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EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



DIVISION ONE  
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IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE

COREEN B., ) 1 CA-JV 10-0042  
)  
Appellant, ) DEPARTMENT D  
)  
v. ) **MEMORANDUM DECISION**  
) (Not for Publication -  
ARIZONA DEPARTMENT OF ECONOMIC ) 103(G), Ariz. R.P. Juv. Ct.  
SECURITY, COLETTE C., CELINA C., ) Rule 28 ARCAP)  
CARTER B., )  
)  
Appellees. )  
)  
\_\_\_\_\_ )

Appeal from the Superior Court in Maricopa County

Cause No. JD17699

The Honorable Jo Lynn Gentry-Lewis, Judge

**AFFIRMED**

Virginia Matte, Esq. Phoenix  
Attorney for Appellant

Terry Goddard, Attorney General Phoenix  
by Carol A. Salvati,  
Assistant Attorney General  
Attorneys for Appellee Arizona Department of Economic Security

**P O R T L E Y**, Judge

¶1 Coreen B. ("Mother") appeals the termination of her  
parental rights to her three children. For the following  
reasons, we affirm.

## FACTS AND PROCEDURAL HISTORY

¶12 Child Protective Services ("CPS") took temporary custody of Mother's two daughters on January 20, 2009, and her son on January 22, 2009, after investigating a report that the children had been neglected. Arizona Department of Economic Security ("ADES") filed a dependency petition soon thereafter alleging that Mother was unable to parent the children due to substance abuse, neglect, and mental instability.

¶13 The juvenile court subsequently found the children dependent and approved the family reunification case plan. Mother was offered reunification services from ADES, including parent-aide services, substance abuse assessment and treatment, consultation with a psychologist, a psychological evaluation, supervised visitation, assistance with transportation, and urinalysis testing. Mother failed to participate substantially in services for the first seven months.

¶14 After the permanency hearing, ADES filed its original motion to terminate the parent-child relationship between Mother and her son on July 2, 2009, with subsequent amendments. A similar motion was filed to terminate the parent-child relationship between Mother and her two daughters on September 23, 2009, with no further amendments.

¶15 After the severance trial, the juvenile court found that ADES had demonstrated a statutory basis for severance by

clear and convincing evidence and that severance was in the children's best interest; as a result, the court terminated Mother's parental rights to her three children. Mother appealed, and we have jurisdiction pursuant to Arizona Revised Statutes ("A.R.S.") sections 8-235 (2007), 12-120.21(A)(1), and -2101(B) (2003).

#### DISCUSSION

¶6 Before terminating parental rights, a juvenile court must find by clear and convincing evidence the existence of one statutory basis for termination. *Kent K. v. Bobby M.*, 210 Ariz. 279, 284, ¶ 22, 110 P.3d 1013, 1018 (2005). The court must also find that the termination is in the best interests of the child by a preponderance of the evidence. *Id.* In reviewing a severance order, we view the evidence in the light most favorable to sustaining the order. *See Maricopa County Juv. Action No. JS-8490*, 179 Ariz. 102, 106, 876 P.2d 1137, 1141 (1994). "[W]e will affirm a severance order unless it is clearly erroneous," and "we will accept the juvenile court's findings of fact unless no reasonable evidence supports those findings." *Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, 280, ¶ 4, 53 P.3d 203, 205 (App. 2002).

¶7 The juvenile court found that Mother had abandoned her children, had a history of substance abuse, and that the children were out of her care for nine months, in addition to

the finding of out-of-home placement for six months with respect to her son. Mother challenges the finding of abandonment<sup>1</sup> and her history of substance abuse, which started when she was eleven. She, however, does not challenge the determination that the children have been out of her care under A.R.S. § 8-533(B)(8)(a) and (B)(8)(b) (Supp. 2009). Because there is a statutory basis to justify severance which was not challenged, we need not consider any other statutory basis. See *Michael J. v. Ariz. Dep't of Econ. Sec.*, 196 Ariz. 246, 251, ¶ 27, 995 P.2d 682, 687 (2000).

¶18 Mother also contends that the juvenile court erred by finding that termination was in the children's best interest. Specifically, Mother argues that her children, particularly her daughters, deserve a chance to see that she is no longer the person she used to be.

¶19 The juvenile court determined, however, that it would be detrimental to the children, particularly the girls, to continue the parent-child relationship. Both girls reported having nightmares about Mother; they feared she would find them and do them harm. Both girls indicated that they were

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<sup>1</sup> The juvenile court found that all three children had been abandoned by Mother even though ADES had not alleged abandonment for her daughters. We need not address the error because we affirm on other grounds.

physically abused by Mother. The girls also reported seeing Mother use drugs.

¶10 Moreover, Mother did not protect her daughters. One of the daughters reported that she was raped by one of Mother's drug-using friends. Additionally, she reported that she witnessed one of Mother's friends stab another male friend. In fact, the girls desired to be adopted, and the assigned case worker testified that severance would allow the eleven-year-old and thirteen-year-old girls to feel safe and secure.

¶11 The case worker also testified that Mother would not be able to provide a permanent, safe, and stable home for her son. There was evidence that Mother continued to use drugs after the children were removed and did so until at least August 2009, when she began to participate in services. Moreover, Mother did not visit her son for an extended period of time.

¶12 Based on the facts, the juvenile court did not err when it found that continuing the parent-child relationship would be detrimental to the children. Moreover, based on the fact that the case worker testified that all three children were adoptable, the juvenile court properly found that termination was in the children's best interest. See *Maricopa County Juv. Action No. JS-6520*, 157 Ariz. 238, 243, 756 P.2d 335, 340 (App. 1988) (holding that severance was in the child's best interest when the child was adoptable).

¶13 Mother suggests that the daughters are not adoptable. Mother is essentially asking us to reweigh the evidence. Because the trial court is in the best position to judge credibility, we will not reweigh the evidence on appeal. See *Mary Lou C. v. Ariz. Dep't of Econ. Sec.*, 207 Ariz. 43, 47, ¶ 8, 83 P.3d 43, 47 (App. 2004).

**CONCLUSION**

¶14 For the foregoing reasons, the judgment of the juvenile court is affirmed.

/s/

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MAURICE PORTLEY, Presiding Judge

CONCURRING:

/s/

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PATRICIA A. OROZCO, Judge

/s/

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MARGARET H. DOWNIE, Judge