

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of A.L.O. and A.J.O., persons	)	(Not For Official Publication)
under eighteen years of age.	)	
_____	)	Case No. 20080583-CA
	)	
J.O.,	)	F I L E D
	)	(September 11, 2008)
Appellant,	)	
	)	2008 UT App 332
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 514786, 527857  
The Honorable Charles D. Behrens

Attorneys: Julie George, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Greenwood, Billings, and McHugh.

PER CURIAM:

J.O. (Father) appeals from the juvenile court's order terminating his parental rights in A.L.O. and A.J.O. (the children). Father argues that his parental rights should not have been terminated because he loves his children, and he believes that he can meet their basic needs. In so arguing, Father does not challenge the juvenile court's findings of fact or conclusions of law. Father acknowledges that the findings and conclusions are correct as to both fact and law.

Because Father does not challenge the juvenile court's findings of fact and conclusions of law, he implicitly acknowledges that there were both sufficient grounds to support the termination of his parental rights and that it was in the best interests of his children for his parental rights to be terminated. Although this court has no doubt that Father loves his children and has a sincere desire to take care of them,

review of the juvenile court's findings confirms that there was sufficient evidence to support the juvenile court's conclusions of law and, hence, its ultimate decision to terminate Father's parental rights. More particularly, the findings indicate that due to mental health issues, Father is unable to make appropriate plans for the future and is unable to act on those plans. Father's mental health issues also left him unable to take advantage of the services offered by the State that would have otherwise allowed him to remedy the circumstances that led to the original removal of the children. Further, Father acknowledges that he had a difficult time obtaining housing and steady income. Additionally, the findings of fact indicate that the children need professional help with mental issues of their own that will require long-term care and therapy. Father is simply not in a position to attend adequately to his children's needs while simultaneously working to resolve his own mental health issues. Therefore, there was sufficient evidence to support the juvenile court's conclusions. "When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence." In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435.

Accordingly, the order of the juvenile court terminating Father's parental rights is affirmed.

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Pamela T. Greenwood,  
Presiding Judge

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Judith M. Billings, Judge

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Carolyn B. McHugh, Judge