

IN THE UTAH COURT OF APPEALS

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J.P.,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Appellant,	)	
	)	Case No. 20080280-CA
v.	)	
	)	F I L E D
	)	(February 20, 2009)
M.C.,	)	
	)	
Appellee.	)	2009 UT App 46

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Third District Juvenile, Salt Lake Department, 536607  
The Honorable C. Dane Nolan

Attorneys: J.P., West Jordan, Appellant Pro Se  
Kathleen G. Arnovick, Holladay, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Bench, Davis, and McHugh.

PER CURIAM:

J.P. (Father) appeals the juvenile court's child protective order that was entered on March 3, 2008, and later amended on March 26, 2008. We affirm.

Father asserts that the juvenile court lacked jurisdiction to enter a child protective order and that it erred by issuing a protective order against him. Utah Code section 78A-6-103(1)(d) provides that a juvenile court has jurisdiction in proceedings concerning child protective orders that are filed pursuant to Utah Code section 78B-7-202. See Utah Code Ann. § 78A-6-103(1)(d) (2008). Utah Code section 78B-7-202 provides that "[a]ny interested person may file a petition for a protective order on behalf of a child who is being abused or is in imminent danger of being abused." Utah Code Ann. § 78B-7-202(1).

This section also provides that "[u]pon the filing of a petition, the court shall immediately determine, based on the evidence and information presented, whether the minor is being abused or is in imminent danger of being abused." Id. § 78B-7-202(3). If the court determines that there is evidence that a minor is being abused or is in imminent danger of being abused, the court is required to enter a child protective order.

See id. Utah Code section 78B-7-204, provides that the child protective order may prescribe parent-time with a minor who is the subject of the petition, and may also contain "any further relief the court considers necessary to provide for the safety and welfare of the minor." Id. § 78B-7-204(2)(d).

The juvenile court emphasized that there was no evidence or suggestion that Father abused K.C. However, there was sufficient evidence that K.C. was being abused, or was in imminent danger of being abused, by a minor, T.K., who resided in Father's household. Thus, K.C.'s mother was entitled to seek a child protective order to ensure that Father separated K.C. from T.K. at all times. See id. § 78B-7-202(1). Based on the evidence of abuse, the juvenile court was also entitled to enter a child protective order. See id. § 78B-7-202(3). Furthermore, the juvenile court was authorized to order any relief it deemed necessary to provide for K.C.'s safety and welfare. See id. § 78B-7-204(2)(d).

The record contains sufficient evidence that Father had doubted the legitimacy of K.C.'s claims and asserted that K.C.'s mother may be fabricating the allegations in order to gain an advantage as to custody issues. Furthermore, Father was in a difficult position where he would be required to separate K.C. and his live-in girlfriend's son, T.K., at all times. Thus, the juvenile court was entitled to exercise its discretion and enter the protective order ensuring that Father curtailed all contact between T.K. and K.C.

Father next asserts that the juvenile court erred by considering M.C.'s allegations set forth in her petition for a child protective order. Because a juvenile court is in the best position to consider the testimony and credibility of the parties and witnesses, the juvenile court's determinations regarding allegations and factual matters are granted a high degree of deference. See In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. An appellate court may not engage in a reweighing of the evidence. Therefore, a juvenile court's determinations will be overturned only if they are against the clear weight of the evidence. See id. The record contains sufficient evidence to justify the juvenile court's ultimate determination to enter a protective order. Furthermore, Father's brief fails to demonstrate that the juvenile court's findings are against the clear weight of the evidence.

Accordingly, the juvenile court's protective order is affirmed.

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Russell W. Bench, Judge

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge