IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest of B.G. and V.G., persons under eighteen years of age.	MEMORANDUM DECISION (Not For Official Publication)
	Case No. 20060564-CA
B.G.,	F I L E D (May 3, 2007)
Appellant,	2007 UT App 146
v.	
State of Utah,	
Appellee.	

Fifth District Juvenile, Beaver Department, 453984
The Honorable Joseph E. Jackson

Attorneys: Steven C. Russell, 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

Before Judges McHugh, Orme, and Thorne.

McHUGH, Judge:

B.G. (Mother) appeals the trial court's termination of her parental rights in B.G. and V.G. Mother argues that there was insufficient evidence to support grounds for termination. We disagree and affirm.

In reviewing an order terminating parental rights, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329,¶6, 991 P.2d 1118 (quotations omitted). Further, we give 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[.]" In re E.R., 2001 UT App 66,¶11, 21 P.3d 680 (quotations omitted).

A court may terminate an individual's parental rights if there is sufficient evidence to support any one of the grounds for termination listed under Utah Code section 78-3a-407. See Utah Code Ann. § 78-3a-407 (Supp. 2006) (providing that any single ground is sufficient to terminate parental rights).

The juvenile court found several grounds for terminating Mother's parental rights, including abuse, neglect, unfitness, a failure to remedy the circumstances leading to removal, and failure of parental adjustment pursuant to Utah Code section 78-3a-407(1).[1] Because "we need only discuss one of the grounds for termination," we affirm the juvenile court's decision on the ground that the record clearly supports termination based on failure of parental adjustment. In re D.B., 2002 UT App 314,¶13 n.4, 57 P.3d 1102.

Failure of parental adjustment means that a parent is unable or unwilling within a reasonable time to substantially correct the circumstances, conduct or conditions that led to an out-of-home placement of a child, notwithstanding reasonable efforts of Division of Child and Family Services (DCFS) to return the child home. See Utah Code Ann. § 78-3a-407(2) (2002). "If a child has been placed in the custody of the division and the parent . . . fail[s] to comply substantially with the terms and conditions of a plan within six months after the date . . . the plan was commenced, . . . that failure to comply is evidence of failure of parental adjustment." Utah Code Ann. § 78-3a-408(5) (Supp. 2006).

DCFS presented Mother with her first service plan in March 2005. The plan required Mother to, among other things, complete a psychological evaluation and participate in substance abuse and domestic violence assessments, parenting classes, and counseling.

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[1]Mother argues that the juvenile court erred because it took judicial notice of findings of fact from a prior adjudication hearing that were insufficient to establish that at least one ground for termination under Utah Code section 78-3a-407 was met. This court requested that Mother fully brief the issue of whether a court can rely on findings of fact from prior adjudications when terminating parental rights. Mother did not brief this issue, or others we directed her to brief, and accordingly, we do not reach it here. See Utah R. App. P. 24(a)(9).

The record reveals that within the first six months of her service plan, Mother was twice found in contempt for failing to comply with her plan or to participate in reunification services. Mother was given another opportunity to comply with a second service plan in August 2005. Again, the record reveals that Mother was not able to fulfill her obligations under that plan. At trial, Mother admitted that she never completed substance abuse treatment as required, and while Mother testified that she does not believe that she has a substance abuse problem, evidence was presented at trial that she was arrested for intoxication on April 14, 2005, and that she used cocaine in December 2005. Moreover, despite testifying at trial to having been involved in a variety of different domestic violence incidents, Mother continued to deny that she has a domestic violence problem or that she needs counseling. At the time of trial, Mother still had not successfully completed domestic violence counseling to the point where she could take responsibility for her actions as required by her service plan. Accordingly, the same issues that led to the removal of the children remained at the time of the termination trial. Under these circumstances, the juvenile court did not err in concluding that there was a failure of parental adjustment. See In re S.L., 1999 UT App 390,¶35, 995 P.2d 17 (affirming termination of parental rights based upon failure of parental adjustment when parent failed to complete the provisions of two service plans over a twelve-month period and at the time of trial was not yet ready to parent her child).

Mother argues that the juvenile court gave insufficient weight to evidence of Mother's rehabilitative efforts, namely that she had been sober and employed for five months prior to the termination trial, had completed her initial psychological evaluation, and had completed a 12-step substance abuse program at her church. In viewing the entire record, however, we find sufficient evidence to support the juvenile court's finding that, despite having been held in contempt two times in ten months for failing to comply, Mother still had only taken the initial steps toward meaningfully participating in reunification services. Accordingly, the juvenile court did not err in concluding that Mother's efforts were "too little and certainly way too late to meet needs that were imposed both by the law, [and] by the service plans . . . ." See In re D.N., 2006 UT App 194U, para.3 (mem.) (per curiam) (terminating the rights of parents who "finally stepped up to the plate and [did] some drug tests and tried to get into treatment" a month or two before the termination trial because their efforts were done in the

"eleventh hour" and did not change the circumstances leading to the termination proceedings).

The termination order is therefore affirmed.

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Carolyn B. McHugh, Judge

WE CONCUR:

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Gregory K. Orme, Judge

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William A. Thorne Jr., Judge