

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

JAZMANE P.,
Appellant,

v.

DEPARTMENT OF CHILD SAFETY, J.P., J.-P., AND L.P.,
Appellees.

No. 2 CA-JV 2019-0017
Filed July 24, 2019

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NOT FOR PUBLICATION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 Pinal County
No. S1100JD201700220
The Honorable Daniel A. Washburn, Judge

AFFIRMED

COUNSEL

Ritter Law Group L.L.C., Florence
By Matthew Ritter
Counsel for Appellant

Mark Brnovich, Arizona Attorney General
By Cathleen E. Fuller, Assistant Attorney General, Tucson
Counsel for Appellee Department of Child Safety

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MEMORANDUM DECISION

Presiding Judge Eppich authored the decision of the Court, in which Judge Espinosa and Judge Eckerstrom concurred.

E P P I C H, Presiding Judge:

¶1 Jazmane P. appeals from the juvenile court's order terminating her parental rights to her three children, J.P. (born June 2014), J.-P. (born September 2015), and L.P. (born August 2016), on abandonment and neglect grounds. *See* A.R.S. § 8-533. She argues she could not, "as a matter of law," have abandoned J.P. and J.-P. because she had consented to a guardianship for them. She further argues, as to the termination of her parental rights to J.P., that the court violated Rule 65(B), Ariz. R. P. Juv. Ct., by conducting the "[i]nitial [a]pppearance" on the termination petition and the contested severance hearing on the same day. We affirm.

¶2 Just before L.P.'s birth, Jazmane placed J.P. and J.-P. in a guardianship with their maternal grandmother and, after L.P. was born, left him in her care but without a guardianship in place. In 2017, the Department of Child Safety (DCS) began a dependency proceeding due to the squalid conditions in the grandmother's home. J.P. and J.-P. were found dependent as to the grandmother in October 2017, and all three children were found dependent as to Jazmane in January 2018 after she failed to appear for an initial dependency hearing.

¶3 J.P. was placed with his father, and the other two children were placed in a foster home. Jazmane did not participate in services and did not appear for several hearings. J.P. was dismissed from the dependency in September 2018. In October 2018, the juvenile court dismissed the guardianship. That same month, DCS moved to terminate Jazmane's rights to J.-P. and L.P. on abandonment and neglect grounds.

¶4 DCS filed a new dependency petition in November 2018 alleging J.P. was dependent as to both his parents. The juvenile court set the severance trial on the pending termination petition and the trial for the pending dependency petition for January 4, 2019. In December, DCS filed a petition to terminate Jazmane's parental rights to J.P. on abuse and abandonment grounds. At the January hearing, the court granted DCS's request to proceed to trial on both pending termination petitions. After the

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close of evidence, the court adjudicated J.P. dependent as to Jazmane and terminated Jazmane's rights to all three children on neglect and abandonment grounds. This appeal followed.

¶5 Jazmane first asserts that, because she agreed to a guardianship for J.P. and J.-P., she could not have demonstrated the necessary "conscious disregard" for her parental obligations to warrant termination on abandonment grounds.¹ Jazmane does not meaningfully develop this argument on appeal. Accordingly, it is waived, and we decline to address it further. See *Christina G. v. Ariz. Dep't of Econ. Sec.*, 227 Ariz. 231, n.6 (App. 2011). And in any event, she does not assert the juvenile court erred by terminating her parental rights on neglect grounds. See *Crystal E. v. Dep't of Child Safety*, 241 Ariz. 576, ¶ 5 (App. 2017) (failure to challenge termination on specific statutory ground constitutes waiver on appeal).

¶6 Jazmane next asserts the juvenile court violated Rule 65(B), by conducting the initial termination hearing and severance trial on the same day. But Rule 65(B) does not prohibit that procedure, instead providing that the initial hearing "shall be held no sooner than ten (10) days following the completion of service." Jazmane makes no meaningful argument regarding service and does not explain how the court violated Rule 65(B).

¶7 We affirm the juvenile court's order terminating Jazmane's parental rights to J.P., J.-P., and L.P.

¹As the state correctly points out, our supreme court has expressly rejected the "conscious disregard" test for abandonment. *Michael J. v. Ariz. Dep't of Econ. Sec.*, 196 Ariz. 246, ¶¶ 15-18 (2000).