IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest of A.C., a person under eighteen years of age. _____ J.C., Appellant, v. State of Utah, Appellee.	MEMORANDUM DECISION (Not For Official Publication) Case No. 20060002-CA F I L E D (May 4, 2006) 2006 UT App 187

Fourth District Juvenile, Provo Department, 442254
The Honorable Kay A. Lindsay

Attorneys: Neil Skousen, Orem, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake City, for Appellee
Martha Pierce and Kelly Frye Glasser, Salt Lake City, Guardians Ad Litem

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Before Judges Davis, McHugh, and Orme.

PER CURIAM:

J.C. (Father) appeals the termination of his parental rights in his child A.C. Father asserts that there was insufficient evidence to support the findings and conclusions that: (1) Father is an unfit or incompetent parent; (2) Father is unable or unwilling to remedy the circumstances that caused the child to be in an out-of-home placement and will not be capable of exercising proper and effective parental care in the near future; and (3) Father's actions constituted a failure of parental adjustment in that he failed to comply with the court ordered treatment plan despite reasonable efforts by the Division of Child and Family Services (DCFS) to provide reunification services. 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 (quotations 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).

Under Utah Code section 78-3a-407(1), the finding of any single ground supporting termination is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78-3a-407(1) (Supp. 2005) (providing that the court may terminate all parental rights if it finds any one of the grounds listed); In re F.C. III, 2003 UT App 397,¶6, 81 P.3d 790 (noting that any single ground is sufficient to terminate parental rights). Accordingly, if the record supports any of the grounds found by the juvenile court to terminate Father's parental rights, such ground is sufficient to warrant termination of Father's parental rights.

Father argues that there was insufficient evidence to support the juvenile court's finding that Father's actions constituted a failure of parental adjustment in that he failed to comply with the court ordered treatment plan despite reasonable efforts by DCFS to provide reunification services. In making this argument, Father alleges that there was insufficient evidence to support both the finding that there was a failure of parental adjustment and that there was insufficient evidence to support the conclusion that DCFS provided reasonable services.

"If a child has been placed in the custody of the division and the parent or parents fail to comply substantially with the terms and conditions of a plan within six months after the date on which . . . the plan was commenced, . . . that failure to comply is evidence of failure of parental adjustment." Utah Code Ann. § 78-3a-408(5) (Supp. 2005). DCFS created two plans, each running six months, to assist Father in obtaining the parenting skills needed to care for A.C. Both plans required Father to complete a drug treatment program, domestic violence classes, parenting classes, and an anger management course. The record reveals that Father failed to substantially comply with these

plans during the first twelve months A.C. was in state custody. Specifically, Father was incarcerated several times during the reunification period for drug offenses. He was terminated from drug court after twice being suspended from a drug treatment facility. As a result, after A.C. had been in the custody of DCFS for over a year, Father had completed a thirty-day inpatient drug treatment program, but had yet to begin the longer program required by his plan. Further, he had yet to begin domestic violence, parenting, and anger management courses.

Although Father began attempting to complete these goals after the permanency hearing, and was making good progress, he simply began these attempts too late. His own counselors, who commended him on his progress, testified that he was not ready to be a parent and would need to establish a track record of responsibility and stability after the treatment ended. Thus, nineteen months after A.C.'s removal, Father was not ready to assume his responsibilities as a parent and would not be ready to do so in the immediate future. Under these circumstances, the juvenile court did not err in concluding that there was a failure of parental adjustment. See In re S.L., 1999 UT App 390,¶17, 995 P.2d 17 (affirming termination of parental rights based upon failure of parental adjustment when parent failed to complete the provisions of two service plans over a twelve-month period and at the time of trial was not yet ready to parent her child).

Father also argues that DCFS did not provide him with reasonable services to accomplish the goals of his service plans. "[T]he [juvenile] court has broad discretion in determining whether DCFS [has] made reasonable efforts at reunification." In re A.C., 2004 UT App 255,¶12, 97 P.3d 706. The juvenile court is afforded this discretion because it "is in the best position to evaluate the credibility and competence of those who testify regarding the services that were provided, the parent's level of participation in such services, whether the services were properly tailored to remedy the specific problems that led to the removal of the child, and whether the parent . . . utilized such services to remedy the problem necessitating the removal." Id. The record reveals that DCFS made appropriate recommendations for Father's treatment, paid for some of his classes and assessments, paid $1000 to assist Father in renting a home, and attempted to maintain consistent contact with Father. Based upon these circumstances, the juvenile court appropriately found that DCFS offered reasonable services.

Therefore, because the record supports the juvenile court's conclusion of failure of parental adjustment on the part of Father, the juvenile court did not err in terminating Father's parental rights.

Affirmed.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge