

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of A.B. and A.K., persons)	(Not For Official Publication)
under eighteen years of age.)	Case No. 20070993-CA
_____)	
)	
D.B.,)	F I L E D
)	(May 1, 2008)
Appellant,)	
)	2008 UT App 156
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 502149, 502152
The Honorable Christine S. Decker

Attorneys: Judith L.C. Ledkins, Salt Lake City, for Appellant
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Bench, Davis, and Orme.

PER CURIAM:

D.B. (Mother) appeals the termination of her parental rights in her children A.B. and A.K. Mother asserts that there was insufficient evidence to support the termination of her parental rights. We affirm.

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 (citation and internal quotation marks 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 argues that the evidence was insufficient to support the juvenile court's findings (1) that Mother suffered from a mental illness that rendered her unable to effectively parent her children, and (2) that despite Mother's willingness to learn how to parent, she was unable to do so. The record is clear that Mother loves her children immensely, and she was willing to take whatever steps were necessary to regain custody of her children. Mother substantially complied with all aspects of her service plan and, at times, even sought to access additional classes and services on her own to enhance her ability to parent. However, the record also supports the juvenile court's findings that Mother suffered from mental and cognitive disorders that prevented Mother from exercising proper and effective parental care. Several mental health professionals testified concerning Mother's condition, treatment, and prognosis. Further, the juvenile court heard extensive testimony from those professionals and other mental health workers regarding Mother's progress in her treatment, as well as her inability to integrate and internalize the information she was learning in order to apply it practically to her decision-making processes. This testimony supports the juvenile court's findings. "When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence." In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. Thus, because the record supports the juvenile court's findings, which, in turn, support the juvenile court's ultimate conclusions of law, the evidence was sufficient to support the juvenile court's order terminating Mother's parental rights.

Mother also argues that many of the juvenile court's findings cannot be supported because the evidence indicated that Mother's therapists, the children's therapists, and other DCFS workers were aligned against her. This argument, in essence, attacks the credibility of the witnesses. The juvenile court is in the best position to judge the credibility of the witnesses, and we find nothing in the record that would demonstrate that the juvenile court abused its broad discretion in making these

credibility determinations. See In re E.R., 2001 UT App 66,
¶ 11.

Affirmed.

Russell W. Bench, Judge

James Z. Davis, Judge

Gregory K. Orme, Judge