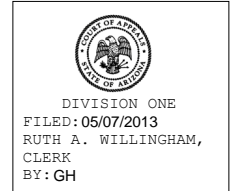


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);
Ariz. R. Crim. P. 31.24



IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

DANIELA P.,) 1 CA-JV 12-0238
)
Appellant,) DEPARTMENT B
)
v.) **MEMORANDUM DECISION**
) (Not for Publication -
ARIZONA DEPARTMENT OF ECONOMIC) Ariz. R.P. Juv. Ct. 103(G);
SECURITY, S.M., T.M.,) ARCAP 28)
D.M., D.M.,)
)
Appellees.)
)

Appeal from the Superior Court in Maricopa County

Cause No. JD19765

The Honorable Roland J. Steinle, III, Judge

AFFIRMED

Thomas C. Horne, Attorney General Phoenix
By Michael F. Valenzuela, Assistant Attorney General
Attorneys for Appellees

Denise L. Carroll, Esq. Scottsdale
By Denise L. Carroll
Attorney for Appellant

N O R R I S, Judge

¶1 Daniela P. appeals the termination of her parental rights to S.M., T.M., D.M., and D.M. ("children").¹ On appeal, she argues the Arizona Department of Economic Security ("ADES") failed to show by a preponderance of the evidence termination was in the children's best interests because the children had bonded with her.² Ariz. Rev. Stat. ("A.R.S.") § 8-533(B) (Supp. 2012) (juvenile court shall consider best interests of children in termination proceeding). Because substantial evidence supports the juvenile court's termination of Daniela's parental rights,³ we disagree with her argument and affirm the court's order. *Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, 280, ¶ 4, 53 P.3d 203, 205 (App. 2002) (appellate court accepts juvenile court's factual findings if supported by reasonable

¹We have amended the caption to safeguard the identity of the juveniles pursuant to this court's Administrative Order 2013-0001.

²In passing, Daniela suggests the juvenile court should not have terminated her parental rights because a less extreme alternative -- guardianship -- was available. She did not raise this argument in the termination hearing; therefore it is not properly before us. See *Woodworth v. Woodworth*, 202 Ariz. 179, 184, ¶ 29, 42 P.3d 610, 615 (App. 2002) (argument not presented to superior court may not be presented for first time on appeal).

³The juvenile court terminated Daniela's parental rights on the statutory grounds of chronic drug abuse under A.R.S. § 8-533(B)(3), and time in care for both nine and fifteen months under A.R.S. § 8-533(B)(8)(a), (c). On appeal, Daniela does not contest the statutory grounds for termination.

evidence, and will affirm termination order unless clearly erroneous).

¶12 At the contested termination hearing, a psychologist who had evaluated Daniela testified she abused amphetamine and cannabis; had an antisocial personality disorder; was not "interested in working with the State" to regain custody of the children; had impaired insight and judgment because she was extremely hostile and resentful towards authority; and self-indulgently put her desires ahead of the well-being of the children. He further testified Daniela would not be able to parent the children even if she was given more time for reunification because she had no "intention of changing her lifestyle," and although the children had bonded with her, that did not "necessarily mean [she was] going to be willing to step up . . . and actually provide for all the needs" of the children. He also testified termination was in the children's best interests so that Daniela's parents ("Grandparents") -- who had been caring for them and were able to provide for their needs -- could adopt them.

¶13 The Child Protective Services ("CPS") caseworker testified that although CPS offered Daniela urinalysis testing, hair follicle testing, oral swab testing, and referrals to drug abuse treatment, provided parent aide services, scheduled counseling and psychological consultations, and offered

transportation, Daniela never participated in any substance abuse treatment, failed to complete parent aide programs, and refused to engage in counseling and psychological consultations.

¶4 As the record reflects, and as the juvenile court found, Daniela's "history of serious chronic drug abuse" and antisocial personality disorder prevented her from "exercising proper and effective parental care." Although Daniela and the children had bonded, she was unemployed, had unstable housing, could not provide for the children, and consistently refused to participate in substance abuse treatment and other CPS services. The record further reflects Grandparents were willing to adopt the children, could meet their needs, had been caring for them before CPS's involvement, and, during the time they were in their care, had bonded with them. As the juvenile court also found, adoption would "give the children long term stability and permanency which [Daniela] ha[d] not provided and cannot provide in the future."

