

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of K.D., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20060074-CA
)	
Y.D.,)	F I L E D
)	(March 16, 2006)
Appellant,)	
)	2006 UT App 111
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Fourth District Juvenile, Provo Department, 445125
The Honorable Kay A. Lindsay

Attorneys: Jared M. Anderson, Provo, for Appellant
Mark L. Shurtleff and Carol L.C. Verdoia, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, and Kelly Frye
Glasser, Provo, Guardians Ad Litem

Before Judges Davis, Orme, and Thorne.

PER CURIAM:

Y.D. (Mother) appeals the Permanency Hearing Findings and Order of Custody, in which the juvenile court determined K.D. could not safely return to Mother's custody; granted permanent custody and guardianship to relatives; and terminated juvenile court jurisdiction. Mother contends the evidence was insufficient to support the findings that she did not substantially comply with the service plans and that K.D. could not safely return home.

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. "[T]he juvenile court in particular is given 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, and . . . devoted . . . attention to such matters" Id. (citations omitted).

At the permanency hearing, the juvenile court must determine whether "the child may safely be returned to the custody of the child's parents." Utah Code Ann. § 78-3a-312(2)(a) (Supp. 2005). "If the court finds, by a preponderance of the evidence, that return of the child would create a substantial risk of detriment to the child's physical or emotional well-being, the child may not be returned to the custody of the child's parent." Id. § 78-3a-312(2)(b). If the court has ordered reunification services and the child is not returned to a parent or guardian at the permanency hearing, the court shall "order termination of reunification services" and "make a final determination whether termination of parental rights, adoption, or permanent custody and guardianship is the most appropriate final plan." Id. § 78-3a-312(4)(a).

We conclude that the evidence was sufficient to meet the State's burden and the disposition was consistent with the statutory requirements. Mother argues that because she attended classes and treatment, she substantially complied with the service plans. The juvenile court considered that Mother had attended some substance abuse treatment sessions, parenting classes, domestic violence classes, and therapy sessions, but found that she did not internalize or apply the lessons learned. The court further concluded that Mother's decision to maintain a relationship with her abusive boyfriend precluded the return of K.D. to Mother's custody because the home would not be safe or appropriate. The findings are not clearly erroneous and they support the court's order. We note that the court's order contemplates that Mother may file a petition for restoration of custody, if circumstances warrant, in the future.

We affirm the decision of the juvenile court.

James Z. Davis, Judge

Gregory K. Orme, Judge

William A. Thorne Jr., Judge