

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of L.D., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20050886-CA
	)	
C.B.,	)	F I L E D
	)	(November 17, 2005)
Appellant,	)	
	)	2005 UT App 501
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 454627  
The Honorable Frederic M. Oddone

Attorneys: Julie George, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martin N. Olsen, Midvale, Guardian Ad Litem

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Before Judges Bench, Greenwood, and McHugh.

PER CURIAM:

C.B. (Mother) appeals the termination of her parental rights in L.D. In her petition on appeal, Mother asserts that the trial court erred in admitting evidence regarding an older sibling and that the evidence was insufficient to support the termination. However, she has failed to provide this court with an adequate record to review her claim, and thus, the trial court's order must be affirmed.

Pursuant to rule 54(a) of the Utah Rules of Appellate Procedure, where an appellant intends to challenge the sufficiency of the evidence supporting a finding or conclusion, "the appellant must include in the record a transcript of all evidence relevant to" the challenged finding or conclusion. Utah R. App. P. 54(a). Absent an adequate record on appeal, we cannot address the issues raised and "assume the regularity of the

proceedings below." State v. Blubaugh, 904 P.2d 688, 699 (Utah Ct. App. 1995).

Mother asserts no transcript is needed because the issues identified are purely legal issues. We have previously determined that evidence of a parent's behavior with other children is relevant. See In re J.B., 2002 UT App 267, ¶21, 53 P.3d 958. Although admissibility of evidence can be a legal issue, a transcript is necessary to assure that an objection was made and to evaluate the reasoning of the juvenile court. Further, Mother identifies the sufficiency of the evidence as a second issue, which clearly requires a transcript. Even where the juvenile court's findings are extensive and detailed, as here, the transcript is necessary to review the support for the findings, and perhaps review for harmless error if the transcript shows additional evidence supporting other grounds.

Furthermore, absent a transcript to evaluate the evidence, there appears to be sufficient evidence supporting termination based on Mother's criminal history. Mother's history shows repeated criminal action and failure to appear, and continual disregard for orders of the court. The juvenile court found that her pattern of behavior established unfitness. This part of the ruling does not rely on Mother's history with the older sibling, and is not specifically challenged.

Accordingly, the termination of Mother's parental rights is affirmed.

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Russell W. Bench,  
Associate Presiding Judge

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Pamela T. Greenwood, Judge

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Carolyn B. McHugh, Judge