

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of N.S. and S.J., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20090239-CA
)	
C.M.,)	F I L E D
)	(June 11, 2009)
Appellant,)	
)	2009 UT App 156
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Tooele Department, 542424
The Honorable Mark W. May

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

Before Judges Greenwood, Thorne, and Orme.

PER CURIAM:

C.M. (Mother) appeals the termination of her parental rights in N.S. and S.J. We affirm.

Mother asserts that there was insufficient evidence to terminate her parental rights. Specifically, Mother challenges the juvenile court's determination that there was clear and convincing evidence that there is a substantial likelihood she would not be capable of exercising proper and effective parental care in the near future. Mother also challenges the juvenile court's determination that there was clear and convincing evidence of failure of parental adjustment.

A juvenile court may terminate parental rights if the court finds that a parent has abandoned a child, neglected a child, or is an unfit or incompetent parent. See Utah Code Ann. § 78A-6-507 (2008). A juvenile court's findings will not be overturned

unless they are clearly erroneous. See In re A.G., 2001 UT App 87, ¶ 7, 27 P.3d 562. A finding is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id.

The juvenile court determined that there were several grounds supporting the termination of Mother's parental rights. In addition to the grounds challenged by Mother on appeal, the juvenile court also determined that N.S. was abused, S.J. was neglected, and that Mother was an unfit parent. The juvenile court's determination that N.S. was burned, other than by accident, supports the juvenile court's determination that N.S. was abused. See Utah Code Ann. § 78A-6-105(1). The record also demonstrates that Mother exposed S.J. to cigarette smoke despite knowing that doing so was extremely dangerous to S.J. given her unique health problems. Thus, the record supports the juvenile court's determination that Mother neglected S.J. See id. § 78A-6-105(25)(a). Finally, the record supports the juvenile court's determination that Mother was an unfit parent. See id. § 78A-6-508(2).

Even were this court to assume that Mother could prevail on the claims she challenges on appeal, Mother has not challenged these alternative grounds which support the termination of her parental rights. Pursuant to Utah Code section 78A-6-507(1), a single finding of abuse, neglect, or a determination that a parent is unfit is, standing alone, sufficient to support the termination of parental rights. See id. § 78A-6-507(1); see also In re F.C. III, 2003 UT App 397, ¶ 6, 81 P.3d 790. Thus, because at least one alternative ground supports the termination of Mother's parental rights, we cannot say that the juvenile court erred by doing so.

Accordingly, the juvenile court's order terminating Mother's parental rights in N.S. and S.J. is affirmed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

Gregory K. Orme, Judge