IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

SELENA R.,
Appellant,

v.

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

No. 2 CA-JV 2014-0102
Filed January 20, 2015

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 103(G).

Appeal from the Superior Court in Greenlee County
No. JD201300001
The Honorable Monica L. Stauffer, Judge

AFFIRMED

COUNSEL

The Stavris Law Firm, PLLC, Scottsdale
By Christopher Stavris
Counsel for Appellant

Mark Brnovich, Arizona Attorney General
By Laura J. Huff, Assistant Attorney General, Tucson
Counsel for Appellee Department of Child Safety

Law Office of Josi Y. Lopez, P.C., Safford
By Josi Y. Lopez
Counsel for Appellee D.R.

MEMORANDUM DECISION

Judge Howard authored the decision of the Court, in which Presiding Judge Kelly and Judge Vásquez concurred.

H O W A R D, Judge:

¶1 Selena R. appeals from the juvenile court's order terminating her parental rights to her son, D.R., born December 2010, on time-in-care and abuse grounds pursuant to A.R.S. § 8-533(B)(2) and (8)(a). We affirm.

¶2 The Department of Child Safety (DCS)[1] removed D.R. from Selena's care in May 2013 based on his history of unexplained injuries, including repeated rib fractures and a bowel obstruction, that were likely the results of non-accidental trauma. Those injuries were inconsistent with Selena's explanation that the injuries had occurred accidentally or during "rough housing" with other children. DCS filed a dependency petition alleging Selena had neglected D.R. by failing to protect him from abuse. The juvenile court found D.R. dependent as to Selena in June 2013.

¶3 Although Selena participated in services, DCS was concerned that Selena continued to live with her boyfriend—particularly in light of the unexplained nature of D.R.'s non-

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[1]DCS is substituted for the Arizona Department of Economic Security (ADES) in this decision. For simplicity, our references to DCS in this decision encompass ADES, which formerly administered child welfare and placement services under title 8, and Child Protective Services, formerly a division of ADES. *See* 2014 Ariz. Sess. Laws 2nd Spec. Sess., ch. 1, §§ 6, 20, 54.

accidental injuries—who had refused to participate in services and had drug-abuse and mental-health issues. Selena, despite being offered services intended to enable her to live independently, refused to leave her boyfriend upon becoming pregnant, even after being ordered by the juvenile court to live separately from him. In May 2014, pursuant to the court's order, DCS filed a motion to terminate Selena's parental rights on abuse and time-in-care grounds. After a contested hearing, the juvenile court granted DCS's motion on both grounds.[2]

¶4 A juvenile court may terminate a parent's rights if it finds clear and convincing evidence of one of the statutory grounds for severance and finds by a preponderance of the evidence that termination of the parent's rights is in the child's best interests. A.R.S. §§ 8-533(B), 8-537(B); *Kent K. v. Bobby M.*, 210 Ariz. 279, ¶ 41, 110 P.3d 1013, 1022 (2005). "[W]e view the evidence and reasonable inferences to be drawn from it in the light most favorable to sustaining the [juvenile] court's decision, and we will affirm a termination order that is supported by reasonable evidence." *Jordan C. v. Ariz. Dep't of Econ. Sec.*, 223 Ariz. 86, ¶ 18, 219 P.3d 296, 303 (App. 2009) (citations omitted). That is, we will not reverse a termination order for insufficient evidence unless, as a matter of law, no reasonable fact-finder could have found the evidence satisfied the applicable burden of proof. *See Denise R. v. Ariz. Dep't of Econ. Sec.*, 221 Ariz. 92, ¶ 10, 210 P.3d 1263, 1266 (App. 2009).

¶5 Selena argues the juvenile court erred in terminating her parental rights on time-in-care grounds. Termination of Selena's parental rights pursuant to § 8-533(B)(8)(a) is warranted if DCS demonstrated that D.R. had been in a court-ordered, out-of-home placement for nine months or longer and Selena had "substantially neglected or wilfully refused to remedy the circumstances that cause [D.R.] to be in an out-of-home placement." The evidence shows that, on more than one occasion, D.R. suffered significant non-accidental injuries for which Selena had no credible explanation when she

[2]The juvenile court also terminated the parental rights of D.R.'s father; he is not a party to this appeal.

testified at the termination hearing, instead blaming "roughhousing with [her boyfriend's] nephews," and stating that he had "jumped from [a ride-on toy] car," and "accidentally hit a coffee table." A medical doctor testified, however, that D.R.'s injuries were not likely to occur from that type of conduct and would not occur non-accidentally without there being other significant trauma. Selena's continued failure to recognize or appreciate the import of D.R.'s injuries is more than sufficient to support the court's determination that she has substantially neglected or wilfully refused to remedy the circumstances—her failure to protect D.R. from repeated non-accidental injuries—that led to his removal.[3]

¶6 We affirm the juvenile court's order terminating Selena's parental rights to D.R.

[3]We therefore need not address Selena's additional argument that DCS had not demonstrated termination was warranted under § 8-533(B)(2). *See Michael J. v. Ariz. Dep't of Econ. Sec.*, 196 Ariz. 246, ¶ 27, 995 P.2d 682, 687 (2000) (if termination upheld on any one ground, other grounds need not be addressed). And Selena does not argue there was insufficient evidence that termination was in D.R.'s best interests.