

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest	)	MEMORANDUM DECISION
of L.J.S., a person under	)	(Not For Official Publication)
eighteen years of age.	)	
_____	)	Case No. 20090420-CA
	)	
R.J.,	)	F I L E D
	)	(September 24, 2009)
Appellant,	)	
	)	2009 UT App 276
v.	)	
	)	
State of Utah and J.K.,	)	
	)	
Appellees.	)	

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Third District Juvenile, West Jordan Department, 1000143  
The Honorable Christine S. Decker

Attorneys: Jason A. Pietryga, Salt Lake City, for Appellant  
Mark L. Shurtleff, Carol L.C. Verdoia, and John M.  
Peterson, Salt Lake City, for Appellee State of Utah  
Colleen K. Coebergh, Salt Lake City, for Appellee  
J.K.  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Greenwood, Thorne, and Davis.

PER CURIAM:.

R.J. (Mother) appeals the termination of her parental rights. Mother does not challenge the grounds for terminating her parental rights. Instead, Mother alleges that there was insufficient evidence to demonstrate that it was in L.J.S.'s best interest to terminate her parental rights.

The determination of whether the termination of parental rights is in the best interests of the child is reviewed under an abuse of discretion standard. See In re A.G., 2001 UT App 87, ¶ 7, 27 P.3d 562. In regard to the findings supporting the juvenile court's best interest determination, this court "will not disturb the juvenile court's findings and conclusions unless the evidence clearly preponderates against the findings as made or the court has abused its discretion." In re R.A.J., 1999 UT App 329, ¶ 6, 991 P.2d 1118 (internal quotation marks omitted). Such findings of fact will not be overturned unless they are

clearly erroneous. See In re E.R., 2001 UT App 66, ¶ 11, 21 P.3d 680. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id. Further, we give the juvenile court 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.'" Id.

The evidence was sufficient to support the juvenile court's determination that it was in L.J.S.'s best interest to terminate Mother's parental rights. While Mother admitted that she was not in a position at the time of trial to care for and support L.J.S., she believes that with counseling she and L.J.S. can reestablish a relationship that will be beneficial to L.J.S. in the future. However, testimony at trial demonstrated that L.J.S. has a profound fear of Mother's husband due to the abuse she suffered at his hands. She further associates Mother, who failed to protect L.J.S. from the abuse, and other maternal relatives who remain living in Utah, with that abuse. Because of her fear, continued connections with Mother "cause her to regress both in emotional stability and behaviors." As a result, L.J.S.'s therapist recommended that all contact with Mother and other maternal relatives in Utah cease. On the other hand, L.J.S. is thriving in the custody of her father and his wife. L.J.S. has become bonded with her father's wife, who views L.J.S. as her own child and wishes to adopt L.J.S. Under the totality of the circumstances presented at trial, we cannot conclude that the juvenile court abused its discretion in determining that it was in L.J.S.'s best interest to terminate Mother's parental rights. See generally In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435 ("When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence.").

Affirmed.

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Pamela T. Greenwood,  
Presiding Judge

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William A. Thorne Jr.,  
Associate Presiding Judge

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James Z. Davis, Judge