

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of T.O., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20051168-CA
)	
C.O.,)	
)	F I L E D
Appellant,)	(February 24, 2006)
)	
v.)	2006 UT App 62
)	
State of Utah,)	
)	
Appellee.)	

Third District Juvenile, Salt Lake Department, 468654
The Honorable Sharon P. McCully

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

Before Judges Billings, Davis, and Thorne.

PER CURIAM:

C.O. (Mother) appeals the termination of her parental rights in T.O. Mother contends that the juvenile court erred when it conducted the termination trial in her absence. Mother appears to argue that holding the trial in absentia violated her right to due process.

Proceedings to terminate parental rights must "comport with the requirements of Due Process." In re M.A.V., 736 P.2d 1031, 1033 n.2 (Utah Ct. App. 1987). However, we have previously concluded that "parents do not have an absolute right, by statute, to attend the [termination of parental rights] hearing, but only to receive proper notice and to be advised of their right to counsel." Id. at 1033; see also Utah Code Ann. § 78-3a-406(1)-(2) (Supp. 2005).

The juvenile court proceeded with the termination trial after noting Mother's nonappearance, that she was present in court at a pretrial hearing during which the termination trial date was set, and that Mother was aware that a previous trial date had been continued "so [Mother] could assist her counsel in preparing a defense." The record confirms that Mother was present in court with counsel when the trial date was set. Further, Mother's counsel was present at the termination trial and no reason was given for Mother's absence. Hence, it is clear that Mother was afforded due process and that the trial court did not abuse its discretion in conducting the termination trial in her absence. See, e.g., In re Summers Children, 560 P.2d 331, 335 (Utah 1977) ("The movant must show that [she] has used due diligence and that [she] was prevented from appearing by circumstances over which [she] had no control.").

In addition, Mother attacks certain factual findings made by the juvenile court. However, Mother did not request a transcript. As we have repeated on numerous occasions, rule 54 of the Utah Rules of Appellate Procedure clearly states:

If appellant intends to urge on appeal that a finding or conclusion is unsupported by or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to such finding or conclusion.

Utah R. App. P. 54(a) (emphasis added). Absent an adequate record on appeal, we cannot address the issues raised and we "assume the regularity of the proceedings below." State v. Blubaugh, 904 P.2d 688, 699 (Utah Ct. App. 1995).

Accordingly, we affirm.

Judith M. Billings, Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge