

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE TERMINATION OF PARENTAL RIGHTS AS TO S.A.

No. 2 CA-JV 2024-0067
Filed December 4, 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NOT FOR PUBLICATION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 Pima County
No. JD2022220460
The Honorable Gary J. Cohen, Judge

AFFIRMED

COUNSEL

Southern Arizona Law PLLC, Tucson
By Brian J. Molitor
Counsel for Appellant

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

Curigliano Law PLLC, Tucson
By Robert Curigliano
Counsel for Minor

IN RE TERMINATION OF PARENTAL RIGHTS AS TO S.A.
Decision of the Court

MEMORANDUM DECISION

Judge Vásquez authored the decision of the Court, in which Presiding Judge O'Neil and Judge Kelly concurred.

V Á S Q U E Z, Judge:

¶1 Cheyenne C. appeals from the juvenile court's order terminating her parental rights as to her son S.A., born July 2022, on the ground that he had been in court-ordered, out-of-home placement for fifteen months or more. *See* A.R.S. § 8-533(B)(8)(c). For the reasons that follow, we affirm.

¶2 Before it may terminate a parent's rights, a juvenile court must find by clear and convincing evidence that at least one statutory ground for severance exists and must find by a preponderance of the evidence that terminating the parent's rights is in the child's best interests. *See* A.R.S. §§ 8-533(B), 8-537(B); *Kent K. v. Bobby M.*, 210 Ariz. 279, ¶¶ 32, 41 (2005). We will affirm an order terminating parental rights unless no reasonable person could find those essential elements proven by the applicable evidentiary standard. *Denise R. v. Ariz. Dep't of Econ. Sec.*, 221 Ariz. 92, ¶ 10 (App. 2009).

¶3 We view the evidence in the light most favorable to upholding the juvenile court's order. *See Christy C. v. Ariz. Dep't of Econ. Sec.*, 214 Ariz. 445, ¶ 12 (App. 2007). In September 2022, S.A. was removed from his parents' care after an older sibling sustained facial bruises and scratches after being in his father's care. S.A. was adjudicated dependent as to Cheyenne in February 2023. In April 2024, the Department of Child Safety (DCS) moved to terminate Cheyenne's parental rights to S.A. based on length of time in care. Following a contested hearing, the juvenile court granted the petition. The court did not terminate S.A.'s father's parental rights because it found that DCS had not proven the existence of a statutory ground. This appeal followed.¹

¶4 Cheyenne challenges only the juvenile court's finding that termination of her parental rights was in S.A.'s best interests. She argues

¹S.A.'s father is not a party to this appeal.

IN RE TERMINATION OF PARENTAL RIGHTS AS TO S.A.
Decision of the Court

the court's predicate for its best interests finding was that S.A. was adoptable and that S.A. had been out of the home for more than fifteen months, which she asserts is "not sufficient alone to show best interest." Cheyenne further contends that none of the court's reasons are valid in light of the court's decision not to terminate the parental rights of S.A.'s father. But these arguments ignore that the court found termination to be in S.A.'s best interests for several additional reasons beyond his adoptability. Those reasons included the "risks to the child" were he to remain with Cheyenne given her "repeated positive tests" for illicit substances, inability to resolve domestic violence issues, significant medical issues, and lack of safe shelter. The court further noted that those issues would have "an inherent negative effect" on S.A. if he continued to be parented by Cheyenne. Because these best interests findings are independently valid and supported by the record, we cannot say the court erred in finding termination of Cheyenne's parental rights to be in S.A.'s best interests. See *Demetrius L. v. Joshlynn F.*, 239 Ariz. 1, ¶ 16 (2016) (termination of parent-child relationship in child's best interests if child would be harmed by continuing relationship); *Alma S. v. Dep't of Child Safety*, 245 Ariz. 146, ¶ 18 (2018) (accepting juvenile court's factual findings if reasonable evidence and inferences support them).

¶5 We affirm the juvenile court's order terminating Cheyenne's parental rights as to S.A.