

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. 20080591-CA
	)	
E.B.,	)	
	)	F I L E D
Appellant,	)	(September 11, 2008)
	)	
v.	)	<span style="border: 1px solid black; padding: 2px;">2008 UT App 331</span>
	)	
State of Utah,	)	
	)	
Appellee.	)	

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

Attorneys: Brent Salazar-Hall, 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:

E.B. (Mother) appeals the termination of her parental rights in A.L.O. and A.J.O. (Children). We affirm.

Mother first asserts that there was insufficient evidence to support the juvenile court's conclusion that Mother was an incompetent and unfit parent, that she had repeatedly failed to provide for the Children's physical and mental health needs, and that she was unwilling or unable to correct the conditions which brought the Children into the State's custody.

In order to overturn the juvenile court's decision on the sufficiency of the evidence, "[t]he result must be against the clear weight of the evidence or leave the appellate court with a firm and definite conviction that a mistake has been made." In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. The juvenile court found multiple grounds for termination under Utah Code section 78A-6-507. Pursuant to section 78A-6-507(1), the finding of any single ground is sufficient to warrant the termination of

parental rights. See Utah Code Ann. § 78A-6-507(1)(Supp. 2008); see also In re F.C. III, 2003 UT App 397, ¶ 6, 81 P.3d 790.

The record supports the juvenile court's determination that Mother was an unfit and incompetent parent. The record demonstrates that Mother has continually failed to provide for the Children's physical, mental, and emotional development. Mother failed to properly supervise and interact with the Children. Mother also failed to provide a clean, safe, and appropriate home for the Children. The record demonstrates that Mother allowed inappropriate persons to have contact with the Children, thereby placing them at risk. The record also supports the juvenile court's determination that Mother was unmotivated to complete numerous services made available to her to rectify these conditions. See Utah Code Ann. § 78A-6-507(1)(d). The record also demonstrates that Mother had undertaken only token efforts to avoid being an unfit parent. See id. § 78A-6-507(1)(f). Thus, there was sufficient evidence to support the juvenile court's determination that Mother was an incompetent and unfit parent.

Mother next asserts that there was insufficient evidence to support the juvenile court's determination that it was in the Children's best interests to terminate her parental rights. If there are sufficient grounds to terminate parental rights, "the court must [then] find that the best interests and welfare of the child[ren] are served by terminating the parents' parental rights." In re R.A.J., 1999 UT App 329, ¶ 7, 991 P.2d 1118; see also Utah Code Ann. § 78A-6-503(2) (Supp. 2008). The decision as to whether the termination of parental rights is in the best interests of the children is reviewed for an abuse of discretion. See In re A.G., 2001 UT App 87, ¶ 7, 27 P.3d 562. A juvenile court's findings will not be overturned unless they are clearly erroneous. See id. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Furthermore, this court gives the juvenile court a "'wide latitude of discretion as to the judgments arrived at' based upon not only the court's opportunity to judge credibility firsthand, but also based on the juvenile court judges' 'special training, experience and interest in this field.'" Id. (citation omitted).

The record supports the juvenile court's determination that it was in the Children's best interests to terminate Mother's parental rights. The Children have mental health and emotional issues requiring permanent and stable homes. The record establishes that Mother was unwilling or unable to provide a stable and appropriate home for the Children. The record also indicates that it would be in the Children's best interests to be adopted so that they could have a stable environment and establish a sense of permanency. See generally Utah Code Ann. 78A-6-509(1). Mother also asserts that the juvenile court did not properly consider Utah Code section 78A-6-510. However,

there is no requirement that the juvenile court expressly list each factor or refer to the applicable section when considering such factors. See In re S.T., 928 P.2d 393, 400 (Utah Ct. App. 1996). Insomuch as section 78A-6-510 is applicable in this instance, the record demonstrates that the juvenile court adequately considered Mother's love and affection for the Children. However, based on Mother's repeated unwillingness or inability to provide a secure, stable, and permanent home, and her inability to meet the Children's special physical, mental, and emotional needs, the best interests of the Children favored termination. Thus, we cannot say that the juvenile court abused its discretion in determining that it was in the Children's best interests to terminate Mother's rights.

Lastly, Mother asserts that there was insufficient evidence to support the juvenile court's determination that the Division of Child and Family Services (DCFS) made reasonable efforts to provide reunification services as required by Utah Code section 78A-6-507(3). Section 78A-6-507(3) requires that in those cases where the court has directed the division to provide reunification services, the court must find that DCFS made reasonable efforts to provide such services before the court may terminate a parent's rights. See Utah Code Ann. § 78A-6-507(3) (Supp. 2008). The record demonstrates that DCFS provided parent/child interaction therapy but that Mother did not implement the skills that were being taught to her. There was evidence that Mother was provided with housecleaning services, family preservation services, therapy, visitation, child and family team meetings, and housing referrals. Mother was either unwilling or unable to incorporate these services into her life so as to become a fit or competent parent. Having reviewed the record, we cannot say that the juvenile court's determination was against the clear weight of the evidence, nor can we say that we are left with a firm and definite conviction that the juvenile court erred in determining that the Division of Child and Family Services made reasonable efforts under Utah Code section 78A-6-507. See In re B.R., 2007 UT 82, ¶ 12.

Accordingly, the termination of Mother'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