

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of T.R.F., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20080202-CA
)	
B.R.F. and M.F.,)	F I L E D
)	(May 22, 2008)
Appellants,)	
)	2008 UT App 184
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Fourth District Juvenile, Provo Department, 508383
The Honorable Suchada P. Bazzelle

Attorneys: Mandy S. Jensen, American Fork, for Appellant B.R.F.
Jared M. Anderson, Spanish Fork, for Appellant M.F.
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Thorne, Bench, and Orme.

PER CURIAM:

B.R.F. (Father) and M.F. (Mother) appeal the termination of their parental rights in T.R.F. We affirm.

Father and Mother argue that there was insufficient evidence to support the juvenile court's conclusion that Mother and Father are unfit parents. However, the juvenile court found multiple grounds for termination under Utah Code section 78-3a-407, including neglect, failure to remedy the circumstances leading to T.R.F.'s out-of-home placement, and failure of parental adjustment. See Utah Code Ann. § 78-3a-407(1)(b)-(d) (Supp. 2007). Pursuant to section 78-3a-407(1), the finding of any single ground is sufficient to warrant termination of parental rights. See *id.* § 78-3a-407(1) (providing that the court may terminate all parental rights if it finds any one of the 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). Father and Mother do not challenge any of these other grounds for termination, implicitly conceding there is adequate evidentiary support for them.

Father and Mother next argue that there was insufficient evidence to support the juvenile court's determination that it was in T.R.F.'s best interest to terminate Father and Mother's parental rights. If there are sufficient grounds to terminate parental rights, "the court must [then] find that the best interests and welfare of the child are served by terminating the parents' parental rights." In re R.A.J., 1999 UT App 329, ¶ 7, 991 P.2d 1118; see also Utah Code Ann. § 78-3a-406(3) (Supp. 2007). The determination of whether the termination of parental rights is in the best interests of the child is reviewed under an abuse of discretion standard. See In re A.G., 2001 UT App 87, ¶ 7, 27 P.3d 562. Further, 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. (citation omitted).

The record supports the juvenile court's determination that it was in the best interest of T.R.F. to terminate Father and Mother's parental rights. The juvenile court found, among other things, that (1) Father and Mother did not make reasonable efforts to visit T.R.F., thereby evidencing their failure to make T.R.F. their priority and weakening the parent-child bond; (2) Father and Mother failed to complete programs designed to address their parenting deficiencies; and (3) at the time of trial, Father and Mother could not recognize that their prior actions led to their child's significant physical, mental, and emotional developmental delays. As such, the court determined that Father and Mother would likely neglect T.R.F. in the future if he was returned to their care. On the other hand, T.R.F.'s needs were being met by the family members with whom he was living. Many of his developmental delays were being resolved, and he was integrated into a family unit that included his biological sister. The record supports these findings. "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. Accordingly, the juvenile court did not abuse its discretion in determining that it was in

T.R.F.'s best interest to terminate Father and Mother's parental rights.

Affirmed.

William A. Thorne Jr.,
Associate Presiding Judge

Russell W. Bench, Judge

Gregory K. Orme, Judge