

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of T.A., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20080288-CA
)	
K.A.)	F I L E D
)	(May 30, 2008)
)	
Appellant,)	2008 UT App 199
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	
)	

Third District Juvenile, Salt Lake Department, 540854
The Honorable Kimberly K. Hornak

Attorneys: Jana Dickson, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Sheleigh Amanda Harding, Salt Lake City, Guardian Ad
Litem

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

K.A. (Mother) appeals the termination of her parental rights
in T.A. We affirm.

Mother first asserts that there was insufficient evidence to
support the juvenile court's conclusion that Mother was an unfit
parent, that T.A. was abused and neglected, and that Mother was
unwilling or unable to correct her parenting deficiencies. The
juvenile court found multiple grounds for termination under Utah
Code section 78-3a-407, including neglect, failure to remedy the
circumstances leading to T.A.'s out-of-home placement, and
failure of parental adjustment. See Utah Code Ann. § 78-3a-

407(1)(b)-(d) (Supp. 2007).¹ Pursuant to section 78-3a-407(1), the finding of any single ground is sufficient to warrant termination of parental rights. See id. § 78-3a-407(1); see also In re F.C. III, 2003 UT App 397, ¶ 6, 81 P.3d 790.

The record supports the juvenile court's determination that Mother's history of methamphetamine use was completely inconsistent with responsible parenting, that there was no evidence that Mother was undergoing drug therapy, and that there was no evidence that Mother had undertaken a legitimate effort to obtain therapy for her drug problem. Additionally, the record supports the juvenile court's determination that Mother did not have stable employment or stable housing. Thus, there was sufficient evidence to support the juvenile court's determination that Mother was an unfit parent and that she had not made adequate efforts to correct her parental deficiencies.

Mother next asserts that there was insufficient evidence to support the juvenile court's determination that it was in T.A.'s best interests to terminate Mother's parental rights. If there are sufficient grounds to terminate parental rights, in order to actually do so "the court must [next] find that the best interests and welfare of the child are served by terminating the parents' parental rights." In re R.A.J., 1999 UT App 329, ¶ 7, 991 P.2d 1118; see also Utah Code Ann. § 78-3a-406(3) (Supp. 2007). The determination of whether the termination of parental rights is in the best interests of the child is reviewed for an abuse of discretion. See In re A.G., 2001 UT App 87, ¶ 7, 27 P.3d 562. A juvenile court's findings of fact will not be overturned unless they are clearly erroneous. See id. 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. Furthermore, this court gives 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).

The record supports the juvenile court's determination that it was in T.A.'s best interests to terminate Mother's parental rights. Specifically, the record supports the juvenile court's findings, among other things, that: (1) Mother had not made reasonable efforts to remedy the circumstances that warranted the removal of her children because she prioritized her

¹The juvenile court's Findings of Fact, Conclusions of Law, and Order Terminating Parental Right refers to this section as the 2008 recodified Utah Code section 78A-6-507(1)(b)-(d).

methamphetamine use above the interests of her children, failed to complete a drug treatment program, and failed to demonstrate that she had obtained stable housing and employment; (2) Mother failed to substantially comply with programs designed to address her parenting deficiencies; and (3) in addition to her methamphetamine problem, Mother had a history of peripheral criminal behavior that had negatively affected her ability to parent. Thus, the juvenile court did not abuse its discretion in reviewing the evidence and determining that Mother would likely neglect T.A. in the future if he was returned to her care.

The record also supports the juvenile court's determination that T.A.'s needs were being met by the family members with whom he was living, which included his biological siblings that were previously removed from Mother's care. When there is an evidentiary basis for the juvenile court's decision, this court will not engage in a reweighing of the evidence. See In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. Thus, the juvenile court did not abuse its discretion in determining that it was in T.A.'s best interests to terminate Mother's parental rights.

Accordingly, the termination of Mother's parental rights is affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Gregory K. Orme, Judge