

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of C.V. and J.V., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20090213-CA
)	
J.V.,)	F I L E D
)	(July 23, 2009)
Appellant,)	
)	2009 UT App 194
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, West Jordan Department, 522669
The Honorable James R. Michie Jr.

Attorneys: J.V., West Jordan, Appellant Pro Se
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Thorne, Orme, and McHugh.

PER CURIAM:

J.V. (Mother) appeals from the juvenile court's order dated February 17, 2009, denying her motion to return custody of her children to her. Mother alleges that the evidence was sufficient to support the return of Mother's children to her custody.

Pursuant to rule 54(a) of the Utah Rules of Appellate Procedure, where an appellant intends to challenge the sufficiency of the evidence supporting a finding or conclusion, "the appellant must include in the record a transcript of all evidence relevant to" the challenged finding or conclusion. Utah R. App. P. 54(a). In the absence of a transcript, "we assume that the proceedings . . . were regular and proper and that the [disposition] was supported by competent and sufficient evidence." Bevan v. J.H. Constr. Co., 669 P.2d 442, 443 (Utah 1983). Because Mother has not included a copy of the trial transcript on appeal, we presume the correctness of each of the juvenile court's findings of fact. It is within this context that we analyze Mother's claim.

In support of its determination not to restore custody of the children to Mother, the juvenile court made several findings. First, the juvenile court found that while Mother had engaged in individual counseling, she had not yet engaged in family counseling. Second, visitation between Mother and her children was still required to be supervised or to take place in a therapeutic setting. Finally, a protective order, which was entered against Mother on August 26, 2008, with the children and their guardian as the protected parties, was still in effect. As a result of these facts the juvenile court determined that Mother had failed to demonstrate by a preponderance of the evidence that there had been a change of circumstance that would warrant restoration of the custody of the children to Mother. The findings support and provide a basis for the juvenile court's ruling. Accordingly, we must affirm.

Affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Gregory K. Orme, Judge

Carolyn B. McHugh, Judge