

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of A.R., K.R., and E.R.,)	(Not For Official Publication)
persons under eighteen years)	
of age.)	Case No. 20100611-CA
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D.C.,)	F I L E D
)	(September 23, 2010)
Appellant,)	2010 UT App 264
v.)	
State of Utah,)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 1019510
The Honorable C. Dane Nolan

Attorneys: Shamim Monshizadeh, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Orme, Thorne, and Christiansen.

PER CURIAM:

D.C. (Mother) appeals the termination of her parental rights in her three children, A.R., K.R., and E.R. We affirm.

"In reviewing a decision to grant or deny a termination petition, [w]e 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 omitted). "When a foundation for the [juvenile] 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.

Mother argues that there was insufficient evidence to support the finding that termination of her parental rights was

in the children's best interests because the children's permanent placement had not been determined at trial. However, under Utah law, a permanent placement is not required to be in place at the time of trial in order to terminate parental rights. See Utah Code Ann. § 78A-6-511(1) (2008) (providing that upon entry of an order terminating parental rights the court may place a child for adoption); Id. § 78A-6-512 (providing for a review hearing 90 days after termination if the child has not yet been permanently placed). Accordingly, the lack of a permanent placement for a child at the time of trial is not inconsistent with termination being in the child's best interest.

Furthermore, at the time of trial the children were in a legal risk placement. Although there were some unresolved concerns and issues, adoption had not been ruled out. In addition, the evidence supported that the children were adoptable even if that placement did not work out. The children were intelligent, outgoing, and lovable. Overall, the evidence supported the juvenile court's finding that termination of Mother's parental rights was in the children's best interests to permit them the opportunity to be placed in a stable home rather than remaining in legal limbo.

Affirmed.

Gregory K. Orme, Judge

William A. Thorne Jr., Judge

Michele M. Christiansen, Judge