

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of J.F., A.F., J.F., and D.F.,)	(Not For Official Publication)
persons under eighteen years)	
of age.)	Case No. 20100447-CA
_____)	
)	
M.F.,)	F I L E D
)	(August 19, 2010)
)	
Appellant,)	2010 UT App 232
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Tooele Department, 170342
The Honorable Mark W. May

Attorneys: David J. Angerhofer, Sandy, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges McHugh, Thorne, and Roth.

PER CURIAM:

M.F. (Mother) appeals the termination of her parental rights in her four children. We affirm.

Mother asserts there was insufficient evidence to find that she failed to comply with her service plans and that she was an unfit parent. "In reviewing a decision to grant or deny a termination petition, '[w]e 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 (citation omitted). "When a foundation for the [juvenile] court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence." In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435.

Additionally, pursuant to Utah Code section 78A-6-507, the finding of any single ground is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78A-6-507(1) (2008) (providing the court may terminate all parental rights if it finds any one of grounds listed); In re F.C. III, 2003 UT App 397, ¶ 6, 81 P.3d 790 (noting that any single ground is sufficient to terminate parental rights). As a result, if there is sufficient evidence to support any one of the grounds for termination found by the juvenile court, the termination of Mother's rights is appropriate.

Although Mother argues that she substantially complied with the service plans, there is support in the record for the juvenile court's finding that she did not comply. Mother had not participated in individual therapy targeted to addressing her mental health issues. Although she attended some counseling sessions, that counseling was limited in scope and ultimately unsuccessful. Additionally, Mother did not obtain stable employment or housing over the course of the service plans. Mother completed some aspects of the plan but failed to complete critical aspects directly relevant to being able to provide stability and a home for the children.

Mother also argues that the evidence did not establish that she was unfit. However, the juvenile court found several grounds for termination, any one of which is sufficient to support the termination of parental rights. See Utah Code Ann. § 78A-6-507(1). The juvenile court found that Mother had failed to remedy the circumstances leading to the out-of-home placement of her children and that there was a failure of parental adjustment. These grounds are supported in the record and not specifically challenged on appeal.

Termination of parental rights is appropriate if the court finds that the children are in an out-of-home placement supervised by the Division of Child and Family Services, the parent has been unable or unwilling to remedy the circumstances that caused the out-of-home placement, and there is "a substantial likelihood that the parent will not be capable of exercising proper and effective parental care in the near future." Id. § 78A-6-507(1)(d). Similarly, failure of parental adjustment means that a parent is unable or unwilling to substantially correct the circumstances or conduct that led to an out-of-home placement for the child, even with receiving services targeted toward returning the child home. See id. § 78A-6-502(2).

There is sufficient evidence in the record supporting these grounds for termination. Mother did not participate in long-term individual therapy, did not maintain her own housing, and did not

obtain stable employment over the course of the proceedings. As a result, at the time of trial Mother was still not in a position to provide for the children or exercise appropriate parental care. Testimony established that Mother was resistant to change and that absent some critical changes, the children would remain at risk of harm if returned to Mother. The juvenile court found that Mother's long-term prognosis was doubtful. Because she had not even begun to address core issues, the juvenile court found that there was a substantial likelihood that Mother would not be capable of exercising proper and effective parental care in the near future. Over the course of the proceedings, Mother had shown herself to be unable or unwilling to take the steps necessary to correct the circumstances that resulted in the removal of the children. Accordingly, the juvenile court did not err in finding grounds to terminate Mother's parental rights.

Affirmed.

Carolyn B. McHugh,
Associate Presiding Judge

William A. Thorne Jr., Judge

Stephen L. Roth, Judge