



R.A.J., 1999 UT App 329, ¶ 6, 991 P.2d 1118 (internal quotation marks omitted). 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. 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 juvenile court terminated Mother's parental rights based upon three grounds: neglect, unfitness, and failure to remedy the circumstances that led to the removal of the child. See Utah Code Ann. § 78A-6-507(1)(b), (c), (d) (2008). Mother asserts that there was insufficient evidence to support each of these grounds. However, substantial evidence in the record supports each of the juvenile court's findings and ultimate conclusions. For example, prior to the birth of S.M., Mother abandoned her two older children for over two and one-half years, leaving the children with her parents and not returning until S.M. was born. When Mother gave birth to S.M., S.M.'s meconium tested positive for cocaine and methamphetamine. While Mother denied using such drugs immediately prior to the birth, she admitted using drugs approximately two months earlier. Mother also testified that she was a regular user of methamphetamine in the years prior to the birth of S.M. Further, even though Mother had begun taking substantial steps to overcome her addiction and put herself in a position to parent S.M. effectively, at the time of trial she still had not completed substance abuse treatment. She also had not received appropriate treatment for mental health issues, which led her to be discharged from one substance abuse program. Finally, testimony from Mother's father and sister indicated that, as of the date of trial, Mother was not prepared to provide S.M. with the stability she needed.

There are sufficient facts to support the juvenile court's findings and conclusions. "When a foundation for the court's decision exists in the evidence, an appellate court may not engage in a reweighing of the evidence." In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. Thus, "the mere fact that we could reach a different result than the juvenile court on the same evidence does not justify setting aside the juvenile court's findings." In re S.T., 928 P.2d 393, 401 (Utah Ct. App. 1996). Accordingly, because the record supports the juvenile court's findings, which, in turn, support the juvenile court's ultimate conclusions of law, the evidence was sufficient to support the juvenile court's order terminating Mother's parental rights.

Mother also argues that the juvenile court erred in failing to evaluate properly Mother's ability to parent at the time of the termination trial. A review of the record and the juvenile court's oral findings immediately following trial indicates that the juvenile court appropriately examined Mother's current ability to parent. While Mother presented testimony demonstrating that she was making progress in her personal life and her ability to parent, the record also demonstrates that she had failed to complete a drug treatment program and had not addressed her mental health issues. Further, Mother's sister testified that she did not believe Mother was ready to be given custody of S.M. Similarly, Mother's father testified that while he believed that Mother was making huge strides in her personal life and thought that she would be a good parent in the future, he indicated that, at a minimum, she needed to get through her "programs" before being ready to parent. Thus, the juvenile court heard substantial evidence concerning Mother's current ability to parent and properly considered all evidence in making its findings and conclusions. Based upon the conflicting evidence before it, the juvenile court determined that Mother was not ready to be an effective parent. Under such circumstances we cannot conclude that the juvenile court exceeded its discretion in so finding. See In re B.R., 2007 UT 82, ¶ 12.

Affirmed.

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Russell W. Bench, Judge

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge