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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

KEISHA B., *Appellant*,

v.

DEPARTMENT OF CHILD SAFETY, J.B., *Appellees*.

No. 1 CA-JV 17-0110
FILED 9-28-2017

Appeal from the Superior Court in Maricopa County
No. JD32259
The Honorable Alison Bachus, Judge

AFFIRMED

COUNSEL

Czop Law Firm, PLLC, Higley
By Steven Czop
Counsel for Appellant

Arizona Attorney General's Office, Phoenix
By JoAnn Falgout
Counsel for Appellee

MEMORANDUM DECISION

Judge Randall M. Howe delivered the decision of the Court, in which Presiding Judge Paul J. McMurdie and Judge Michael J. Brown joined.

H O W E, Judge:

¶1 Keisha B. ("Mother") appeals the juvenile court's order terminating her parental rights to her minor child, J.B. She argues that the court erred by finding that the Department of Child Safety (the "Department") made reasonable efforts to provide her reunification services. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 In March 2016, when J.B. was eight months old, the Department received a "hotline" call stating that Mother was a danger to herself and J.B. According to the caller, Mother tried to strangle herself and threatened to harm herself and J.B. The Department subsequently took temporary custody of J.B. and petitioned for dependency, alleging neglect due to mental health issues.

¶3 The Department and Mother agreed that the Department would offer her parent-aide services, a Terros intake for mental health services, supervised visitation, a psychological evaluation, transportation, and services through the Arizona Department of Economic Security, Division of Developmental Disabilities ("DDD"). The juvenile court further ordered that the Department "follow up" on assigning Mother a specialized parent aide.

¶4 In July 2016, Mother participated in the psychological evaluation. Because Mother was unable to read well, the psychologist could only administer one diagnostic test. The test revealed an IQ score of 55, which the psychologist noted was an accurate representation of Mother's overall cognitive functioning. Mother has Fetal Alcohol Syndrome and reported having lifelong intellectual difficulties. Consequently, the psychologist diagnosed Mother with intellectual developmental disorder, and provisional diagnoses of major depressive disorder and alcohol use disorder. The psychologist opined that Mother's intellectual deficits would put any child in her care at risk and that Mother's condition would continue

for a prolonged, indeterminate period. The psychologist further opined that "it is unlikely that any services could be provided to assist in teaching [Mother] how to parent independently" but that "her condition may improve if she were to visit with a psychiatrist for medication management to stabilize symptoms of depression and anger."

¶5 Over the next several months, Mother participated in parent-aide services with an aide familiar with parents suffering from cognitive delays, began individual counseling as the psychologist suggested, and completed the enrollment application for DDD services. Mother's parent-aide visits were inconsistent, however, because Mother either canceled or J.B. was sick. Additionally, Mother failed to complete the DDD intake process. During this time, Mother had failed to maintain safe and stable housing and had difficulty with advanced daily living skills.

¶6 In October 2016, at a report and review hearing, the Department moved to change the case plan to severance and adoption, which the court granted. The court also found that the Department had made reasonable efforts to finalize the case plan. Shortly thereafter, the Department moved to terminate Mother's parental rights to J.B. on the mental illness ground under A.R.S. § 8–533(B)(3).

¶7 At the February 2017 severance hearing, the case manager testified to the services that the Department provided Mother and about the psychologist's opinion regarding Mother's inability to independently parent in the future. The case manager stated that after providing Mother services, she reassessed the case and determined that J.B.'s safety would be a concern because Mother's issues were long term. The case manager acknowledged that Mother participated in her services and made some progress but believed that Mother would be unable to independently parent in the near future. In closing, Mother's counsel stated that Mother loved J.B. and did the best she could with services but did not mention any inadequacies in the services provided.

¶8 The juvenile court subsequently terminated Mother's parental rights to J.B. The court found that the Department made reasonable, diligent efforts to provide Mother with proper reunification services. The court further found that despite all the services the Department provided, Mother's cognitive deficiencies would continue for a prolonged indeterminate period of time. Mother timely appealed.

DISCUSSION

¶9 Mother does not challenge the existence of the statutory ground for termination or that severance was in J.B.'s best interests. She contends only that the Department failed to make reasonable efforts to provide her reunification services. The juvenile court is in the best position to weigh the evidence, observe the parties, judge the credibility of witnesses, and resolve disputed facts. *Jordan C. v. Ariz. Dep't of Econ. Sec.*, 223 Ariz. 86, 93 ¶ 18 (App. 2009). Unless no reasonable evidence supports the juvenile court's factual findings, we accept those findings and will affirm the severance order unless it is clearly erroneous. *Bobby G. v. Ariz. Dep't of Econ. Sec.*, 219 Ariz. 506, 508 ¶ 1 (App. 2008). The juvenile court did not abuse its discretion by finding that the Department made reasonable efforts to provide Mother with reunification services.

¶10 As pertinent here, when the Department moves to sever parental rights on mental illness grounds, the court must find that the Department made reasonable efforts to provide reunification services. *See Mary Ellen C. v. Ariz. Dep't of Econ. Sec.*, 193 Ariz. 185, 192, 193 ¶¶ 33, 42 (App. 1999). The Department's duty, however, does not negate a parent's requirement to timely object to services if the parent believes those services are inadequate. *See Shawanee S. v. Ariz. Dep't of Econ. Sec.*, 234 Ariz. 174, 178 ¶ 13 (App. 2014). Mother attended every hearing throughout the dependency proceeding and was represented by counsel. At the report and review hearing in October 2016—four months after the psychological evaluation and three months after the Department assigned Mother a parent aide familiar with her issues—the juvenile court found that the Department made reasonable efforts to finalize the case plan. Mother did not object. In fact, Mother did not object to the services provided to her at any point during the proceedings. Accordingly, Mother waived her right to raise this issue for the first time on appeal. *See id.* at 179 ¶ 18.

¶11 Even had Mother not waived her reasonable efforts argument, the record supports the juvenile court's finding. Mother argues that the Department did not provide her with an appropriate parent aide. But this is not true. From the outset of the dependency proceeding, the Department and Mother agreed on the services that the Department would offer. The Department subsequently referred Mother to all the agreed-on services. Then, when the juvenile court ordered that the Department "follow up" on assigning Mother a specialized parent aide, the Department assigned Mother a case aide familiar with parents who suffer from cognitive delays. This is sufficient evidence for the juvenile court to find that the Department provided an appropriate parent aide.

¶12 Mother next argues that the Department failed to refer her for a psychiatric evaluation after the psychologist recommended the referral. But the psychologist did not recommend that Mother be referred for a psychiatric evaluation. Instead, the psychologist opined only that Mother's condition might improve if she saw a psychiatrist for medication management. Although the psychologist recommended medication management to help Mother's anger and depression symptoms, she specifically stated that no service would be likely to assist Mother in learning how to independently parent. And even though the Department is required to make reasonable efforts to provide reunification services, it is not required to provide every conceivable service. *Matter of Appeal in Maricopa Cty. Juv. Action No. JS–501904*, 180 Ariz. 348, 353 (App. 1994). Thus, on this record, the juvenile court did not err by finding that the Department made reasonable efforts to provide Mother with reunification services.

CONCLUSION

¶13 For the foregoing reasons, we affirm.

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