

IN THE UTAH COURT OF APPEALS

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S.F. and K.F., in the interest)	MEMORANDUM DECISION
of S.W., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20060548-CA
)	
R.W.,)	F I L E D
)	(August 24, 2006)
Appellant,)	
)	2006 UT App 349
v.)	
)	
S.F. and K.F.,)	
)	
Appellees.)	

Third District Juvenile, Tooele Department, 472305
The Honorable Christine S. Decker

Attorneys: David J. Angerhofer, Sandy, for Appellant
Martha Pierce and James R. Michie, Jr., Salt Lake
City, Guardians Ad Litem

Before Judges Bench, Billings, and Thorne.

PER CURIAM:

R.W. (Father) appeals the juvenile court's termination of his parental rights in S.W. We affirm.

Father asserts there is insufficient evidence to support termination of his parental rights. A juvenile court's findings of fact will not be overturned unless 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.

Additionally, pursuant to section 78-3a-407, the finding of any single ground is sufficient to warrant termination of parental rights. See Utah Code Ann. § 78-3a-407(1) (Supp. 2006) (providing the court may terminate all parental rights if it finds any one of grounds listed); In re F.C. III, 2003 UT App 397, ¶6, 81 P.3d 790 (noting any single ground is sufficient to terminate parental rights). As a result, if there is sufficient evidence to support any one of the grounds for termination found by the juvenile court, the termination of Father's rights is appropriate.

The juvenile court found abandonment, neglect, and unfitness as grounds for termination. See Utah Code Ann. § 78-3a-407(1) (listing grounds for termination of parental rights). The court specifically found that Father had abandoned S.W. because he had failed to show the normal interest of a natural parent in his child. See Utah Code Ann. § 78-3a-408(1)(c) (Supp. 2006). It is prima facie evidence of abandonment that a parent has "failed to have shown the normal interest of a natural parent, without just cause." Id.

The juvenile court found that Father had failed to make any significant efforts to contact S.W. after July 2005. Father attempted to contact S.W. on one occasion three weeks before the termination trial, but failed to make any other efforts. The court determined that Father had failed to show the normal interest of a parent, thus supporting a conclusion of abandonment. These findings are supported by the evidence.

Furthermore, the evidence is sufficient to support the findings regarding neglect and unfitness. In determining whether a parent is unfit or has neglected a child, the juvenile court shall consider "habitual or excessive use of intoxicating liquors, controlled substances, or dangerous drugs that render the parent unable to care for the child." Id. § 78-3a-408(2)(c). The evidence is clear that Father's drug use negatively affected his ability to parent. The evidence is equally clear that Father's drug use contributed to his multiple incarcerations, resulting in prolonged absences from S.W.'s life and an unstable environment. This evidence is sufficient to support the juvenile court's findings of neglect and unfitness.

In sum, the evidence is sufficient to support the termination of Father's parental rights on various grounds. As a result, the termination order is affirmed.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

William A. Thorne Jr., Judge