IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

KIMBERLY S.,
Appellant,

v.

GARY S., SHARON S., AND A.S.,
Appellees.

No. 2 CA-JV 2020-0037
Filed December 28, 2020

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NOT FOR PUBLICATION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 Cochise County
No. SV201900015
The Honorable Terry Bannon, Judge Pro Tempore

AFFIRMED

COUNSEL

Kimberly S., Sierra Vista
In Propria Persona

Law Office of Michael E. Farro, Sierra Vista
By Michael E. Farro
Counsel for Appellees Gary S. and Sharon S.

MEMORANDUM DECISION

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

E S P I N O S A, Judge:

¶1 In this private severance action, Kimberly S. appeals from the juvenile court's order terminating her parental rights to her daughter, A.S., born May 2013, on abandonment and mental-illness grounds. *See* A.R.S. § 8-533(B)(1), (3). She argues the evidence does not support the court's findings and her due process rights were violated. We affirm.

¶2 A.S.'s maternal grandparents, Gary S. and Sharon S., have been her primary caregivers since June 2018, when Kimberly allowed them to take A.S. into their care. In August 2019, Gary and Sharon filed a petition to terminate Kimberly's parental rights on abandonment, abuse, and mental-health grounds. After a termination hearing, the juvenile court found Gary and Sharon had proven, by clear and convincing evidence, that termination was warranted on abandonment and mental-health grounds, and that termination was in A.S.'s best interests. This appeal followed.

¶3 To sever a parent's rights, the juvenile court must find clear and convincing evidence establishing at least one statutory ground for termination and a preponderance of the evidence that terminating the parent's rights is in the child's best interests. *Kent K. v. Bobby M.*, 210 Ariz. 279, ¶¶ 32, 41 (2005); *see also* A.R.S. § 8-863(B). We do not reweigh the evidence on appeal; rather, we defer to the court with respect to its factual findings because it "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, ¶¶ 4, 14 (App. 2004). We will affirm the order if the findings upon which it is based are supported by reasonable evidence. *See Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, ¶ 4 (App. 2002). We view that evidence in the light most favorable to upholding the ruling. *See Christy C. v. Ariz. Dep't of Econ. Sec.*, 214 Ariz. 445, ¶ 12 (App. 2007).

¶4 Kimberly argues that the juvenile court's termination findings were "unsupportable by the record" and that its best-interests finding was "insubstantial." Her argument, however, is little more than a recitation of

her view of the facts. Although she cites some legal authority, her brief is devoid of references to the record, and she fails to explain how the authority she does cite is relevant. Arguments that are unsupported by legal authority and adequate citation to the record are waived. *See* Ariz. R. Civ. App. P. 13(a)(5), (7) (requiring citation to record and legal authorities); Ariz. R. P. Juv. Ct. 106(A) (applying Rule 13, Ariz. R. Civ. App. P., to juvenile appeals); *Melissa W. v. Dep't of Child Safety*, 238 Ariz. 115, ¶ 9 (App. 2015) (argument unsupported by authority is waived); *Christina G. v. Ariz. Dep't of Econ. Sec.*, 227 Ariz. 231, n.6 (App. 2011) (failure to develop argument on appeal results in abandonment and waiver of issue). In any event, her argument essentially asks us to reweigh the evidence, which we will not do. *See Oscar O.*, 209 Ariz. 332, ¶¶ 4, 14. Kimberly has not demonstrated the court erred in terminating her parental rights.

¶5 Kimberly also asserts that she was "denied due process," apparently because she was not provided services to address her mental health. In a private-party severance like this one, the petitioner "must show that the parent was offered reunification services or that such services would have been futile." *Alyssa W. v. Justin G.*, 245 Ariz. 599, ¶ 12 (App. 2018). However, the petitioner need not offer or provide those services personally, "attempt to persuade the parent to seek treatment," obtain referrals for the parent, or "attempt to coax the parent into services by offering some incentive." *Id.* ¶ 14. The record here shows that Kimberly had access to mental-health services—she testified she had participated in an evaluation and therapy to address her mental health. To the extent she suggests such services were insufficient, she did not raise this argument in the juvenile court, and accordingly, we do not address it further. *See Shawanee S. v. Ariz. Dep't of Econ. Sec.*, 234 Ariz. 174, ¶ 16 (App. 2014) (parent who fails to object to adequacy of services waives review of issue); *In re Kyle M.*, 200 Ariz. 447, ¶ 25 (App. 2001) (appellate court may decline to address issues not raised in juvenile court).

¶6 The juvenile court's order terminating Kimberly's parental rights is affirmed.[1]

[1]We affirm despite the answering brief, which—like the opening brief—does not meaningfully comply with Rule 13, Ariz. R. Civ. App. P. *See also* Ariz. R. Juv. Ct. P. 106(A). It contains no useful recitation of the facts, largely lacks citation to the record, and includes no developed arguments. Ariz. R. Civ. App. P. 13(a)(5), (7), (b)(1).