

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah, in the interest	)	MEMORANDUM DECISION
of I.M., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20070920-CA
	)	
V.M.,	)	F I L E D
	)	(January 25, 2008)
Appellant,	)	
	)	2008 UT App 27
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

-----

Third District Juvenile, Salt Lake Department, 518396  
The Honorable Charles D. Behrens

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

-----

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

V.M. (Father) appeals the termination of his parental rights in I.M. We affirm.

Father admits that, in a technical sense, there were sufficient grounds to terminate his parental rights. Specifically, the juvenile court concluded that Father had abandoned I.M.; that Father made only token efforts to visit with his child, to stay in contact with his child, and to provide child support; that Father was unfit; and that Father was unwilling or unable to remedy the conditions that brought the child into the State's custody. See Utah Code Ann. § 78-3a-407(1)(a), (c), (d), (f) (Supp. 2007). However, Father argues that the application of these grounds to him and his circumstances is unfair because he has been in prison and has not had the opportunity to take an active part in I.M.'s life. Father asserts that he loves I.M. and wants to take care of him when he is out of prison.

This court has no reason to doubt that Father loves I.M. and has a desire to change his life in order to care for I.M.; however, we do not agree that termination of Father's parental rights was unfair. At the time of trial, Father was not prepared to be a parent to I.M., nor was he likely to be prepared to be a parent in the near future. Father is in prison until at least June of 2008. Further, he has only seen I.M. for short periods of time and has spent a total of only two to three days with I.M. in the past several years. There are no facts in the juvenile court's findings that demonstrate that Father could leave prison and become an immediate and effective parent to I.M.

On the other hand, the juvenile court's findings indicate that I.M. is in need of permanency and stability and that he is an adoptable child. Father was not, and would not soon be, in a position to give I.M. the permanency and stability he needs. Accordingly, the juvenile court determined that it was in the best interest of I.M. for Father's parental rights to be terminated. There is no evidence to demonstrate that the juvenile court's findings regarding the best interest of I.M. were incorrect.<sup>1</sup>

The findings support the juvenile court's determination that there were sufficient grounds to terminate Father's parental rights and that it was in I.M.'s best interest to order the termination of Father's parental rights so that I.M. might begin to obtain some semblance of permanency and stability. There is simply no evidence in the record that would support Father's suggestion that terminating his parental rights in this case was unfair. Accordingly, the order terminating Father's parental rights is affirmed.

---

William A. Thorne Jr.,  
Associate Presiding Judge

---

Russell W. Bench, Judge

---

Gregory K. Orme, Judge

---

1. Because Father has not included a copy of the trial transcript on appeal, we presume the correctness of the juvenile court's findings of fact. See State v. Mead, 2001 UT 58, ¶ 48, 27 P.3d 1115.