IN THE

ARIZONA COURT OF APPEALS

DIVISION TWO

SHEENA W. AND ALBERT B.,
Appellants,

v.

DEPARTMENT OF CHILD SAFETY AND S.B.,
Appellees.

SHEENA W. AND ALBERT B.,
Petitioners,

v.

HON. JOAN WAGENER, JUDGE OF THE SUPERIOR COURT
OF THE STATE OF ARIZONA, IN AND FOR THE COUNTY OF PIMA,
Respondent,

and

DEPARTMENT OF CHILD SAFETY AND S.B.,
Real Parties in Interest.

Nos. 2 CA-JV 2020-0152 and 2 CA-SA 2021-0016 (Consolidated)
Filed June 15, 2021

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NOT FOR PUBLICATION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); Ariz. R. P. Spec. Act. 7(g), (i).

Appeal from the Superior Court in Pima County
No. JD20200447
The Honorable Joan Wagener, Judge

AFFIRMED; SPECIAL ACTION JURISDICTION ACCEPTED; RELIEF DENIED

COUNSEL

Joel Feinman, Pima County Public Defender
By David J. Euchner, Assistant Public Defender, Tucson
Counsel for Appellant/Petitioner Sheena W.

and

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Counsel for Appellant/Petitioner Albert B.

Mark Brnovich, Arizona Attorney General
By Jennifer Blum, Assistant Attorney General, Tucson
Counsel for Appellee/Real Party in Interest Department of Child Safety

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MEMORANDUM DECISION

Presiding Judge Eppich authored the decision of the Court, in which Chief Judge Vásquez and Judge Brearcliffe concurred.

E P P I C H, Presiding Judge:

¶1 Sheena W. and Albert B. have filed a joint appeal from the juvenile court's December 2020 and January 2021 orders[1] adjudicating their daughter, S.B., born in August 2016, dependent. They have also filed a joint petition for special action relief, challenging the court's denial of the Department of Child Safety's (DCS) motion to return S.B. to them, filed pursuant to Rule 59, Ariz. R. P. Juv. Ct. We have consolidated the appeal

[1]The juvenile court issued a second order in January 2021 pursuant to the parents' motion for findings in compliance with Rule 55(E)(3), Ariz. R. P. Juv. Ct.

and the special action.[2] For the reasons set forth below, we affirm the dependency order and although we accept special action jurisdiction, we deny relief.

Factual and Procedural Background

¶2 We review for an abuse of discretion the juvenile court's order adjudicating a child dependent, and will affirm the order unless no reasonable evidence supports the factual findings upon which it is based. *Louis C. v. Dep't of Child Safety*, 237 Ariz. 484, ¶ 12 (App. 2015). The allegations of a dependency petition must be proved by a preponderance of the evidence. A.R.S. § 8-844(C)(1); *see also Willie G. v. Ariz. Dep't of Econ. Sec.*, 211 Ariz. 231, ¶ 2 (App. 2005). We view the evidence in the light most favorable to sustaining the order, *Willie G.*, 211 Ariz. 231, ¶ 21, recognizing that 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, ¶ 4 (App. 2004). Additionally, because the primary concern in a dependency case is the child's best interests, the court is given substantial discretion when placing a child. *Antonio P. v. Ariz. Dep't of Econ. Sec.*, 218 Ariz. 402, ¶ 8 (App. 2008). Therefore, we review the court's ruling on a Rule 59 motion for an abuse of discretion. *Id.*

¶3 On July 22, 2020, DCS took custody of S.B. due to reports of domestic violence in the home as a result of Sheena's excessive use of alcohol; lack of appropriate supervision, which included leaving S.B. unattended in the home of the maternal grandparents while Sheena was intoxicated and Albert was at work; and Albert's failure to protect S.B. from harm. The July report also included information that Sheena had stopped attending Alcoholics Anonymous (AA) meetings.

¶4 At a July 24, 2020 Team Decision Making (TDM) meeting, the maternal grandparents, with whom the parents were living at the time, reported that Sheena was drinking regularly, had a "serious problem" with

[2]In the parents' motion to consolidate the appeal with the special action, they incorrectly refer to the denial of "their" Rule 59 motion. As noted, DCS, rather than the parents, filed that motion. Despite parents' failure to formally join in DCS's motion, we exercise our discretion in accepting special action jurisdiction in light of the parents' arguments before the juvenile court requesting alternative relief indistinguishable from that sought in the motion.

alcohol abuse, and needed professional help. Sheena was unable to articulate S.B.'s daily routine or schedule. Although she denied she had "a real issue with alcohol that needed attention," she nonetheless acknowledged she had not been completely sober since before her pregnancy with S.B. and "she appeared very nervous when discussing quitting her alcohol abuse 'cold turkey and on her own' and not knowing if it would kill her." And, although Albert expressed less concern with Sheena's drinking at the time of the TDM meeting, he nonetheless acknowledged he was unable to ensure S.B.'s safety while she was in Sheena's care. He had not known how to cope with Sheena's drinking problem for some time; he had previously purchased alcohol for her, "enabling her to continue drinking often"; and Sheena's "ongoing substance abuse" was the cause of domestic violence incidents between the parents.

¶5 There was evidence of domestic violence not only between the parents, but between Sheena and her brother, with whom the family had previously lived. Although Sheena acknowledged she had engaged in domestic violence with Albert and her brother due to her alcohol abuse, she minimized the import of those incidents. The Pima County Sheriff's Department (PCSD) had been called for domestic violence disputes in October 2016 and in May 2020, resulting in two reports (the PCSD reports). In May 2020, Sheena reported to a deputy that her brother had recently slapped her and that she had responded by burning him with a cigarette. The deputy reported that when he had responded to the domestic violence call on May 8, 2020, Sheena had "seemed wobbly," could not "keep her balance," was "heavily slurring her words, . . . had red, bloodshot eyes," and smelled of alcohol. He reported that Sheena had placed several cans of beer in her purse as he had escorted her from her brother's home. Albert advised the deputy Sheena had a drinking problem, he was concerned for S.B.'s safety, and he did not know what to do about the situation.

¶6 On July 27, 2020, five days after taking S.B. into custody, DCS filed a dependency petition, pointing out an incident of domestic violence between Sheena and her brother. As grounds for the dependency, DCS alleged abuse and/or neglect as to Sheena due to her alcohol abuse, and as to Albert due to his inability to protect S.B. According to testimony by DCS investigator Cyra Trujillo at the July 31, 2020 preliminary protective hearing, Sheena had denied having a problem with alcohol when Trujillo had spoken with her in mid-July 2020, but had "minimally beg[u]n to acknowledge that there potentially then was an issue with alcoholism" at the July 24 TDM meeting. Sheena acknowledged that she had used alcohol

to "self-medicate" for a prior trauma and that she had been impaired by her intoxication as recently as May 2020. However, Sheena was denied recommended substance abuse services because she self-reported that she had not had any problems with substance abuse before or since the May 2020 incident. Trujillo testified at the August 5, 2020 preliminary protective hearing that she continued to have concerns about Sheena's drinking problem.

¶7 Also in August 2020, DCS filed a motion for change in physical custody of S.B. to the maternal step-aunt, pursuant to Rule 59, which the juvenile court granted without objection. In November 2020, DCS filed another Rule 59 motion, requesting that S.B. be returned to the parents, with continued court oversight and in-home services. S.B.'s attorney objected to the motion, pointing to Sheena's ongoing alcohol abuse and Albert's inability to protect S.B. from the consequences of that abuse.

¶8 Contested hearings on the dependency petition and the Rule 59 motion were held over four days in November and December 2020. Trujillo testified that even though the parents were no longer living with Sheena's brother, with whom Sheena had a history of domestic violence, DCS had ongoing concerns regarding domestic violence between the parents based on Sheena's alcohol abuse. DCS specialist Keef Davidson testified that although Sheena had participated in AA group sessions and urinalyses testing, she had multiple diluted urine tests, the most recent occurring approximately two weeks before the November 16, 2020 hearing. Davidson testified that despite DCS's recommendation of an in-home dependency as recently as the October 26, 2020 TDM meeting, it nonetheless still had a "number of concerns" with the family, including Sheena's continued alcohol use, noting that Sheena currently did not acknowledge having a problem with alcohol.

¶9 After the contested hearings, the juvenile court adjudicated S.B. dependent and denied the Rule 59 motion. This appeal and petition for special action relief followed. As we previously noted, we have consolidated these proceedings.

¶10 In its ruling, the juvenile court provided a detailed history of DCS's involvement with the family, referring not only to the PCSD reports, and explaining why it found the evidence in those reports relevant, but to DCS's reports, including information obtained at the TDM meetings. The court also summarized the testimony provided at the dependency hearings. Although the court acknowledged the progress the parents had made, it

also noted DCS's ongoing concern with Sheena's failure to address the underlying reasons for her drinking, and the family's denial and minimization of Sheena's alcohol problem.

¶11 The juvenile court explained its reasoning as follows:

> The parents deny or minimize the issues and concerns about the family, including those relating to [Sheena's] problematic use of alcohol and domestic violence. The parents have not provided a consistent picture of [Sheena's] use of alcohol. The reports about the history or length of her use, the frequency and amount used and its impact on her and her ability to function have changed wildly over time and depending on who the family is speaking with. [Albert] reports that he now understands what is going on, identifying steps he would take to protect [S.B.]. It is of grave concern to the Court that the parents have not acknowledged [Sheena's] problematic alcohol use and its impact on [S.B.] and the family. The fact that [Albert] now states that [Sheena] was not intoxicated on the evening of the May 2020 incident is troubling considering the description of [Sheena's] condition by the PCSD. According to the PCSD [Sheena] was wobbly while seated, her speech was slurred, and she had difficulty with balance even with a deputy assisting her. The Court does not believe that the parents are being honest about [Sheena's] substance abuse history or its impact on her ability to provide care for [S.B.].
>
> [Sheena] and [Albert] report that they would continue in services without oversight by the ADCS or Court. Based upon history and their unwillingness or inability to recognize the mother's use of alcohol as problematic and total denial of domestic violence, their stated commitment to continuing in services is hollow. The Court believes that continued oversight by

> the ADS and Court is necessary to ensure [S.B.'s] safety.

Dependency Adjudication

¶12 A dependent child includes one who has no parent willing or capable of exercising proper parental care and control, is destitute or not provided necessities of life including adequate food, clothing, shelter or medical care, or a child whose home is unfit by reason of neglect. *See* A.R.S. § 8-201(15). Neglect is defined in § 8-201(25)(a) to include "[t]he inability or unwillingness of a parent . . . to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare."

¶13 On appeal, the parents contend there was insufficient evidence to support the dependency adjudication order, arguing the juvenile court improperly relied on the PCSD reports to support its domestic violence concerns; it "refused to find Sheena's drug tests were all negative because some of the samples were diluted"; and, it improperly found Sheena had unaddressed problems with alcoholism even though she was "participating in AA meetings."

¶14 The parents assert that, even assuming the PCSD reports were properly admitted, an assumption they dispute in a separate argument set forth below, DCS's and S.B.'s counsel failed to elicit evidence of domestic violence sufficient to support the juvenile court's finding in that regard. Although DCS must prove the allegations in a dependency proceeding by a preponderance of the evidence based on the circumstances existing at the time of the hearing, § 8-844(C); *Shella H. v. Dep't of Child Safety*, 239 Ariz. 47, ¶ 12 (App. 2016), that does not mean the court must consider those circumstances in a vacuum. The "domestic violence need not be continuous or actively occurring at the time of the adjudication hearing." *Shella H.*, 239 Ariz. 47, ¶ 16. "[T]he substantiated and unresolved threat is sufficient." *Id*.

¶15 Viewing the evidence in the light most favorable to affirming the juvenile court's findings, *Willie G.*, 211 Ariz. 231, ¶ 21, the evidence showed that both parents had reported to law enforcement previous incidents of domestic violence in their relationship. In addition, Trujillo testified that DCS had an ongoing concern with domestic violence between the parents, noting that such incidents stemmed from Sheena's "substance use." Based on the record before us, including the reported correlation between Sheena's alcohol use and the risk of domestic violence, as well as

her use of alcohol until, at the very least, several months before the hearings, it was within the court's discretion to conclude that the parents had not resolved the threat of domestic violence warranting a finding of dependency. *See Shella H.*, 239 Ariz. 47, ¶ 16.

¶16 The parents also argue that it is "abundantly clear that diluted tests that are negative still count as negative tests" and that the juvenile court erred by treating the "two tests" in August 2020 as positive, pointing out that Sheena likely drank more water at that time due to hot weather. The parents misstate the record. First, Sheena had far more than two diluted tests, and they occurred well into the fall of 2020. Moreover, by stating it could not "get pas[t]" the diluted tests, the court was not necessarily saying it was treating them as positive tests, but instead stated the diluted tests "leave[] a big question mark in your mind." After reviewing the DCS Medical Review Request and Report ("medical report"), the court stated that although the "highly diluted drug tests" are technically negative tests, they do not help "identify whether safety factors for children have been appropriately, adequately addressed."

¶17 The juvenile court noted there had been "a great deal of minimization" regarding Sheena's alcohol problem, and ultimately concluded the diluted tests presented an ongoing concern not only for DCS's and S.B.'s attorney, but for the court. The court also pointed out that the medical report stated that the diluted tests "took great effort in taking a lot of water" and that such results "raise concern about dilution to avoid drug detection." In fact, Davidson testified that he had spoken with Sheena about the diluted tests and had advised her how to avoid such results; notably, Sheena did not offer excessive water consumption as an explanation for the diluted test results when Davidson spoke with her.

¶18 The parents further assert there is no evidence that Sheena had consumed any alcohol since July 2020, the last date she acknowledged having done so. However, in light of the numerous diluted test results dating beyond July 2020, we infer the juvenile court found that argument unpersuasive. *See Jesus M. v. Ariz. Dep't of Econ. Sec.*, 203 Ariz. 278, ¶ 12 (App. 2002) (resolution of conflicts in evidence within province of juvenile court as trier of fact). And, the court had additional reasons for its ongoing concern that Sheena had not yet resolved her alcohol problem and lacked insight that she had such a problem—Sheena denied she had an alcohol problem during the intake assessment for substance abuse services and was unable to identify what step she was on in AA's twelve-step program, despite her representation that she was attending AA meetings.

¶19 The parents also argue there is no evidence supporting a dependency as to Albert. As DCS correctly points out in its answering brief, however, this argument ignores Albert's admissions that Sheena had a drinking problem, which he had admittedly enabled by purchasing alcohol for her, and that he was concerned about his inability to keep S.B. safe when she was in Sheena's care. Notably, the juvenile court's ruling demonstrated its awareness of conflicts in the evidence presented, including contradictions among Albert's testimony regarding the date Sheena had last consumed alcohol, Sheena's testimony, and that of the maternal grandparents, whom the court noted had "waffled" on their statements to DCS.[3] The court likewise noted the inconsistencies between Albert's testimony and representations he had made to the deputies regarding the May incident. As we previously noted, the court stated that the reports of Sheena's alcohol use had "changed wildly" and that it did "not believe that the parents [were] being honest about [Sheena's] substance abuse history or its impact on her ability to provide care for [S.B.]." This was the court's prerogative. *See Jordan C. v. Ariz. Dep't of Econ. Sec.*, 223 Ariz. 86, ¶ 18 (App. 2009) (juvenile court in best position to weigh evidence and judge credibility of witnesses).

Admission of Police Reports

¶20 The parents argue the juvenile court erred in admitting the PCSD reports, asserting they contain inadmissible hearsay, are irrelevant, stale and prejudicial, and are inadmissible as other-act evidence. Asserting the reports are "rank hearsay," the parents primarily contend they were inadmissible under Rule 803(8), Ariz. R. Evid., the public records exception to the hearsay rule.

¶21 Before the hearings in the juvenile court, Sheena filed a written objection to the admission of the reports, while both parents objected to their admission on the second day of the hearings. Sheena's written objection was based on foundation, hearsay, and relevance and unfair prejudice. At the hearing, Sheena objected to the admission of the reports based on the same grounds, and Albert joined her objection based on hearsay and relevance. Because neither parent specifically objected to the reports as other-act evidence, we do not address that argument further.

[3] In its August 7, 2020 under advisement ruling affirming S.B.'s placement outside the home, the juvenile court noted, in detail, the contrasting versions of what had occurred.

See Ariz. R. P. Juv. Ct. 44(B)(2)(e) (specific objection or grounds not identified in notice of objection to admission of evidence at dependency proceeding deemed waived); *see also Alice M. v. Dep't of Child Safety*, 237 Ariz. 70, ¶ 11 (App. 2015).

¶22 "A trial court has broad discretion in admitting or excluding evidence, and we will not disturb its decision absent a clear abuse of its discretion and resulting prejudice." *Lashonda M. v. Ariz. Dep't of Econ. Sec.*, 210 Ariz. 77, ¶ 19 (App. 2005). Subject to certain exceptions, the Arizona Rules of Evidence govern the admissibility of evidence at a dependency hearing. Ariz. R. P. Juv. Ct. 45(A). Generally, out-of-court statements offered in evidence to prove the truth of the matter asserted are inadmissible. Ariz. R. Evid. 801(c), 802. But several exceptions to the rule against hearsay exist. *See* Ariz. R. Evid. 803, 804. One of these exceptions is the public records exception, which provides that a record of a public office is admissible if it sets out "a matter observed [by an officer] while under a legal duty to report" and "the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness." Ariz. R. Evid. 803(8)(A)(ii), (B).

¶23 To the extent the parents argue the PCSD reports were admitted not for what the officers observed, but for "the hearsay statements the officers collected," the record does not support their argument. First, the reports clearly included the sheriffs' observations of Sheena, including a detailed description of her condition on May 8, 2020. And, insofar as the parents argue the juvenile court failed to rule on whether the reports "indicate a lack of trustworthiness" under Rule 803(8)(B), we note that merely by objecting to the admission of the reports, the parents did not "show" they were untrustworthy, much less so argue. *See id*. The reports were admissible under the public records exception because they set out the officers' observations pursuant to their police duties and the parents did not expressly challenge—nor does the record show—that the reports lacked trustworthiness. *See Hudgins v. Sw. Airlines, Co.*, 221 Ariz. 472, ¶ 31 (App. 2009) (providing reports reflecting matters public official observed or heard and reported pursuant to duties are admissible in civil cases pursuant to Rule 803(8)(B)).

¶24 The parents further assert the contents of the reports were unduly prejudicial and the 2016 report was "stale." The juvenile court was aware of the age of the 2016 report, a fact it specifically addressed when it found the information from that report relevant. In addition, we will presume a trial court knows and applies the rules of evidence and does not

consider inadmissible matters. *State v. Hadd*, 127 Ariz. 270, 275 (App. 1980). The record does not support a contrary finding here.

¶25 In any event, although the juvenile court referred to the PCSD reports in its ruling, sufficient evidence in the record—without the police reports—supported the court's finding that Sheena had an alcohol problem that presented a risk factor for domestic violence.[4] Accordingly, any arguable error in admitting the police reports was harmless. *See Alice M.*, 237 Ariz. 70, ¶ 12 (noting that even if juvenile court erred in admitting disputed exhibits, the error was harmless when other sufficient evidence supported the decision); *see also State v. Davolt*, 207 Ariz. 191, ¶ 39 (2004) (harmless error when "the reviewing court can say beyond a reasonable doubt that the error did not contribute to the verdict").

¶26 For all of these reasons, we conclude the juvenile court did not abuse its discretion in adjudicating S.B. dependent.

Denial of Rule 59 Motion

¶27 In their special action petition, the parents challenge the juvenile court's denial of DCS's motion under Rule 59. Although DCS requested that S.B. be returned to the parents in its motion below, it has taken no position on the court's denial of that motion on appeal.[5] Nor has

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[4]Notably, the parents have not objected on appeal to the admission of the DCS report (Exhibit 1), which also referred to the PCSD reports.

[5]On May 14, 2021, after the juvenile court denied DCS's November 2020 motion, the court ordered that S.B. be returned to Albert's care, as requested by DCS in its second of three successive Rule 59 motions. We received the court's ruling by supplemental certificate. In their May 18, 2021 notice informing this court of that ruling, the parents stated that the juvenile court's most recent ruling "impacts" their special action petition, but stated that it "does not impact the issues" they presented in their opening brief on the dependency matter. Although we thus treat the special action petition as arguably moot as to both parents, noting that Albert has received his requested relief, we nonetheless address the petition. We further note that although Sheena states the court's recent ruling "impacts" the special action proceeding, she makes no argument regarding the impact of that ruling on her, particularly in light of the fact that Sheena argued in the petition that S.B. could be safely placed with Albert, which is the very relief the court granted.

S.B.'s attorney made an appearance on appeal. The parents rely on *Brionna J. v. Dep't of Child Safety*, 247 Ariz. 346, ¶¶ 7-8, 11 (App. 2019), for the proposition that the denial of a Rule 59 motion is not an appealable order under A.R.S. § 8-235, *see also* Ariz. R. P. Juv. Ct. 103(A), and can only be challenged by special action. Arguably, the order is part of the dependency order and, as such, may be challenged in this direct appeal. As this court has acknowledged, there are inconsistencies in the case law establishing what constitutes an appealable order in juvenile cases. *Jessicah C. v. Dep't of Child Safety*, 248 Ariz. 203, ¶¶ 12-15 (App. 2020); *see also Dep't of Child Safety v. Juan P.*, 245 Ariz. 264, ¶¶ 6-7 (App. 2018) (addressing appeal from order granting Rule 59 motion without discussing jurisdiction). It also seems indisputable that a parent is aggrieved by the juvenile court's refusal to return a child, particularly given the consequences of continuing a child in court-ordered care. *See* A.R.S. § 8-533(B)(8) (establishing length of time in court-ordered care as ground for terminating parental rights). However, "[b]ecause dependency proceedings implicate the 'important and fundamental right to raise one's children,'" we do "not apply a 'narrow, technical conception of what constitutes a final order' under A.R.S. § 8-235(A)." *Jessicah C.*, 248 Ariz. 203, ¶ 15 (quoting *Brionna J.*, 247 Ariz. 346, ¶ 8). In any event, assuming for purposes of this decision that we lack jurisdiction to address the denial of the Rule 59 motion as part of the parents' direct appeal, we accept special action jurisdiction to review the claim.

¶28 Rule 59 provides that a parent or guardian may file a motion requesting that a child be returned to the parent's or guardian's custody any time after a temporary custody hearing. Ariz. R. P. Juv. Ct. 59(A). The juvenile court must return the child to the parent or guardian if it finds, after a hearing, that a preponderance of the evidence establishes doing so "would not create a substantial risk of harm to the child's physical, mental or emotional health or safety." Ariz. R. P. Juv. Ct. 59(A), (E)(1). Although the juvenile court recognized that DCS had indicated it had no safety concerns over returning S.B. to the parents, it nonetheless articulated the correct standard and found DCS had not sustained its burden to return S.B. to the parents at the time of the hearing.

¶29 The parents raise many of the same arguments regarding the denial of the Rule 59 motion as they raised to challenge the dependency adjudication, essentially arguing there was no substantial, reliable evidence to support the juvenile court's ruling. They again contend the court refused to consider the diluted drug tests as negative, it incorrectly found that Sheena has ongoing problems with alcoholism, and there was insufficient

evidence of domestic violence between the parents and no evidence Albert could not safely parent S.B. We have rejected these arguments in the context of the juvenile court's order adjudicating S.B. dependent.

¶30 We reiterate that it is for the juvenile court, not this court, to resolve conflicts in the evidence and assess the credibility of witnesses. *Jesus M.*, 203 Ariz. 278, ¶ 12. Viewed in the light most favorable to sustaining the court's rulings as summarized above, *see Oscar O.*, 209 Ariz. 332, ¶ 4, including the court's concern that it did not want S.B. to "be a ping-pong ball," the record supports the court's finding that S.B. could not safely be returned to the parents. The court invited the parents to provide more detailed information to have S.B. returned to them, including "hard and fast details" about their plans going forward. Accordingly, to the extent the parents' arguments regarding the denial of the Rule 59 motion are not moot, we find no abuse of discretion in the court's denial of the motion based on the record at the time it ruled.

Disposition

¶31 We affirm the juvenile court's order adjudicating S.B. dependent. And, although we accept jurisdiction of the parents' special action challenging the court's denial of DCS's Rule 59 motion, we deny relief.