorable Elizabeth A. Lindsley

Attorneys: Joseph Lee Nemelka, Salt Lake City, for Appellant
Mark L. Shurtleff, John M. Peterson, and Carol L.C.
Verdoia, Salt Lake City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Davis, Thorne, and Roth.¹

PER CURIAM:

T.J.L. (Father) appeals the termination of his parental rights. The juvenile court terminated parental rights based upon grounds of neglect, see Utah Code Ann. § 78A-6-507(1)(b) (2008); failure to remedy the circumstances that caused the children to be in an out-of-home placement, see id. § 78A-6-507(1)(d); failure of parental adjustment, see id. § 78A-6-508(1)(e); and token efforts, see id. § 78A-6-507(1)(f), as well as based upon a determination that it was in the children's best interests to terminate parental rights.

1. The Honorable Stephen L. Roth, Third District Judge, sat by special designation pursuant to Utah Code section 78A-3-103(2) (2008) and rule 3-108(3) of the Utah Rules of Judicial Administration.

Father specifically challenges only the ground of failure of parental adjustment, claiming that the juvenile court did not make the required finding that the State "provided diligent or reasonable services" to Father. Because Father has not challenged the juvenile court's determinations that he neglected the children, made token efforts to reunify with this children, and failed to remedy the circumstances that caused the children to be in an out-of-home placement, those grounds are sufficient to establish the requisite statutory ground for termination. See id. § 78A-6-507(1) (stating that the court may terminate parental rights upon a finding of any one of the enumerated grounds). Furthermore, Father's claim that the court failed to make the requisite finding supporting the ground of failure of parental adjustment is without merit. In fact, the juvenile court determined that the Division of Child and Family Services (DCFS) "made reasonable efforts to provide reunification services to the father to include a Domestic Violence Assessment, peer parenting, information for employment, and visitation with his children." This finding is amply supported by the evidence. Father also misrepresents the record by stating that the juvenile court found that Father was in compliance with his service plan at the time of the permanency hearing and likely to reunify within ninety days. Although the juvenile court found that Father's compliance in June 2009 was sufficient to support extending reunification services for an additional ninety days, Father was not in compliance at the time of the termination trial.

Father next claims that the juvenile court failed to place adequate weight on preservation of the family or to consider placement with relatives--specifically, the paternal grandmother. The claim that there was no evidence of efforts to place the children in a kinship placement is without merit. The record reflects that the children were placed with the paternal grandmother until she requested that they be removed. The paternal grandmother also did not pursue foster care licensing. Other testimony demonstrated that DCFS made contact with other relatives who could serve as possible kinship placements, but none were willing to take custody of the children.

Finally, Father contends that the juvenile court should not have considered his failure to complete peer parenting because he claims that there was no basis to order the service in the first place. The claim is without merit. The juvenile court found that peer parenting was an important requirement in the service plan. After the termination of reunification services to Mother, Father was faced with the possibility of being a single parent. The juvenile court ordered peer parenting to enable Father to gain the skills to allow the children to be reunified with him. In addition, the removal of the children was partially based upon inappropriate discipline by Father, which was a topic to be

addressed in peer parenting. Father completed only five of the twenty-four planned sessions of peer parenting, although he was clearly and adequately informed that he would be terminated from the service if he failed to attend. The claim that the juvenile court abused its discretion by considering Father's failure to complete peer parenting is without adequate analysis or support in Father's petition on appeal. Furthermore, the juvenile court also found that Father failed to consistently visit his children, which he, as a parent seeking reunification, should have pursued to preserve his relationship with his children. Finally, the juvenile court found that Father lacked stable housing and verified income or employment that would have allowed him to regain custody.

The juvenile court found that the children were living in a stable foster home where their needs were being met and placed they were loved and that it was in their best interests to be adopted by the foster family. Responding to Father's argument at trial that there was inadequate information regarding the foster father, the juvenile court found that there was no testimony that there was any hesitation by him to adopt the children and that DCFS representative testified that there are no impediments to adoption by the foster family and recommended adoption by the foster family.

Father claims that the juvenile court placed too much or too little weight on various facts. However, we do not reweigh the evidence on appeal and will not overturn the decision of the juvenile court "when a foundation for the court's decision exists in the evidence." In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. We will overturn the juvenile court's decision "only if it either failed to consider all of the facts or considered all of the facts and its decision was nonetheless against the clear weight of the evidence." Id. Applying the foregoing standard, we affirm the decision of the juvenile court.

James Z. Davis,
Presiding Judge

William A. Thorne Jr., Judge

Stephen L. Roth,
Visiting Judge