IN THE UTAH COURT OF APPEALS

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In the interest of B.M., a person under eighteen years of age. _____	))))))	MEMORANDUM DECISION (Not For Official Publication) Case No. 20080135-CA
D.M., Appellant, v. A.B., Appellee.	))))))))))	F I L E D (May 1, 2008) 2008 UT App 150

Third District Juvenile, Salt Lake Department, 129350
The Honorable Sharon P. McCully

Attorneys: Vernon C. Jolley and Mark R. Hales, Sandy, for
            Appellant
            Paul W. Mortensen, Salt Lake City, for Appellee
            Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Bench, Davis, and Orme.

PER CURIAM:

     D.M. (Father) appeals the termination of his parental
rights. Mother filed the petition to terminate Father's parental
rights in order to allow her husband, B.M.'s stepfather, to adopt
B.M. Father raises three issues on appeal. He claims that the
juvenile court erred in finding grounds supporting unfitness.
Next, he claims that the court erred in finding that termination
was in B.M.'s best interests. Finally, he claims that the court
erred in reconsidering its original ruling, which had deferred a
final ruling on the termination petition.

     Father's claim that the juvenile court erred in
reconsidering its initial ruling on the termination decision is
without merit. The court found grounds to terminate parental

rights based upon unfitness and only token efforts to remedy the circumstances that led to the child welfare case. However, the juvenile court initially deferred a ruling on whether termination of Father's parental rights would be in B.M.'s best interest and allowed Father an additional six months in which to demonstrate that his parental rights should not be terminated. The Guardian Ad Litem's motion to fully adjudicate the termination petition by either granting or denying it was not improper because it did not seek reconsideration of a final judgment. The juvenile court correctly concluded that its jurisdiction was based solely upon the termination petition. The court had closed the child welfare case in 2002. Therefore, the court was required to make a determination on the merits of the termination petition before the court. The juvenile court correctly proceeded by fully adjudicating the termination petition.

The remainder of Father's appeal challenges the juvenile court's findings of fact supporting both the grounds for termination and the determination of the best interests of the child. "Because of the factually intense nature of [a parental fitness] inquiry, the juvenile court's decision should be afforded a high degree of deference." In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. We overturn the juvenile court's decision "only if it either failed to consider all of the facts or considered all of the facts and its decision was nonetheless against the clear weight of the evidence." Id. (emphasis added). "When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence." Id.

We conclude that the findings are adequately supported by the evidence. The evidence established a pattern of troubling behavior by Father that posed a risk of psychological or emotional harm to B.M. It is particularly relevant that although Father did not abandon B.M., he maintained weekly supervised visitation, and he paid child support, he had not progressed in six years to a point where unsupervised visits could be allowed. Even his own expert witness opined that unsupervised visits were not appropriate at the time of trial and that Father should be involved in therapy in order to progress. An attachment assessment demonstrated that even if B.M. enjoyed visits with Father, she was not secure in her attachment to him and did not view him as a caregiver. In contrast, she viewed her stepfather as a primary caregiver and was securely attached to him. The consideration of stability underscored that it was in B.M.'s best

interests to have Father's rights terminated to allow her to be adopted by her stepfather.

    We affirm.

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Russell W. Bench, Judge

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James Z. Davis, Judge

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Gregory K. Orme, Judge