

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of B.H., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20100301-CA
)	
A.P.,)	F I L E D
)	(June 17, 2010)
Appellant,)	
)	2010 UT App 162
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Tooele Department, 918183
The Honorable Mark W. May

Attorneys: David J. Angerhofer, Sandy, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Davis, McHugh, and Roth.

PER CURIAM:

A.P. (Mother) appeals the juvenile court's adjudication order finding her child, B.H., to be neglected. We affirm.

Mother argues that the facts in the petition, which she either admitted or were deemed admitted under rule 34(e) of the Utah Rules of Juvenile Procedure (admitted facts), do not support the juvenile court's conclusion that B.H. was neglected. More particularly, Mother argues that because there was no finding that she failed to protect B.H. after learning of B.H.'s sexual relationship with an adult, there was insufficient evidence to support the determination of neglect. Because the facts in the petition were admitted or deemed admitted, "we review the conclusions drawn by the juvenile court for correctness." In re K.C., 1999 UT App 345, ¶ 7, 995 P.2d 1.

In reviewing the totality of the admitted facts, we agree with the juvenile court that such facts support the juvenile court's conclusion that B.H. was neglected. Mother admitted that she knew of or should have known about the sexual relationship between B.H. and an adult male, Z.L., who lived in the home with Mother and B.H. Other family members also knew or had a suspicion that there was an ongoing relationship between B.H. and Z.L. This is evidenced by the petition for a protective order filed by B.H.'s father, which alleged sexual abuse on the part of Z.L., and the statements of certain family members who believed that Mother "probably knew" that B.H. was meeting Z.L. after Mother dropped B.H. off at school. Further, the events concerning Mother's reactions to B.H.'s sexual relationship with Z.L. provide further support for the district court's decision. For example, Mother failed to appear at the hearing on the petition for a protective order filed by B.H.'s father, despite the serious allegations set forth in the petition. Additionally, after Mother removed B.H. from the home, which she shared with Z.L., Mother failed to seek therapy for B.H. despite numerous emotional issues with which B.H. was coping. Finally, Mother had a long history of personal and domestic issues. For example, in December of 2009 Mother was charged with domestic violence assault. She later pleaded guilty to the charge on March 8, 2010. Mother also had a long history with the Division of Child and Family Services, including one period in which B.H. was removed from Mother's home in 1996 after DCFS made two separate supported findings of failure to protect. When taken together, these admitted facts certainly support the conclusion that B.H. was neglected.

Affirmed.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

Stephen L. Roth, Judge