

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of R.M.S., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20070083-CA
)	
J.S.,)	F I L E D
)	(March 22, 2007)
Appellant,)	
)	2007 UT App 103
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 509002
The Honorable Charles D. Behrens

Attorneys: Julie George, Salt Lake City, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

J.S. (Father) appeals from the juvenile court's order terminating his parental rights in R.M.S.¹ Father argues that his parental rights should not have been terminated because he loves his child, and he has a desire to better himself after he gets out of prison by completing drug treatment, finding a job,

¹Father's parental rights in two other children, J.S. and A.S., were terminated by a previous order of the juvenile court that was not timely appealed. See Utah R. App. P. 52(a). Accordingly, the only issues properly before this court are those dealing with R.M.S. See Serrato v. Utah Transit Auth., 2000 UT App 299, ¶7, 13 P.3d 616 (stating that if an appeal is not timely filed, this court does not have jurisdiction to hear the appeal).

and obtaining appropriate housing. Because Father does not attack any specific finding concerning the reasons for terminating his parental rights, we assume that Father argues that the evidence was insufficient to support the juvenile court's finding that it was in the best interest of R.M.S. to terminate Father's parental rights. We affirm.

A juvenile court's 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. Additionally, a juvenile court has broad discretion regarding judgments, based on the juvenile court's specialized experience and training, as well as its ability to judge credibility firsthand. See id. In reviewing an order terminating parental rights, 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.

While this court certainly has no doubt that Father loves R.M.S. and has a desire to change his life in order to care for R.M.S., the evidence adduced at trial sufficiently supports the juvenile court's determination that it was in R.M.S.'s best interest for Father's parental rights to be terminated. At the time of trial, Father was not prepared to be a parent to R.M.S., nor was he likely to be prepared to be a parent in the near future. Not only was Father in prison, but he had failed to complete most substantive elements of his service plan, including participation and completion of a drug treatment program, participation in therapy, and participation in domestic violence treatment. He also had no stable employment or housing arranged upon his release from prison. Thus, even if Father immediately began therapy and treatment upon his release from prison, he would not have been in a position to care for R.M.S. for a substantial period of time.

On the other hand, the testimony at trial revealed that R.M.S. had been in a foster home for six months. During that time he had become integrated into a secure, stable, and loving home. Further, R.M.S.'s foster parents expressed a desire to adopt him. Under the totality of these circumstances, the

juvenile court did not err in determining that it was in R.M.S.'s best interest for Father's parental rights to be terminated.

Affirmed.

Pamela T. Greenwood,
Associate Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge