

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of K.R., K.R., and K.R.,)	(Not For Official Publication)
persons under eighteen years)	
of age.)	Case No. 20090929-CA
_____)	
)	
A.R.,)	F I L E D
)	(December 24, 2009)
)	
Appellant,)	2009 UT App 392
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Fourth District Juvenile, American Fork Department, 531680
The Honorable Suchada P. Bazzelle

Attorneys: David O. Leavitt, Orem, for Appellant
Mark L. Shurtleff, John M. Peterson, and Carol L.C.
Verdoia, Salt Lake City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Bench, Orme, and McHugh.

PER CURIAM:

A.R. (Mother) appeals the juvenile court's order denying her rule 60(b)(6) motion to vacate the order terminating her parental rights. We affirm.

A ruling on a rule 60(b) motion is a separate, appealable order. See Amica Mut. Ins. Co. v. Shettler, 768 P.2d 950, 970 (Utah Ct. App. 1989). A denial of a motion to vacate a judgment or final order under rule 60(b) is reversed only for an abuse of discretion. See Franklin Covey Client Sales, Inc. v. Melvin, 2000 UT App 110, ¶ 8, 2 P.3d 451. An appeal from a rule 60(b) motion is narrow in scope and addresses only the propriety of the denial or grant of relief from judgment. See id. ¶ 19. An appeal from a rule 60(b) motion does not generally reach the merits of the underlying judgment and is not a substitute for an appeal from the original, final order. See id.

Mother's rule 60(b) motion asserted that the juvenile court should have vacated its order accepting Mother's voluntary relinquishment because the relinquishment was given under duress. The record supports the juvenile court's determination that Mother was not under duress at the time she relinquished her parental rights. Mother has not demonstrated that the juvenile court abused its discretion in denying the rule 60(b) motion on this ground.

Mother next asserts that the juvenile court should have vacated the order terminating her parental rights because Mother allegedly received ineffective assistance of counsel from multiple court-appointed attorneys at various points during the termination proceeding. The juvenile court determined that the relevant inquiry was whether Mother received effective assistance of counsel in conjunction with her voluntary relinquishment of her parental rights. The juvenile court determined that Mother's counsel provided effective assistance of counsel with regard to her voluntary relinquishment. Mother has not demonstrated that the juvenile court abused its discretion in making this determination.

Accordingly, we affirm the juvenile court's order denying Mother's rule 60(b) motion.

Russell W. Bench, Judge

Gregory K. Orme, Judge

Carolyn B. McHugh, Judge