

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

BRENT S.,
Appellant,

v.

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

No. 2 CA-JV 2021-0107
Filed January 31, 2022

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NOT FOR PUBLICATION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 Gila County
No. S0400JD201800042
The Honorable Timothy M. Wright, Judge

AFFIRMED

COUNSEL

Brent S., Globe
In Propria Persona

Mark Brnovich, Arizona Attorney General
By James W. Rappaport, Assistant Attorney General, Tucson
Counsel for Appellee Department of Child Safety

BRENT S. v. DEP'T OF CHILD SAFETY
Decision of the Court

MEMORANDUM DECISION

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

STARING, Vice Chief Judge:

¶1 Brent S. appeals from the juvenile court's order terminating his parental rights to his three children, B.S. (born November 2009), M.S. (born December 2011), and I.S. (born May 2014), on the ground of court-ordered time in care under A.R.S. § 8-533(B)(8)(c). We affirm.

¶2 In October 2018, B.S. and I.S. were found dependent as to Brent after he did not contest allegations in a dependency petition, including allegations of mental illness, substance abuse, and domestic violence. M.S. was found dependent as to Brent in April 2019. Although Brent participated in some services, he did not complete services to address his behavioral health and substance abuse. He continued to abuse drugs and alcohol, and there were several related incidents during visitations, including times when he was intoxicated.

¶3 In March 2021, the Department of Child Safety (DCS) filed a motion to terminate Brent's parental rights, as well as the parental rights of the children's mother, because the children had been in court-ordered, out-of-home care for fifteen months or longer. Brent failed to appear for the August 2021 termination hearing because he was in custody, appeared to be under the influence, was under suicide watch, and resisted being transported to the termination hearing. The juvenile court found Brent's absence was voluntary, and DCS presented evidence in support of termination. Following the hearing, the court terminated Brent's parental rights, concluding DCS had proven termination was warranted under § 8-533(B)(8)(c) and was in the children's best interests.¹ The court noted Brent had made "no behavioral changes" despite being offered "extensive services." This appeal followed.

¹ The juvenile court also terminated the parental rights of the children's mother. She is not a party to this appeal.

BRENT S. v. DEP'T OF CHILD SAFETY
Decision of the Court

¶4 We normally will not address claims unsupported by adequate argument or citation to the record. *See* Ariz. R. Civ. App. P. 13(a)(7) (opening brief must contain argument with supporting reasons, citations to legal authorities, and references to record); Ariz. R. P. Juv. Ct. 106(A) (“ARCAP 13 and 14” apply to juvenile proceedings); *City of Tucson v. Clear Channel Outdoor, Inc.*, 218 Ariz. 172, ¶ 88 (App. 2008) (appellate court will not address issues or arguments waived by party’s failure to develop them adequately). Nor will we address arguments not first raised in the juvenile court. *See Trantor v. Fredrikson*, 179 Ariz. 299, 300 (1994) (“[A]bsent extraordinary circumstances, errors not raised in the trial court cannot be raised on appeal.”). Brent appears to assert that his absence was involuntary because he was ill from overeating after having had gastric bypass surgery, but he did not raise this argument below and cites no supporting record evidence. He also appears to argue that he participated in services and that DCS did not provide adequate services in any event. But, again, he cites no record evidence to support his claims and appears to suggest, instead, that he could have presented supporting evidence had he attended his hearing and been given more time to investigate. We find Brent’s arguments waived and decline to address them further.

¶5 We affirm the juvenile court’s order terminating Brent’s parental rights.