

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of A.W., R.W., and F.B.,	)	(Not For Official Publication)
persons under eighteen years	)	
of age.	)	Case No. 20100670-CA
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J.W.,	)	F I L E D
	)	(October 21, 2010)
Appellant,	)	2010 UT App 296
	)	
v.	)	
	)	
State of Utah,	)	
	)	
Appellee.	)	

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Third District Juvenile, Salt Lake Department, 542663  
The Honorable Charles D. Behrens

Attorneys: Brent Salazar-Hall, Salt Lake City, for Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee

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Before Judges Orme, Roth, and Christiansen.

PER CURIAM:

J.W. (Mother) appeals the termination of her parental rights in her children A.W., R.W., and F.B. (the children). We affirm.

Mother asserts there was insufficient evidence to find grounds for terminating her parental rights, to establish that termination was in the best interests of the children, and to establish that the Division of Child and Family Services (DCFS) made reasonable efforts to provide reunification services. "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.

Additionally, pursuant to Utah Code section 78A-6-507, the finding of any single ground is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78A-6-507(1) (2008) (providing the court may terminate all parental rights if it finds any one of 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). As a result, if there is sufficient evidence to support any one of the grounds for termination found by the juvenile court, the termination of Mother's rights is appropriate.

The juvenile court found three grounds for termination of parental rights: unfitness, failure to remedy the circumstances leading to removal, and failure of parental adjustment. See Utah Code Ann. § 78A-6-507(1)(c), (d), (e). Mother asserts there is insufficient evidence to establish grounds for termination "in light of the evidence presented regarding [her] participation in DBT therapy, progress on the service plan, and participation in . . . A.W.'s therapy." Mother implies that more weight should be given to these aspects of the service plan requirements. However, this court cannot engage in reweighing the evidence before the juvenile court. See In re B.R., 2007 UT 82, ¶ 12.

Furthermore, there is a clear foundation in the evidence supporting at least one ground for termination. The children were adjudicated as neglected in early 2008 but remained with Mother, albeit with the provision of protective services. By the time of the children's removal in August 2008, Mother's living situation was inappropriate and Mother and the children were at risk of imminent homelessness. By the time of the termination trial in July 2010, Mother still did not have appropriate housing for the children and had only a minimal history of employment. She also did not fully understand the mental health and safety needs of the children. This evidence supports termination because Mother failed to remedy the circumstances that caused the children's removal. See Utah Code Ann. § 78A-6-507(1)(d). Although Mother may have complied with some service plan requirements, critical aspects remained unaddressed, which would put the children at risk if returned to Mother. Mother was still unstable and could not provide for the physical or the emotional needs of the children. As explained above, with one ground for termination clearly established, we need not address the other grounds.

There is also sufficient evidence to support the juvenile court's conclusion that termination of Mother's parental rights was in the children's best interests. The children have unique

needs that require a safe and stable environment. A potential adoptive home was available where the children had already bonded with the prospective parent. The children had improved while in the prospective parent's care. Freeing them for adoption to enable a safe and stable home was clearly in their best interests.

Finally, the evidence was sufficient to support that DCFS made reasonable efforts to provide reunification services to Mother. In providing housing and employment assistance, mental health services, and transportation assistance, DCFS gave Mother access to services targeted to address her identified needs and those of the children. DCFS made a "fair and serious" attempt to reunify Mother with her children. See In re T.M., 2006 UT App 435, ¶ 23, 147 P.3d 529. In sum, there was sufficient evidence to establish that DCFS made reasonable efforts to provide services as required under Utah Code section 78A-6-507(3), see Utah Code Ann. § 78A-6-507(3).

Affirmed.

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Gregory K. Orme, Judge

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Stephen L. Roth, Judge

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Michele M. Christiansen, Judge