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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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

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CRYSTAL B., *Appellant,*

*v.*

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

No. 1 CA-JV 19-0106  
FILED 9-26-2019

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Appeal from the Superior Court in Maricopa County  
No. JD34615  
The Honorable M. Scott McCoy, Judge

**AFFIRMED**

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COUNSEL

The Stavris Law Firm, PLLC, Scottsdale  
By Alison Stavris  
*Counsel for Appellant*

Arizona Attorney General's Office, Phoenix  
By JoAnn Falgout  
*Counsel for Appellee Department of Child Safety*

**MEMORANDUM DECISION**

Judge David D. Weinzweig delivered the decision of the Court, in which Presiding Judge James B. Morse Jr. and Judge Samuel A. Thumma joined.

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**WEINZWEIG**, Judge:

¶1 Crystal B. (“Mother”) appeals the superior court’s order terminating her parental rights to T.B. We affirm.

**FACTS AND PROCEDURAL BACKGROUND**

¶2 Mother and Lance H. (“Father”) are the biological parents of T.B., born in November 2010. T.B. has cerebral palsy and requires ongoing treatment and specialized care. Mother’s own limitations prevent her from living independently and meeting her own needs.

¶3 At two years old, T.B. lived with Mother in Missouri when T.B. was hospitalized and diagnosed with “failure to thrive.” Missouri took temporary custody of T.B. and filed a dependency petition. T.B. was later placed in Father’s custody because the Missouri court found that Mother had neglected and failed to provide for T.B. Mother had little to no contact with T.B. after the dependency proceeding.

¶4 Father moved to Arizona in early 2017 with T.B., her stepmother and half-brother. A few months later, the Department of Child Safety (“DCS”) received reports of substance abuse and domestic violence between Father and stepmother.

¶5 In August 2017, DCS filed a dependency petition alleging T.B. was dependent as to Mother and Father. The petition alleged T.B. was dependent as to Mother due to her abandonment and neglect.

¶6 In November 2017, T.B. was found dependent as to both parents after they failed to attend the initial dependency and the court adopted a family reunification case plan.

¶7 Mother lived in Missouri, but DCS offered her services throughout the dependency, including visitation and resources to find parenting classes and classes about T.B.’s disability. DCS also invited Mother to attend T.B.’s medical appointments but she never did. Mother

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barely participated in supervised visitation. She only visited T.B. in Arizona for two days in February 2018. Mother did send T.B. a few cards and gifts.

¶8 The court changed the case plan to severance and adoption in November 2018, and DCS promptly moved to terminate Mother's parental rights a few days later. The court held a contested two-day severance adjudication ending in March 2019. The court received exhibits and heard testimony, including from the DCS case manager, Mother and her boyfriend. After hearing argument, the court terminated Mother's parental rights, finding DCS had proven the statutory ground of abandonment and that termination was in T.B.'s best interests. A final written order detailing the court's ruling followed.

¶9 Mother timely appealed. We have jurisdiction pursuant to A.R.S. § 8-235(A).

### DISCUSSION

¶10 To terminate parental rights, the superior court must find clear and convincing evidence of at least one statutory ground in A.R.S. § 8-533(B), and that termination is in the child's best interests by a preponderance of the evidence. *Jeffrey P. v. Dep't of Child Safety*, 239 Ariz. 212, 213, ¶ 5 (App. 2016). We will affirm a severance order unless it is clearly erroneous and accept the court's factual findings unless no reasonable evidence supports them. *Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, 280, ¶ 4 (App. 2002).

¶11 Mother does not challenge the statutory ground for severance and only argues that termination of her parental rights is not in T.B.'s best interests. Termination is in the child's best interests if the child "would derive an affirmative benefit from termination or incur a detriment by continuing in the relationship." *Ariz. Dep't of Econ. Sec. v. Oscar O.*, 209 Ariz. 332, 334, ¶ 6 (App. 2004).

¶12 The trial record includes ample evidence for the superior court to find that termination is in T.B.'s best interests. T.B. would derive an affirmative benefit from the severance. The record shows she is adoptable and her current foster placement is willing to adopt her. *Dominique M. v. Dep't of Child Safety*, 240 Ariz. 96, 98, ¶ 10 (App. 2016) (explaining severance is beneficial when it makes a child "eligible for adoption" and when child is "adoptable"). The DCS case manager also testified that T.B.'s current placement was meeting her basic and special needs. *Bennigno R. v. Ariz. Dep't of Econ. Sec.*, 233 Ariz. 345, 350, ¶ 23 (App.

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2013) (noting the best interests analysis considers “whether the current placement is meeting the child’s needs”).

¶13 The record also indicates that T.B. would be harmed if the parent-child relationship with Mother continued. The case manager expressed concerns about Mother’s ability to parent, citing medical records that showed Mother cannot live independently, her unsuccessful track record, and historical disinterest. Above that, T.B. has special needs that demand constant and meaningful attention, including ongoing appointments and therapies for her cerebral palsy.

¶14 Moreover, “[i]n combination, the existence of a statutory ground for severance and the immediate availability of a suitable adoptive placement for [a child] frequently are sufficient to support a severance order.” *Oscar O.*, 209 Ariz. at 335, ¶ 8. The court found clear and convincing evidence of the statutory ground of abandonment, which Mother does not contest. The court observed that Mother failed to provide reasonable support for T.B., maintain regular contact or “meet even her basic needs.”

¶15 Mother counters that she loves T.B. and wants to maintain her rights to the child. She further claims that she is able to care for T.B. and meet the child’s needs. At most, Mother points to evidence she deems more favorable to her position, but we do not reweigh the evidence on appeal. *Jennifer S. v. Dep’t of Child Safety*, 240 Ariz. 282, 286-87, ¶ 16 (App. 2016). Because reasonable evidence supports the court’s best interests finding, we will not disturb it.

CONCLUSION

¶16 We affirm.



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