

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of S.R. and D.R., persons)	(Not For Official Publication)
under eighteen years of age.)	
_____)	Case No. 20091003-CA
)	
A.M.,)	
)	F I L E D
Appellant,)	(February 19, 2010)
)	
v.)	2010 UT App 42
)	
State of Utah,)	
)	
Appellee.)	

Second District Juvenile, Ogden Department, 537307
The Honorable Kathleen M. Nelson

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

Before Judges Davis, McHugh, and Bench.¹

PER CURIAM:

A.M. (Mother) appeals the termination of her parental rights in S.R. and D.R. Mother asserts that the relinquishment of her parental rights was not freely and voluntarily given because she did not understand the finality of her decision. We affirm.

When a parent relinquishes her parental rights under Utah Code section 78A-6-514, the relinquishment is effective immediately upon signing and is irrevocable. See Utah Code Ann. § 78A-6-514(4) (2008). For a voluntary relinquishment to be effective, a juvenile court must find only that the parent "has read and understands the . . . relinquishment [petition] and has signed it freely and voluntarily," and that the relinquishment is

¹The Honorable Russell W. Bench, Senior Judge, sat by special assignment pursuant to Utah Code section 78A-3-102 (2008) and rule 11-201(6) of the Utah Rules of Judicial Administration.

in the child's best interest. Id. § 78A-6-514(3), (5); see also In re A.G., 2001 UT App 87, ¶ 2, 27 P.3d 562. 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.

At a November 16, 2009 hearing, Mother signed a petition for voluntary relinquishment of parental rights that specifically stated:

I, the petitioner, acknowledge that I fully understand the legal significance of this action of termination. I understand that I cannot change my mind about surrendering my parental rights after signing this document. I understand that this voluntary relinquishment of parental rights shall be effective when signed before the judge in this matter and may not be revoked.

Mother confirmed these statements during a colloquy with the juvenile court. As further evidence that Mother understood the consequences of her actions, Mother relinquished her parental rights only as to the two children involved in this appeal because the children felt secure and bonded with their foster family and were ready to be adopted. Mother did not relinquish her parental rights as to her two other children because they had not bonded with their original foster family and had recently been placed with a new family. As a result, the juvenile court found that Mother signed the relinquishment freely and voluntarily. The juvenile court's findings are supported by the clear weight of the evidence before the court.

Accordingly, the order terminating Mother's parental rights is affirmed.

James Z. Davis,
Presiding Judge

Carolyn B. McHugh,
Associate Presiding Judge

Russell W. Bench, Senior Judge