

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of J.S., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20070764-CA
)	
A.K.,)	
)	F I L E D
Appellant,)	(November 29, 2007)
)	
v.)	2007 UT App 385
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 524761
The Honorable Charles D. Behrens

Attorneys: Brent Salazar-Hall, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce and Brent Newton, Salt Lake City,
Guardians Ad Litem

Before Judges Davis, McHugh, and Orme.

PER CURIAM:

A.K. (Mother) appeals the termination of her parental rights to J.S. Mother first claims that the juvenile court's determination of the grounds for termination was not supported by sufficient evidence because the court incorrectly balanced her present ability to parent against her past conduct. Mother also claims that the determination that it was in J.S.'s best interest to terminate her parental rights was not supported by sufficient evidence.

"Because of the factually intense nature of [a parental fitness] inquiry, the juvenile court's decision should be afforded a high degree of deference." In re B.R., 2007 UT 82, ¶ 12. We overturn the juvenile court's decision "only if it either failed to consider all of the facts or considered all of the facts and its decision was nonetheless against the clear weight of the evidence." Id. "When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence." Id.

The juvenile court in this case clearly weighed Mother's history, which included termination of her parental rights to J.S.'s older siblings, against her recent efforts. She had been residing at Chelsea Street for two months at the time of trial and the court found that she was "doing well." During that time, she had been working various jobs through a temporary agency and had obtained permanent, full-time employment within a few days of the trial. She had clean drug tests during the two months at Chelsea Street, but had relapsed shortly before beginning to reside there. She was participating in individual and group therapy, but had completed no treatment for drug use or domestic violence. The court predicted, based upon Mother's past history, that it appears more likely than not that J.S. would be exposed to additional drug use and domestic violence by his parents as soon as his father was released from prison. Ultimately, the court found that Mother had just begun to address her drug and domestic violence issues and that "although her short-term progress has been good, her long-term outcome remains in grave doubt given her long past history." The court's findings of fact and resulting determination of grounds for termination are amply supported by the evidence and will not be set aside.

Although Mother challenges the determination that it is in J.S.'s best interests to terminate her parental rights and allow him to be adopted, she does not challenge any specific factual finding. The juvenile court supported the best interests determination with findings that J.S. was bonded with the foster family with whom he had resided for five months; that the foster home would be a safe, secure, and loving home, free from drug use and domestic violence; and that Mother had not taken the steps necessary to assure the court that she would provide J.S. with a future home that was free of domestic violence and drug use. In further support, the court found that Mother's recent progress was not sufficient to support a decision to return J.S. to her custody at the end of the reunification period. Thus, there was ample evidence to support the best interests determination.

Affirmed.

James Z. Davis, Judge

Carolyn B. McHugh, Judge

Gregory K. Orme, Judge