

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

RUBEN G., *Appellant*,

v.

DEPARTMENT OF CHILD SAFETY, R.G., A.C., *Appellees*.

No. 1 CA-JV 16-0553
FILED 5-11-2017

Appeal from the Superior Court in Maricopa County
No. JD 530420
The Honorable Timothy J. Ryan, Judge

AFFIRMED

COUNSEL

Maricopa County Public Advocate, Mesa
By Suzanne W. Sanchez
Counsel for Appellant

Arizona Attorney General's Office, Tucson
By Cathleen E. Fuller
Counsel for Appellee

MEMORANDUM DECISION

Presiding Judge Margaret H. Downie delivered the decision of the Court, in which Judge Kenton D. Jones and Judge Donn Kessler joined.

D O W N I E, Judge:

¶1 Ruben G. appeals from an order finding his children, R.G. and A.C., dependent. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 The Department of Child Safety (“DCS”) filed a dependency petition alleging that Ruben was neglecting his children’s educational needs, failing to provide appropriate parental supervision, and was unable to parent the children because of domestic violence and mental health issues. Ruben appeared at the initial dependency hearing and advised that he wished to contest the dependency petition. Ruben subsequently failed to appear for a scheduled pretrial conference. His attorney had no information about his whereabouts, and the court allowed the matter to proceed by default. After reviewing the evidence, the court found the children dependent.

¶3 Ruben timely appealed. We have jurisdiction pursuant to Arizona Revised Statutes sections 8-235(A), 12-120.21(A)(1), and -2101(A)(1).

DISCUSSION

¶4 Ruben’s sole contention on appeal is that the juvenile court made inadequate factual findings, rendering its dependency order invalid. *See* Ariz. R.P. Juv. Ct. 55(E)(3) (“As to each parent . . . the court shall . . . [s]et forth specific findings of fact in support of a finding of dependency . . .”).¹

¹ The order stated:

THE COURT FINDS pursuant to the Rules of Procedure for the Juvenile Court that the allegations of the petition are true by a preponderance of the evidence and the children are

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We conclude Ruben has waived any such error because he did not raise the alleged deficiency in the juvenile court.

¶5 “We generally do not consider objections raised for the first time on appeal. This is particularly so as it relates to the alleged lack of detail in the juvenile court’s findings.” *Christy C. v. Ariz. Dep’t of Econ. Sec.*, 214 Ariz. 445, 452, ¶¶ 20–21 (App. 2007) (holding mother’s objection to lack of specificity in severance order was waived because deficiencies were not raised in the juvenile court). “[A] party may not ‘sit back and not call the trial court’s attention to the lack of a specific finding on a critical issue, and then urge on appeal that mere lack of a finding on that critical issue as a grounds for reversal.’” *Id.* at 452, ¶ 21 (citation omitted); *cf. Elliott v. Elliott*, 165 Ariz. 128, 134 (App. 1990) (“A litigant must object to inadequate findings of fact and conclusions of law at the trial court level so that the court will have an opportunity to correct them. Failure to do so constitutes waiver.”).

¶6 Ruben argues he could not raise the inadequacy of the findings in the juvenile court and also file a timely appeal. We disagree. Ruben could have filed a timely notice of appeal and asked this Court to revest jurisdiction in the juvenile court to rule on his challenge to the adequacy of its findings. *See* ARCAP 3(b) (“An appellate court for good cause may suspend an appeal and revest jurisdiction in the superior court to allow the superior court to consider and determine specified matters.”).

¶7 Although a parent who does not object to the adequacy of dependency findings in the juvenile court cannot raise that deficiency for the first time on appeal, he or she may still argue that the evidence was insufficient to establish a dependency. Ruben, however, makes no such argument. Instead, he essentially asks this Court to revisit our holding in *Christy C.* – something we decline to do.

dependent as to the father, [Ruben G.], as defined by the Arizona Revised Statutes.

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CONCLUSION

¶8 For the foregoing reasons, we affirm the superior court's dependency order.



AMY M. WOOD • Clerk of the Court
FILED: AA