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UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  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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HANNAH R., *Appellant*,

*v.*

DEPARTMENT OF CHILD SAFETY, R.D., *Appellees*.

No. 1 CA-JV 22-0107  
FILED 10-20-2022

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Appeal from the Superior Court in Maricopa County  
No. JD538393  
The Honorable Cassie Bray Woo, Judge

**AFFIRMED**

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COUNSEL

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

Arizona Attorney General's Office, Mesa  
By Amanda Adams  
*Counsel for Appellee Department of Child Safety*

**MEMORANDUM DECISION**

Judge Randall M. Howe delivered the decision of the court, in which Presiding Judge David D. Weinzweig and Judge D. Steven Williams joined.

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**H O W E**, Judge:

¶1 Hannah R. (“Mother”) appeals from the juvenile court’s order terminating her parental rights to her son, R.D., born in 2015, on the grounds of chronic substance abuse under A.R.S. § 8-533(B)(3) 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 We view the facts in the light most favorable to sustaining the juvenile court’s order. *Demetrius L. v. Joshlynn F.*, 239 Ariz. 1, 2 ¶ 2 (2016). Mother has a history of substance abuse and domestic violence. In June 2020, the Department of Child Safety (the “Department”) received a report of fighting at Mother’s home where she lived with R.D. and Brendon D. (“Father”).<sup>1</sup> The Department asked Mother to test for drugs. She was inconsistent with drug testing, tried to manipulate one of the tests, and tested positive for drugs multiple times. She admitted that Father was violent towards her and, on some occasions, violent in R.D.’s presence. Nevertheless, she refused to call the police or obtain a protective order against Father. In August 2020 she was evicted from her apartment.

¶3 Later that month, the Department petitioned for dependency, alleging that R.D. was dependent due to Mother’s neglect. The juvenile court found R.D. dependent. The Department timely offered Mother services, including substance-abuse testing, assessment and treatment, parent aide services, transportation, and supervised visitation. Because Mother had health insurance, the Department asked her to self-refer to counseling services to address the domestic violence between her and Father.

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<sup>1</sup> Father is not a party to this appeal; his parental rights were terminated.

¶4 During the dependency, Mother tested for drugs only once and tested positive for methamphetamine and fentanyl. Even though the Department referred her again for substance-abuse testing, she failed to test. Similarly, the Department referred Mother to substance-abuse assessment and treatment twice, and both times the referrals were closed due to Mother's lack of engagement.

¶5 When the Department asked her whether she was receiving domestic-violence counseling, she said that she was seeing a life coach. After a few months, she said she was receiving domestic-violence counseling through a counseling company. However, she did not provide the Department with the information of the life coach or the counseling company, nor did she sign a release of information form for the Department to request records. Later on, she said that domestic violence was not a concern anymore because she was no longer involved with Father. Mother inconsistently visited R.D. under supervision. During one of the visits, she took R.D. to the bathroom. Then, R.D. told the parent aide that he had seen Mother using foil and smoking in the bathroom. She also failed to complete parent-aide services as she was late to the visits, did not attend the skill sessions, and failed to enhance her capacities.

¶6 The Department moved to terminate Mother's parental rights on grounds of (1) chronic substance abuse and (2) 15 months in out-of-home placement. At the termination hearing, the Department's case manager testified that Mother could not safely parent R.D. because of the chronic substance abuse. She also testified that the Department had made diligent efforts to provide Mother reunification services, but Mother's participation was inconsistent. Finally, she testified that the Department had offered to assist Mother in self-referring to domestic-violence counseling.

¶7 The juvenile court found that the Department had proved chronic substance abuse and 15 months in out-of-home placement as a basis for termination of the parent-child relationship and that termination was in the child's best interests. It also found that the Department had made reasonable and diligent efforts to provide appropriate reunification services. It therefore terminated Mother's parental rights. Mother timely appealed.

## DISCUSSION

¶8 Mother argues that the juvenile court erroneously terminated her parental rights to R.D. because the Department failed to make diligent

HANNAH R. v. DCS, R.D.  
Decision of the Court

efforts to provide reunification services. A juvenile court's termination determination is reviewed for an abuse of discretion. *Mary Lou C. v. Ariz. Dep't of Econ. Sec.*, 207 Ariz. 43, 47 ¶ 8 (App. 2004). Because the juvenile court is in the best position to weigh the evidence, observe the parties, judge the credibility of witnesses, and resolve disputed facts, *Ariz. Dep't of Econ. Sec. v. Oscar O.*, 209 Ariz. 332, 334 ¶ 4 (App. 2004), we will affirm a termination decision unless no reasonable evidence supports it, *Xavier R. v. Joseph R.*, 230 Ariz. 96, 100 ¶ 11 (App. 2012).

¶9 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). Termination of parental rights on the grounds of chronic substance abuse and time in out-of-home placement for 15 months requires that the court find that the Department made reasonable efforts to provide reunification services to the parent. *Jennifer G. v. Ariz. Dep't of Econ. Sec.*, 211 Ariz. 450, 453 ¶ 12 (App. 2005); *Jordan C. v. Arizona Dep't of Econ. Sec.*, 223 Ariz. 86, 93 ¶ 17 (App. 2009).

¶10 The record supports the court's finding that the Department made reasonable efforts to provide Mother with reunification services. The Department makes reasonable efforts to provide reunification services if it provides a parent with "the time and opportunity" to participate in reunification services. *Matter of Appeal in Maricopa Cnty. Juv. Action No. JS-501904*, 180 Ariz. 348, 353 (App. 1994). Throughout the dependency action, the Department referred Mother twice to substance-abuse testing, assessment, and treatment. Additionally, the Department referred Mother for parent-aide services, supervised visitation, and asked that she self-refer for domestic-violence counseling and offered to assist her in self-referring.

¶11 Mother counters that the Department failed to offer her any domestic-violence services. But the record shows that although the Department asked Mother to self-refer for domestic-violence services because she had health insurance, the Department offered to assist her in doing so and periodically followed up. She acknowledges the Department's case manager's testimony to that effect but argues the testimony did not elaborate on the assistance offered or its timing. Mother's argument, thus, merely asks this court to reweigh the evidence, which we will not do. See *Williams v. King*, 248 Ariz. 311, 317 ¶ 26 (App. 2020). Moreover, the Department is not required "to provide every conceivable service or to ensure that a parent participates in each service it offers." *Christina G. v. Ariz. Dep't of Econ. Sec.*, 227 Ariz. 231, 235 ¶ 15 (App. 2011). The lack of some

HANNAH R. v. DCS, R.D.  
Decision of the Court

information on the offered assistance for only one of the reunification services provided, does not negate the juvenile court's finding that the Department made reasonable efforts to provide reunification services.

¶12 Citing *Mary Ellen C. v. Ariz. Dep't. of Econ. Sec.*, 193 Ariz. 185 (App. 1999), Mother contends that encouraging a parent to self-refer does not constitute diligent efforts. But *Mary Ellen C.* is distinguishable from this case. Unlike the Department's predecessor in that case, the Department here timely encouraged Mother to self-refer to domestic-violence counseling, offered her help to do so, and followed up—at least three times—to receive records of her progress. Thus, the juvenile court did not err by finding that the Department made reasonable efforts to provide Mother with reunification services.

**CONCLUSION**

¶13 For the reasons stated, we affirm.



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