

IN THE UTAH COURT OF APPEALS

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| State of Utah, in the interest | ) | MEMORANDUM DECISION            |
| of M.K., a person under        | ) | (Not For Official Publication) |
| eighteen years of age.         | ) |                                |
| _____                          | ) | Case No. 20090731-CA           |
|                                | ) |                                |
| L.K.,                          | ) | F I L E D                      |
|                                | ) | (December 24, 2009)            |
| Appellant,                     | ) |                                |
|                                | ) | 2009 UT App 393                |
| v.                             | ) |                                |
|                                | ) |                                |
| State of Utah,                 | ) |                                |
|                                | ) |                                |
| Appellee.                      | ) |                                |

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Second District Juvenile, Ogden Department, 538267  
The Honorable Paul F. Iwasaki

Attorneys: Randall W. Richards and Travis R. Marker, Ogden, for  
Appellant  
Mark L. Shurtleff and John M. Peterson, Salt Lake  
City, for Appellee  
Martha Pierce, Salt Lake City, Guardian Ad Litem

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Before Judges Bench, Orme, and McHugh.

PER CURIAM:

L.K. (Mother) appeals the juvenile court's order terminating her parental rights. Mother asserts that there was insufficient evidence to support the juvenile court's determination that it was in M.K.'s best interest to terminate Mother's parental rights. Although Mother's appeal challenges the sufficiency of the evidence supporting the juvenile court's order, she did not provide this court with a transcript of the proceedings.

Rule 54(a) of the Utah Rules of Appellate Procedure states that

[w]ithin four days after filing the notice of appeal, appellant shall request from the appeals clerk in the juvenile court a transcript of such parts of the proceedings

as appellant deems necessary for purposes of the appeal. If appellant intends to urge on appeal that a finding or conclusion is unsupported by or contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to such finding or conclusion. Neither the court nor the appellee is obligated to correct appellant's deficiencies in providing the relevant portions of the transcript.

Utah R. App. P. 54(a) (emphasis added). Because Mother did not provide a transcript of the hearing, "we assume that the proceedings at the [trial] were regular and proper and that the [disposition] was supported by competent and sufficient evidence." Bevan v. J.H. Constr. Co., 669 P.2d 442, 443 (Utah 1983). Therefore, we must presume the correctness of each of the juvenile court's findings of fact.

The juvenile court's findings support its determination that it was in M.K.'s best interest to terminate Mother's parental rights. For example, the juvenile court found that it was currently not safe to return M.K. to Mother's custody. Further, the court found that there was no evidence as to how long Mother "would be in need of counseling before it would be appropriate and safe to return custody of the child to [Mother]." On the other hand, the juvenile court found that the child had developed a bond with his foster parents, who meet his physical and emotional needs and desire to adopt him. Accordingly, because the findings support the juvenile court's determination that it was in the child's best interest to terminate Mother's parental rights, this court must affirm.

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Russell W. Bench, Judge

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Gregory K. Orme, Judge

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Carolyn B. McHugh, Judge