

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of J.D. and E.D., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20100421-CA
)	
A.D.,)	F I L E D
)	(August 5, 2010)
Appellant,)	
)	2010 UT App 212
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Tooele Department, 1000289
The Honorable Mark W. May

Attorneys: Wayne A. Freestone, 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 Orme.

PER CURIAM:

A.D. (Father) appeals the juvenile court's order terminating his parental rights in his children J.D. and E.D. Father asserts that there was insufficient evidence to demonstrate that it was in the children's best interests to terminate his parental rights. We affirm.

We review a juvenile court's determination that termination of parental rights is in a child's best interests under an abuse of discretion standard. See In re A.G., 2001 UT App 87, ¶ 7, 27 P.3d 562. Further, we "review the juvenile court's factual findings based upon the clearly erroneous standard." 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. Similarly, we give the juvenile court a "'wide latitude of discretion as to the judgments arrived at' based upon not only

the court's opportunity to judge credibility firsthand, but also based on the juvenile court judges' 'special training, experience and interest in this field.'" Id. (citations omitted).

The totality of evidence supports the juvenile court's determination that it was in the children's best interests to terminate Father's parental rights. For example, the evidence demonstrated Father's addictions to alcohol and methamphetamine "render him unable to properly care for his children." Father only sporadically visited the children when they were in the State's custody. Father also demonstrated that he was not interested in remedying the circumstances that led to the children being removed by failing to comply with the terms of his service plan, which required him to attend individual counseling, substance abuse treatment, parenting classes, and anger management classes. Conversely, the evidence demonstrated that the children were "adorable" and "adoptable." Further, the court found that "[t]erminating parental rights would allow the girls to move forward and have the opportunity to be placed with a loving, stable and permanent family." Thus, evidence in the record supports the juvenile court's determination. "When a foundation for the 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. Accordingly, based upon the totality of the evidence we cannot say the juvenile court abused its discretion in determining that it was in the children's best interest in terminating Father's parental rights.

Affirmed.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

Gregory K. Orme, Judge