

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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

---

KARRIE M., *Appellant*,

*v.*

DEPARTMENT OF CHILD SAFETY, P.C., *Appellees*.

No. 1 CA-JV 17-0034  
FILED 10-10-2017

---

Appeal from the Superior Court in Maricopa County  
No. JD28480  
The Honorable William R. Wingard, Judge *Pro Tempore*

**AFFIRMED**

---

COUNSEL

Robert D. Rosanelli, Phoenix  
*Counsel for Appellant*

Arizona Attorney General's Office, Phoenix  
By Amber E. Pershon  
*Counsel for Appellee*

---

**MEMORANDUM DECISION**

Judge Randall M. Howe delivered the decision of the Court, in which  
Presiding Judge James P. Beene and Judge Kent E. Cattani joined.

---

KARRIE M. v. DCS, P.C.  
Decision of the Court

HOWE, Judge:

¶1 Karrie M. (“Mother”) appeals the juvenile court’s order terminating her parental rights to her child, P.C., on the grounds of neglect under A.R.S. § 8-533(B)(2) and time in out-of-home placement for 15 months under A.R.S. § 8-533(B)(8)(c). For the following reasons, we affirm.

**FACTS AND PROCEDURAL HISTORY**

¶2 In September 2013 in Globe, Arizona, Mother left her eight children, including two-year-old P.C., in their multistory apartment with five adults while she went to the store. The five adults were watching their own children and grandchildren in addition to P.C., and they were supervising 16 children in all. Thereafter, P.C. fell from a second-story balcony and sustained multiple facial fractures that required two surgeries. Shortly after, the Department of Child Safety received a report of the incident. In addition to P.C.’s injuries, the Department found that she was dirty and had head lice and that Mother’s home had bed bugs.

¶3 Later that day, the Department took custody of P.C. and petitioned for dependency alleging that Mother had neglected P.C. Subsequently, the juvenile court found P.C. dependent. The Department offered Mother services including urinalysis testing, substance-abuse treatment, individual counseling, parenting instruction, grievance services, family support services, and transportation. The Department also provided Mother with supervised visitation.

¶4 In October 2013, Mother completed a psychological evaluation. The psychologist diagnosed Mother with post-traumatic stress and an unspecified personality disorder with antisocial and borderline traits. He also reported that Mother had character traits that interfered with her ability to parent: (1) she was attracted to dysfunctional men; (2) she had more of an anger problem than she acknowledged; (3) she was suspicious and distrustful of others; and (4) she was not financially stable. He also stated that Mother appeared to have been overwhelmed by being a single parent. The psychologist recommended that Mother receive Masters-level counseling, which she started the following month.

¶5 In her interactions with the Department from January 2014 through April 2014, Mother consistently minimized her responsibility and did not make the behavioral changes necessary to effectively parent P.C. Mother and her children had a dysfunctional relationship and could not communicate calmly and respectfully with one another. The children and

KARRIE M. v. DCS, P.C.  
Decision of the Court

Mother also had anger issues toward each other. That April, Mother moved to Maricopa County, and her services in Globe were closed.

¶6 In August 2014, the Department referred Mother to Terros for substance-abuse services and told her to self-refer to Magellan to address her mental health issues. That same month, the Department noted that although Mother had participated in the recommended services, she had still failed to make necessary behavioral changes. The Department also found that Mother lacked the ability to discharge her parental authority because her children were able to manipulate her.

¶7 In October 2014, the Department assigned Mother to counseling at Trilogy, and she also began parent-aide services through Arizona Baptist Children's Services. Mother was inconsistent with her visits and services, however, and the Department was concerned about her inability to parent. Subsequently, Mother's individual counseling with Trilogy closed in February 2015 because she failed to attend counseling sessions. Likewise, Mother's parent-aide referral was closed in May 2015 because she missed her visits with P.C. and made little effort to work on her goals and objectives. Nonetheless, Mother received another referral for parent-aide services through Terros.

¶8 In April 2015, Mother underwent a second psychological evaluation with the same psychologist. He noted that Mother had made some recent progress, but he also found that "a child in her care could be at risk for neglect as well as injury." Thereafter, at the Department's request, the court changed the case plan to severance and adoption, and the Department moved to terminate Mother's parental rights on the grounds of neglect, 9 months' out-of-home placement, and 15 months' out-of-home placement.

¶9 In July 2015, Mother began dialectical-behavioral therapy ("DBT") with Buwalda Psychological Services. The therapist reported that Mother had not met the goals set out for her. He found that Mother had overwhelming anxiety that limited her ability to deal simultaneously with multiple issues. Additionally, he determined that Mother's mental health issues affected her ability to parent because having "multiple children present . . . can be quite overwhelming" and "could be the overwhelming stimulus that could create [Mother's] lack of focus and attention to meeting their needs." The therapist further reported that Mother needed to learn more skills, such as multitasking, and how to apply them. He also stated that Mother would need to be in counseling for at least another six months before he could review her status.

KARRIE M. v. DCS, P.C.  
Decision of the Court

¶10 During this time, Mother's pregnancy and heart issues prevented her from consistently visiting P.C. Although Mother exhibited basic parenting skills, she did not overcome her mental health issues because she demonstrated an inability to process safety issues by leaving chemicals within reach of the children and feces on the floor. Subsequently, Mother's parent-aide referral was closed in February 2016.

¶11 Although Mother's therapist wanted to provide her with both individual and group DBT sessions from July 2015, Mother was able to participate only in individual sessions. Due to a miscommunication between the therapist and the Department, Mother did not receive a referral for group DBT sessions until June 2016. The therapist did not actually request additional authorization from the Department for the group sessions until June 2016. By this time Mother had AHCCCS, and the Department informed her that she would need to cover the costs of the group sessions through her insurance.

¶12 Due to the delay in accessing group DBT sessions, the therapist compensated by increasing Mother's individual counseling sessions, and the therapist opined that the changed treatment plan was not a factor in Mother's lack of progress. Moreover, after learning that she needed to obtain group DBT sessions through her insurance, Mother did not initiate these services. In fact, she stopped attending her DBT sessions altogether.

¶13 The court held a contested termination hearing in October 2016. The case manager testified that the Department provided Mother with reunification services, such as substance-abuse treatment, drug testing, psychological evaluations, counseling, several parent aides, and transportation. The case manager was concerned about Mother's lack of progress in therapy because Mother did not keep focus, was easily distracted, and did not retain information. She also testified that Mother was unable to exercise parental authority because her children yelled at her and did not listen to her. The case manager further noted a significant concern for P.C.'s safety, testifying that during a visit in May 2016, P.C. began wandering away from Mother, but Mother did not notice. That same month, Mother allowed the family dog to lick P.C.'s food without attempting to redirect him. In July 2016, P.C. climbed onto a sink, and P.C.'s older sibling, rather than Mother, had to help P.C. down. Additionally, in November 2016, Mother did not notice that P.C. climbed onto a shopping cart, and P.C. hit her face on the side of the cart. Earlier in the termination hearing, Mother testified that before the September 2013 incident, her 21-month-old son had fallen out of a shopping cart and knocked himself

KARRIE M. v. DCS, P.C.  
Decision of the Court

unconscious. Ultimately, the case manager testified that she did not believe P.C. could safely return to Mother's care because, despite the case being open for three years, Mother had not made significant behavioral changes.

¶14 The case manager also testified that severance and adoption would be in P.C.'s best interests. She stated that an adoptive home had been identified, and the placement would meet P.C.'s needs. She also stated that if the placement could not adopt P.C., then the Department could identify another permanent placement for her. She testified further that terminating Mother's parental rights would provide P.C. with stability and permanency in her life.

¶15 The court terminated Mother's parental rights to P.C. on the grounds of neglect and 15 months' out-of-home placement. Additionally, the court found that a substantial likelihood existed that Mother would not be capable of exercising proper effective parental care and control in the near future. Furthermore, it found that the Department made reasonable and diligent efforts to effectuate family reunification. Lastly, the court found that termination of Mother's parental rights would be in P.C.'s best interests. Mother timely appealed.

**DISCUSSION**

¶16 Mother argues that the juvenile court erred by terminating her parental rights because insufficient evidence supports termination. Mother also contends that insufficient evidence supports the finding that she failed to remedy the circumstances that caused P.C. to remain in an out-of-home placement and that she would not be capable of exercising proper and effective parental care in the near future. We review a juvenile court's termination order for an abuse of discretion. *E.R. v. Dep't of Child Safety*, 237 Ariz. 56, 58 ¶ 9 (App. 2015). Additionally, we accept the juvenile court's factual findings unless no reasonable evidence supports them, and we will affirm a severance order unless it is clearly erroneous. *Bobby G. v. Ariz. Dep't of Econ. Sec.*, 219 Ariz. 506, 508 ¶ 1 (App. 2008).

¶17 To terminate parental rights, the juvenile court must find by clear and convincing evidence the existence of at least one statutory ground under A.R.S. § 8-533 and by a preponderance of the evidence that termination would be in the child's best interests. A.R.S. § 8-533(B); Ariz. R. P. Juv. Ct. 66(C). If clear and convincing evidence supports any one of the statutory grounds on which the juvenile court terminated parental rights, we need not address claims pertaining to the other grounds. *Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, 280 ¶ 3 (App. 2002).

KARRIE M. v. DCS, P.C.  
Decision of the Court

¶18 As pertinent here, to terminate parental rights for 15 months' in an out-of-home placement, the juvenile court must find by clear and convincing evidence that: (1) the Department made a diligent effort to provide appropriate reunification services; (2) the child has been in an out-of-home placement for a cumulative total period of 15 months or longer pursuant to court order; (3) the parent has been unable to remedy the circumstances that caused the child to be in an out-of-home placement; and (4) a substantial likelihood exists that the parent will be incapable of exercising proper and effective parental care and control in the near future. A.R.S. § 8-533(B)(8)(c); *Kent K. v. Bobby M.*, 210 Ariz. 279, 288 ¶ 41 (2005). Moreover, the juvenile court must find by a preponderance of the evidence that severance is in the child's best interests. *Kent K.*, 210 Ariz. at 288 ¶ 41. A finding that severance is in the child's best interests may be based on a showing that a current adoptive plan exists or that the child is adoptable, and the current placement is meeting the child's needs. *See Mary Lou C. v. Ariz. Dep't of Econ. Sec.*, 207 Ariz. 43, 50 ¶ 19 (App. 2004).

¶19 Sufficient evidence supports the court's order terminating Mother's parental rights and that the termination was in P.C.'s best interests. As of the date of the termination hearing, P.C. had been in an out-of-home placement pursuant to court order for approximately 37 cumulative months. And the record shows that the Department had made a diligent effort to provide appropriate reunification services for Mother, including parent-aide services, supervised visits, two psychological evaluations, Masters-level counseling, therapy sessions, urinalysis testing, substance-abuse treatment, and transportation. Mother's attendance and participation in these services were inconsistent, and the Department closed out several parent-aide and counseling referrals due to her lack of participation.

¶20 Furthermore, Mother consistently minimized her responsibility throughout the reunification process and did not make the behavioral changes necessary to remedy the circumstances that caused the child to be in an out-of-home placement. Despite many months of services, Mother was not able to retain or exercise the parenting skills necessary to parent P.C. For example, before the incident involving P.C. in September 2013, another child of Mother climbed a shopping cart, fell from the cart, and knocked himself unconscious. After several years of parenting services, Mother allowed P.C. to engage in the exact same activity. Mother's overall inattentiveness while supervising P.C. was also a significant concern.

¶21 Additionally, the opinions of Mother's psychologist and therapist show that Mother did not make significant progress in eliminating

KARRIE M. v. DCS, P.C.  
Decision of the Court

concerns about neglect toward P.C. Mother's psychologist stated that a child in Mother's care could be at risk for neglect as well as injury. Likewise, her therapist stated that she had not met the goals set out for her. The therapist also reported that Mother still had issues with overwhelming anxiety, and she would need at least another six months of therapy before he could review her status. Consequently, the record reflected a substantial likelihood that Mother would be incapable of exercising proper and effective parental care and control in the near future.

¶22 Mother claims that the Department denied her appropriate reunification services by failing to timely provide her with group DBT sessions. However, her therapist compensated by increasing Mother's individual therapy sessions, and the change in treatment did not factor into Mother's lack of progress. After the Department informed Mother that she would need to cover the cost of group therapy through her insurance, she took no action to do so. Furthermore, she stopped seeing her therapist even for the individual DBT sessions. Thus, the juvenile court did not abuse its discretion by finding that the Department provided appropriate reunification services.

¶23 Mother also contends that the juvenile court wrongly judged her capability of parenting P.C. as if she had to parent all of her children rather than only P.C. But sufficient evidence supports the juvenile court's conclusion that Mother was incapable of parenting just P.C. The Department took custody of P.C. because Mother was unable to properly supervise her, and Mother was still unable to appropriately supervise P.C. after three years and numerous services. While the service providers indeed stated that Mother's ability to parent was affected by having to deal with multiple children, they also provided evidence that she was unable to parent solely P.C. Additionally, her psychologist opined that a child could be at risk for neglect and injury in Mother's care. Similarly, her therapist stated that she needed at least six more months of therapy before reviewing her status again. Lastly, her case manager testified that safety was still an issue, and P.C. could easily be injured again. Therefore, the record supports the finding that Mother was incapable of exercising proper and effective parental care and control of P.C. in the near future. Accordingly, the court did not abuse its discretion in terminating Mother's parental rights under A.R.S. § 8-533(B)(8)(c).

¶24 Finally, the juvenile court found that P.C. would benefit from the termination of Mother's parental rights. The record supports this finding. The case manager testified that an adoptive home that met P.C.'s needs had been identified. She further testified that if that placement could

KARRIE M. v. DCS, P.C.  
Decision of the Court

not adopt P.C., the Department could find another permanent placement. Lastly, the case manager stated that termination would provide P.C. with stability and permanency in her life. Thus, the juvenile court did not abuse its discretion by finding termination to be in P.C.'s best interests.

**CONCLUSION**

¶25 For the foregoing reasons, we affirm.



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