

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of J.B., a person under)	(Not For Official Publication)
eighteen years of age.)	
<hr/>)	Case No. 20071012-CA
)	
S.B.,)	F I L E D
)	(March 6, 2008)
Appellant,)	
)	2008 UT App 74
v.)	
)	
State of Utah,)	
)	
Appellee.)	

First District Juvenile, Brigham City Department, 514515
The Honorable Larry E. Jones

Attorneys: Michael P. Studebaker, Ogden, for Appellant
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake
City, for Appellee

Before Judges Thorne, Bench, and Billings.

PER CURIAM:

S.B. (Mother) appeals the termination of her parental rights in J.B. Mother argues that the juvenile court abused its discretion in terminating Mother's parental rights. More particularly, Mother asserts that because the juvenile court's findings indicate that she made some efforts to comply with the court imposed service plan, her parental rights should not have been terminated.

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 (internal quotation marks and citation omitted). A juvenile court's findings of fact will not be overturned unless they are clearly erroneous. See In re E.R., 2001 UT App 66, ¶ 11, 21 P.3d 680. 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. 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.'" Id. (citation omitted).

Mother does not argue that there was insufficient evidence to support the juvenile court's findings; instead, Mother argues that the findings do not support the conclusion that her parental rights should be terminated because she was making some effort to comply with the service plan and other court orders. While the juvenile court's findings do indicate that Mother took a few small steps toward complying with the service plan, the findings also indicate that Mother "failed to complete the most basic elements of her service plan." For example, Mother only sporadically visited J.B., she violated her probation twice, she failed to submit to random urinalysis testing, she failed to participate in a parenting course, she failed to complete a mental health evaluation, and she failed to obtain stable housing and employment. All of these elements were encompassed by the service plan. Accordingly, the juvenile court's uncontested findings make it clear that Mother failed to substantially comply with the service plan. This failure to comply with the service plan, coupled with the other findings of the juvenile court, support the juvenile court's conclusions of law that Mother's parental rights should be terminated based upon several grounds, including neglect, unfitness, and failure of parental adjustment. Because the findings of fact supported the juvenile court's ultimate conclusion of law that Mother's parental rights should be terminated, the juvenile court did not abuse its discretion in terminating Mother's parental rights.

Accordingly, the order terminating Mother's parental rights is affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Judith M. Billings, Judge