

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of C.B., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20100173-CA
	)	
B.G.,	)	F I L E D
	)	(May 27, 2010)
Appellant,	)	
	)	2010 UT App 142
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 1011516  
The Honorable Andrew A. Valdez

Attorneys: T. Laura Lui, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Orme, Thorne, and Roth.

PER CURIAM:

B.G. (Mother) appeals the termination of her parental rights in C.B. Mother alleges that the juvenile court erred in denying her counsel's motion to withdraw on the day of trial. She further asserts that there was insufficient evidence to support the juvenile court's determination that Mother abandoned C.B. and that it was in C.B.'s best interest to terminate Mother's parental rights. We affirm.

Mother first asserts that the juvenile court erred in denying her counsel's motion to withdraw. This court will reverse a trial court's decision to deny an indigent party's counsel's motion to withdraw only if the trial court abused its discretion. See State v. Scales, 946 P.2d 377, 381 (Utah Ct. App. 1997). The court did not abuse its discretion in denying the motion. Here, counsel for Mother made an oral motion to withdraw on the day of trial. This motion was untimely. See

Utah R. Juv. P. 53(b) (stating that motions to withdraw should be filed at least ten days prior to the next scheduled hearing). Further, counsel indicated that she wished to withdraw because Mother had not remained in contact with her and, as such, had not cooperated in readying the case for trial. Thus, it was Mother's conduct that led to the motion. Under such circumstances, the juvenile court did not abuse its discretion in denying the motion.

Mother next asserts that the juvenile court erred in determining that there was sufficient evidence to support its conclusion that Mother abandoned C.B. However, the juvenile court found multiple grounds for termination under Utah Code section 78A-6-607, including abuse, neglect, unfitness, failure to remedy the circumstances leading to C.B.'s out-of-home placement, and failure of parental adjustment. See Utah Code Ann. § 78A-6-507(1)(b)-(e) (2008). Pursuant to section 78A-6-507(1), the finding of any single ground is sufficient to warrant termination of parental rights. See id. § 78A-6-507(1) (providing that the court may terminate all parental rights if it finds any of the grounds listed); In re F.C., 2003 UT App 397, ¶ 6, 81 P.3d 790 (noting any single ground is sufficient to terminate parental rights). Mother does not challenge any of these other grounds for termination. Accordingly, because other grounds support the juvenile court's decision to terminate Mother's parental rights, there is no reason to review Mother's claim concerning abandonment.

Finally, Mother argues that there was insufficient evidence to support the factual findings underlying the juvenile court's determination that it was in the best interest of the child to terminate Mother's parental rights. We "review the juvenile court's factual findings based upon the clearly erroneous standard." In re E.R., 2001 UT App 66, ¶ 11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. 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. (citations omitted).

The evidence presented to the juvenile court supported its conclusion that it was in C.B.'s best interest to terminate Mother's parental rights. For example, the record demonstrates that Mother is unable to appropriately care for C.B. due to her use of pain medications and her severe depression, which cause Mother to spend much of her time in bed. Further, despite being offered numerous services by the Department of Child and Family

Services in an attempt to overcome some of Mother's parenting deficiencies, Mother was either unable to or refused to benefit from those services in order to remedy the circumstances that caused C.B. to be removed in the first place. Conversely, C.B. has been placed in a legal risk home with foster parents who wish to adopt him. They have developed a bond with C.B., they provide for his physical and emotional needs, and they provide C.B. with the opportunity for stability. Therefore, the evidence supported the juvenile court's findings, and ultimate conclusion, that it was in C.B.'s best interest to terminate Mother's parental rights. See In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435 ("When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence.").

Affirmed.

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge

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Stephen L. Roth, Judge