

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of C.B. and N.B., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20090460-CA
)	
F.M.,)	F I L E D
)	(October 8, 2009)
Appellant,)	
)	2009 UT App 290
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 1008823
The Honorable Kimberly K. Hornak

Attorneys: Jana Dickson, 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 Greenwood, Thorne, and Davis.

PER CURIAM:

F.M. (Mother) appeals the termination of her parental rights in her children C.B. and N.B. We affirm.

A juvenile court's findings of fact will not be overturned unless 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. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as its ability to judge credibility firsthand. See id. In determining whether grounds for termination exist, the juvenile court must consider the totality of the evidence, weighing past conduct and present ability. See In re B.R., 2007 UT 82, ¶ 13, 171 P.3d 435. 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.

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 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). 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.

There is ample evidence in the record to support that Mother had neglected her children, was an unfit or incompetent parent, and had failed to remedy the circumstances leading to the removal of her children. See Utah Code Ann. § 78A-6-507(1)(b), (c), (d). Under the circumstances of this case, neglect means the "lack of proper parental care of a child by reason of the fault or habits of the parent." Id. § 78A-6-105(25)(a)(ii). Mother had a long history of neglecting the children due to her own faults and habits.

The record established that Mother was unstable in her housing--living with boyfriends, her mother, or in her car. Additionally, she has been generally unemployed and has relied on others to provide for her. The evidence also established that Mother had a lengthy history of engaging in domestic violence in front of the children, both as a perpetrator and as a victim. Some of the episodes put her children at substantial risk of harm. Furthermore, the Division of Children and Family Services (DCFS) had supported two separate allegations of non-supervision of N.B. where he was seriously injured each time. Mother's lack of stability and her detrimental conduct establish that she neglected her children. The same patterns also support that she was an unfit or incompetent parent because of her refusal to remedy the patterns of conduct detrimental to her children.

Similarly, Mother has been unable or unwilling to remedy the circumstances that led to the removal of her children. The record shows that over several years Mother has received a variety of services from DCFS targeted toward making her a better parent. However, even while she was receiving services, she engaged in additional domestic violence and put her children at risk. She has not completed any relevant service and has not learned from her experiences. The record supports that she has not remedied the circumstances leading to the children's removal and that there is a substantial likelihood that she will not be

able to exercise proper and effective parental care in the near future.

The record also supports that the termination of Mother's parental rights was in the children's best interests. The children were placed together in a legal risk home. The foster parents are willing to adopt both children and provide them with the stability they need. Also, the children's special needs are being met. Their behaviors and developmental lags are improving. They have bonded with the foster family. Accordingly, the juvenile court did not err in finding that termination of Mother's parental rights was in the children's best interests.

Affirmed.

Pamela T. Greenwood,
Presiding Judge

William A. Thorne Jr.,
Associate Presiding Judge

James Z. Davis, Judge