

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of L.A., V.A., A.A., and R.A.,)	(Not For Official Publication)
persons under eighteen years)	
of age.)	Case No. 20080271-CA
_____)	
)	
D.A.,)	F I L E D
)	(May 30, 2008)
Appellant,)	2008 UT App 202
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Second District Juvenile, Ogden Department, 522662
The Honorable Paul F. Iwasaki

Attorneys: Sharon S. Sipes, Ogden, 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 Thorne, Bench, and Orme.

PER CURIAM:

D.A. (Mother) appeals the juvenile court's order terminating her parental rights after she relinquished her rights in open court. We affirm.

When a parent relinquishes her parental rights under Utah Code section 78-3a-414, the relinquishment is effective immediately upon signing and is irrevocable. See Utah Code Ann. § 78-3a-414(4) (2002). The court taking the relinquishment must certify to the best of its information and belief that the parent executing the relinquishment has read and understood the relinquishment and has signed it freely and voluntarily. See id. § 78-3a-414(3). Here, the juvenile court's termination order certified that Mother understood the relinquishment and voluntarily signed it. These findings will not be overturned "unless they are clearly erroneous, meaning that they are against

the clear weight of the evidence." In re A.G., 2001 UT App 87, ¶ 4, 27 P.3d 562.

Mother affirmed at the relinquishment hearing that she understood that the relinquishment was immediate and irrevocable. She affirmed that she had discussed the matter with counsel and had the opportunity to ask questions. And most importantly, Mother specifically affirmed that she was relinquishing the children voluntarily and that no one coerced or forced her to relinquish her parental rights.¹ Accordingly, the juvenile court's findings are supported by the clear weight of the evidence before the court.

Affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Gregory K. Orme, Judge

1. Mother asserts that she was threatened by her husband and, therefore, her relinquishment was not voluntary. This allegation is not properly before us because it was not put before the juvenile court at the relinquishment hearing. Furthermore, if the matter was raised in Mother's motion for new trial, it may not be presented to this court without a new or amended notice of appeal from the denial of the post-judgment motion. See Utah R. App. P. 4(b)(2).