IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest of D.S. and C.S., persons under eighteen years of age. D.S., Appellant, v. State of Utah, Appellee.	MEMORANDUM DECISION (Not For Official Publication) Case No. 20061007-CA F I L E D (December 29, 2006) 2006 UT App 520

Third District Juvenile, Salt Lake Department, 503046
The Honorable Kimberly K. Hornak

Attorneys: Julie George, 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 Davis, McHugh, and Orme.

PER CURIAM:

D.S. (Father) appeals the termination of his parental rights in his children D.S. and C.S. We affirm.

Father asserts that the juvenile court should have given him more time to get clean and sober and show that he can be an appropriate parent. Father has not challenged the several grounds for termination the juvenile court found, but asserts that he has changed since the trial and was improving at the time of trial. However, Father has not demonstrated that he was entitled to any additional time under Utah law.

The time period for reunification services may not exceed twelve months from the date the child is removed from the home. See Utah Code Ann. § 78-3a-311(2)(d)(iii) (Supp. 2006). Father received about six months of services and his rights were terminated about eight months after the removal of the children,

so he asserts he should have more time. However, although the twelve-month limit is the maximum time, the applicable statute may not be construed to entitle any parent to twelve months of services or time. See id. On the contrary, the juvenile court "may terminate those services at any time." Id. § 78-3a-311(2)(d)(iv).

Here, Father failed to participate in his service plan for its six-month duration. As a result, the juvenile court terminated services at a permanency hearing in June 2006, in accordance with Utah Code section 78-3a-312(4)(a). See id. § 78-3a-312(4)(a) (Supp. 2006) (providing that if a child may not be safely returned to the parent, the court "shall order termination of services"). If the final plan determined at the permanency hearing is for termination of parental rights, then the Division of Child and Family Services must file a petition for termination within forty-five days of the permanency hearing. See id. § 78-3a-312(5). The time frames provided by statute do not entitle Father to an indefinite time to address the issues that caused the children's removal, but, on the contrary, the time frames attempt to provide swift permanency for the children.

Moreover, at the time of trial, Father had been making serious efforts to address his drug issues for merely a week or ten days.[1] Such last minute efforts do not overcome the extended time of drug use and the past conduct that resulted in the deterioration of Father's ability to parent. See In re M.L., 965 P.2d 551, 561-62 (Utah Ct. App. 1998). Father's efforts were simply too little, too late, and did not entitle him to additional time.

Accordingly, the termination of Father's parental rights is affirmed.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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[1]Father asserts in his petition that he has been doing well in the past months, which supports his position. However, his conduct after the trial is not before the court. As of the date of trial, Father had been making the necessary efforts to address his drug addiction for only a brief time.

Gregory K. Orme, Judge