

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of A.C., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20070436-CA
)	
B.J.,)	F I L E D
)	(July 12, 2007)
Appellant,)	
)	2007 UT App 242
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 513727
The Honorable Sharon P. McCully

Attorneys: Gary L. Bell, South Jordan, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Bench, Orme, and Thorne.

PER CURIAM:

B.J. (Mother) appeals the termination of her parental rights in A.C. after voluntarily relinquishing her parental rights. We affirm.

Mother signed the petition for voluntary relinquishment of her parental rights in open court after a colloquy with the juvenile court. Her own counsel prepared the petition and the termination order. On appeal, Mother asserts that the juvenile court erred in finding her relinquishment to be voluntary.

Mother has failed to preserve the issue on appeal. Generally, appellate courts will not review issues raised for the first time on appeal, unless the trial court committed plain error. See In re E.R., 2001 UT App 66, ¶9, 21 P.3d 680. To preserve an issue for appeal, a party must first raise the issue

before the trial court and give the trial court the opportunity to rule on the matter. See Hart v. Salt Lake County Comm'n, 945 P.2d 125, 129 (Utah Ct. App. 1997). Here, Mother signed her voluntary relinquishment in open court after representing to the juvenile court that she understood the consequences and was taking the action voluntarily. Although she now asserts that her relinquishment was not voluntary, Mother did not move to withdraw her consent below. The juvenile court did not have the opportunity to address Mother's alleged involuntary relinquishment. Therefore, Mother has failed to preserve the issue for appeal. See id.

Furthermore, even if the court could reach the issue, Mother has precluded review because she has failed to provide a transcript of the relinquishment proceeding. To challenge a finding or conclusion on appeal, the appellant must provide a transcript of all evidence relevant to the challenged finding or conclusion. See Utah R. App. P. 54(a). Mother did not order a transcript of the relinquishment hearing, even after notice of default from this court. As a result, this court could not, in any event, review the issue raised and must presume the regularity of the proceedings below. See State v. Penman, 964 P.2d 1157, 1162 (Utah Ct. App. 1998).

Affirmed.

Russell W. Bench,
Presiding Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge