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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL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

ANGELINA C., *Appellant,*

v.

DEPARTMENT OF CHILD SAFETY, L.G., *Appellees.*

No. 1 CA-JV 21-0355
FILED 5-10-2022

Appeal from the Superior Court in Maricopa County
No. JD39049
The Honorable Sam J. Myers, Judge

AFFIRMED

COUNSEL

Denise L. Carroll Attorney at Law, Scottsdale
By Denise L. Carroll
Counsel for Appellant

Arizona Attorney General's Office, Phoenix
By Emily M. Stokes
Counsel for Department of Child Safety

MEMORANDUM DECISION

Vice Chief Judge David B. Gass delivered the decision of the court, in which Presiding Judge Paul J. McMurdie and Judge Angela K. Paton joined.

G A S S, Vice Chief Judge:

¶1 Mother appeals the termination of her parental rights to her two-year-old child. She argues the superior court erred because sufficient evidence did not support any ground for termination. Mother also argues the superior court erred when it found terminating her rights was in the child's best interests. The superior court also terminated the father's rights. Father is not a party to this appeal. We affirm.

FACTUAL AND PROCEDURAL HISTORY

¶2 In February 2020, mother gave birth to the child while incarcerated. Mother was incarcerated because she violated probation. She was on probation for stabbing the child's putative father. The child was born substance exposed. Early on, mother admitted to using methamphetamine almost daily during the pregnancy, though mother later said she only used methamphetamine once while pregnant.

¶3 The Department of Child Safety (DCS) became involved one day after mother gave birth. Three days after the child's birth, DCS removed the child from mother's custody and placed the child with maternal aunt. Two days later, DCS requested the superior court to find the child dependent and set a family reunification plan, which the superior court later granted.

¶4 DCS provided mother with a variety of services. These services included: standard outpatient substance-abuse counseling, individual counseling, substance-abuse testing, two parent-aide referrals, and domestic-violence counseling. Mother did not consistently participate in any of the provided services, and in March 2021, she relapsed. By the time of the November 2021 termination trial, mother had not drug tested for four months and had not seen the child for two months. Mother also had not worked for two months and was homeless.

¶5 In August 2021, DCS petitioned to terminate mother's parental rights under the A.R.S. § 8-533.B.3 (chronic substance abuse) and

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8-533.B.8.c (15 months' out-of-home placement) grounds. The superior court found clear and convincing evidence supported both bases. The superior court also found "by a preponderance of the evidence" termination was in the child's best interests. Mother timely appealed. This court has jurisdiction under article VI, section 9, of the Arizona Constitution, A.R.S. §§ 8-235.A, 12-120.21.A.1, and 12-2101.A.1.

ANALYSIS

¶6 The superior court must engage in a two-step inquiry to terminate parental rights under A.R.S. § 8-533.B. *Alma S. v. Dep't of Child Safety*, 245 Ariz. 146, 149, ¶ 8 (2018). First, the superior court "must find by clear and convincing evidence that a statutory ground for termination exists." *Id.* Second, the superior court "must determine by a preponderance of the evidence that severance is in the child's best interests." *Id.* at 150, ¶ 8. This court views the evidence in the light most favorable to sustaining the superior court's ruling and will affirm if reasonable evidence supports the ruling. *Jordan C. v. Ariz. Dep't of Econ. Sec.*, 223 Ariz. 86, 93, ¶ 18 (App. 2009).

I. Reasonable Evidence Supports Grounds for Termination.

¶7 Mother argues DCS failed to prove by clear and convincing evidence the statutory grounds for terminating her parental rights. Because reasonable evidence supports the superior court's termination of her parental rights under the substance-abuse ground, we disagree.

¶8 To terminate parental rights under this ground, DCS must prove: (1) the parents' history of chronic substance abuse; (2) the parents' inability to discharge parental responsibilities; (3) a reasonable belief chronic drug abuse will continue; and (4) DCS made reasonable efforts to reunify the family or such efforts would have been futile. *Raymond F. v. Ariz. Dep't of Econ. Sec.*, 224 Ariz. 373, 377-78, ¶¶ 15 n.2, 16, 19-20, 25 (App. 2010).

¶9 The superior court found mother was unable to discharge her parental responsibilities because she could not maintain long-term sobriety, as evidenced by her inconsistent drug testing results. The superior court also "ha[d] a reasonable belief that [her] drug abuse will continue . . . based on a lack of documented successful completion of substance abuse treatment" and her inability to maintain sobriety during services. *See id.* at 379, ¶ 29 (failing to abstain from drug abuse while engaging in services is evidence mother "ha[d] not overcome [her] dependence on drugs[.]" supporting the superior court's reasonable conclusion "that [mother's] chronic drug abuse will persist"). The superior court also found DCS provided mother with reasonable services because it provided her with

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over 15 months of services, including services designed to help mother overcome her substance abuse issues. Mother did not complete the services and eventually discontinued them.

¶10 Mother argues the superior court erred because she “did not willfully refuse services.” But the record shows mother failed to participate in services, including random drug testing, individual counseling, and parenting aide services to improve her parenting skills. And DCS “need not provide [mother with] ‘every conceivable service.’” See *Mary Ellen C. v. Ariz. Dep’t of Econ. Sec.*, 193 Ariz. 185, 192, ¶ 37 (App. 1999) (quoting *Maricopa Cnty. Juv. Action No. JS-501904*, 190 Ariz. 348, 353 (App. 1994)). Instead, DCS must provide mother “with the time and opportunity to participate in programs designed to improve [her] ability to care for the child.” *Id.* DCS did so.

¶11 Because reasonable evidence supports the superior court’s termination of mother’s rights based on the chronic substance abuse ground, we “need not address [her] claims pertaining to the other grounds” for termination. See *Jesus M. v. Ariz. Dep’t of Econ. Sec.*, 203 Ariz. 278, 280, ¶ 3 (App. 2002).

II. Reasonable Evidence Supports Best-Interests Findings.

¶12 Mother argues termination of her parental rights is not in the child’s best interests because she has a bond with the child.

¶13 To determine whether termination is in the child’s best interests, the superior court must find “the child will benefit from termination of the relationship or that the child would be harmed by continuation of the [parental] relationship.” *James S. v. Ariz. Dep’t of Econ. Sec.*, 193 Ariz. 351, 356, ¶ 18 (App. 1998). Once the superior court finds a ground for termination, the court’s “foremost concern” shifts to “protecting a child’s interest in stability and security.” *Demetrius L. v. Joshlynn F.*, 239 Ariz. 1, 4, ¶ 15 (2016) (cleaned up). The superior court also considers factors, such as: the immediate availability of an adoptive placement; the adoptability of the child; the existence of a bond between the parents and the child; and whether the current placement is meeting the child’s needs. See *Audra T. v. Ariz. Dep’t of Econ. Sec.*, 194 Ariz. 376, 377 (App. 1988) (immediate availability of an adoptive placement); *Mary Lou C. v. Ariz. Dep’t of Econ. Sec.*, 207 Ariz. 43, 50, ¶ 19 (App. 2004) (adoptability); *Dominique M. v. Ariz. Dep’t of Child Safety*, 240 Ariz. 96, 98, ¶ 12 (App. 2016) (existence of a bond); *Bennigno R. v. Ariz. Dep’t of Econ. Sec.*, 233 Ariz. 345,

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350, ¶ 23 (App. 2013) (whether the current placement meets the child’s needs).

¶14 Here, the superior court found the child was adoptable, in part, because of the child’s young age. The superior court also found maternal aunt—the child’s current placement—was providing the “child with a loving and nurturing home environment” and “intend[ed] to proceed with adoption.” Though the superior court found mother had a bond with the child, it also found “the child’s need for stability and permanency” outweighed that bond. *See Dominique M.*, 240 Ariz. at 98-99, ¶ 12 (the existence of a bond is not dispositive in addressing the child’s best interests). To that end, the superior court found termination would serve the child’s best interests because mother was unable to provide the child with “a stable home free from substance abuse.” Finally, the superior court found termination was in the child’s best interests because maternal aunt would maintain the child’s relationships with extended family members.

¶15 Mother contends termination does not serve the child’s best interests because DCS caseworkers failed to make a “plan to provide her services” and further reunification efforts would preserve their bond, and, thus, be an affirmative benefit to the child. But mother provides no specific examples of how DCS failed to provide her with adequate services other than saying she had trouble getting a caseworker “to thoroughly assess [her] case and come up with an action plan that suits [her] case.” But the evidence contradicts mother’s statement because DCS provided her with reasonable reunification services. *See supra* at ¶¶ 9-10; *Raymond F.*, 224 Ariz. at 377, ¶ 15 n.2.

¶16 Accordingly, reasonable evidence supports the superior court’s finding termination is in the child’s best interests.

CONCLUSION

¶17 We affirm.



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