

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE DEPENDENCY OF S.F.,

No. 2 CA-JV 2023-0104
Filed April 17, 2024

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NOT FOR PUBLICATION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. 602(i)(17).

Appeal from the Superior Court in Pinal County
No. S1100JD202300061
The Honorable Delia R. Neal, Judge

AFFIRMED

COUNSEL

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Counsel for Appellant

Kristin K. Mayes, Arizona Attorney General
By Ingeet P. Pandya, Assistant Attorney General, Mesa
Counsel for Appellee Department of Child Safety

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MEMORANDUM DECISION

Judge Kelly authored the decision of the Court, in which Presiding Judge Brearcliffe and Judge Eckerstrom concurred.

¶1 Appellant Frederick F. challenges the juvenile court’s order filed on August 11, 2023, adjudicating his son, S.F., born November 2010, dependent. He argues the court “abused its discretion” in finding S.F. dependent. We affirm.

¶2 A dependent child includes one whose “home is unfit by reason of abuse, neglect, cruelty or depravity by a parent.” A.R.S. § 8-201(15)(a)(iii). The allegations in a dependency petition must be proven by a preponderance of the evidence. A.R.S. § 8-844(C). We review a dependency adjudication for an abuse of discretion, “deferring to the juvenile court’s ability to weigh and analyze the evidence.” *Shella H. v. Dep’t of Child Safety*, 239 Ariz. 47, ¶ 13 (App. 2016). Accordingly, “[w]e will only disturb a dependency adjudication if no reasonable evidence supports it.” *Id.* And we view the evidence in the light most favorable to affirming the court’s findings. See *Willie G. v. Ariz. Dep’t of Econ. Sec.*, 211 Ariz. 231, ¶ 21 (App. 2005).

¶3 In April 2023, S.F. was removed from Frederick’s custody after the Department of Child Safety (DCS) received a report of neglect and abuse based on Frederick reporting S.F. missing and disclosing that he had “punched [the] child in the arm twice.” S.F. was found at his school in the morning; he was very dirty and had several injuries. He said he was afraid to go home with Frederick, who had locked him out of “the camper” and told him to sleep in the desert. The camper was found to be “full of trash,” with “no areas for sleeping,” and “not much food.” DCS filed a dependency petition a few days later, alleging S.F. was dependent as to Frederick on the ground of neglect.

¶4 At the contested dependency hearing, the family’s DCS case manager testified that Frederick was “erratic, at times,” and would not “take accountability for what [had] happened.” He also testified that the “campsite” in which Frederick and S.F. had been living was not “a safe environment.” He explained that Frederick was, at the time of the hearing, temporarily “staying with a friend” he had met three months earlier. The case manager also expressed concern about Frederick’s having disciplined

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S.F. with inappropriate physical abuse, including punching him in the arm. He testified that, although Frederick appeared willing to participate in services, he had not received any “feedback from service providers” that Frederick had “learned alternative disciplinary techniques.” The juvenile court found DCS had established that S.F. was dependent as to Frederick, and this appeal followed.

¶5 On appeal, Frederick argues only that the juvenile court “abused its discretion when it found [S.F.] dependent as to” him. He maintains that although he and S.F. were “transient and living in the desert,” “they had a trailer” and Frederick “had made arrangements for” utilities. He points out that he had enrolled S.F. in school and mental-health treatment. This argument, however, is a request for this court to reweigh the evidence of dependency, and that we will not do. *See Jesus M. v. Ariz. Dep’t of Econ. Sec.*, 203 Ariz. 278, ¶ 12 (App. 2002) (“[W]e do not re-weigh the evidence on review.”). Because reasonable evidence supports the juvenile court’s ruling, we must affirm. *See Shella H.*, 239 Ariz. 47, ¶ 13.

¶6 We affirm the juvenile court’s order adjudicating S.F. dependent.