

IN THE UTAH COURT OF APPEALS

-----ooOoo-----

State of Utah, in the interest)	MEMORANDUM DECISION
of J.D., V.D., and I.D.,)	(Not For Official Publication)
persons under eighteen years)	
of age.)	Case No. 20070586-CA
_____)	
)	
M.D.,)	F I L E D
)	(October 12, 2007)
)	
Appellant,)	2007 UT App 334
)	
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Seventh District Juvenile, Castle Dale Department, 970560
The Honorable Scott N. Johansen

Attorneys: Mark H. Tanner, Orangeville, for Appellant
Mark L. Shurtleff and John M. Peterson, Salt Lake
City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, Billings, and Davis.

PER CURIAM:

M.D. (Mother) appeals the termination of her parental rights in her three children. We affirm.

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. 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.

First, Mother asserts that the juvenile court erred in finding that the Division of Child and Family Services (DCFS) made reasonable efforts to provide reunification services. The juvenile court has broad discretion in determining whether DCFS made reasonable reunification efforts. See In re A.C., 2004 UT App 255, ¶ 12, 97 P.3d 706. DCFS complies with the requirement to provide reasonable services "if it makes a fair and serious attempt to reunify a parent with a child prior to seeking to terminate parental rights." Id. at ¶ 14. Here, the juvenile court did not abuse its discretion in finding that DCFS made reasonable efforts because the service plan targeted the issues that resulted in the children's removal. Although Mother had the opportunity to participate in the plan, she chose not to avail herself of the opportunity.

Mother asserts that the services were not reasonable because the plan was not modified after assessments identifying issues and recommending treatment. Mother does not, however, specify what modifications would have been appropriate or would have made a difference, particularly since Mother failed to follow through on the recommendations. As a result, Mother's assertion is too vague to address further.

Second, Mother asserts that the permanency hearing was held outside statutory time frames because the juvenile court held the permanency hearing seven months after removal. Her argument is without merit. The youngest child was just one year old when the children were removed. When a child under thirty-six months old is removed from a home, the permanency hearing must be held within eight months after the removal. See Utah Code Ann. § 78-3a-311(2)(g)(i) (Supp. 2007). Any reunification services must be terminated at that time if the parent has not made substantial efforts to comply with the plan. See id. § 78-3a-311(2)(g)(ii). The permanency hearing was within the statutory time frame for children under thirty-six months old.

Additionally, a parent is not entitled to any particular time for reunification services. Utah Code section 78-3a-311 states that "[n]othing in this section may be construed to entitle any parent to an entire 12 months of reunification services." Id. § 78-3a-311(2)(d)(iii)(B). In addition, Utah Code section 78-3a-312 states: "Nothing in this section may be construed to entitle any parent to reunification services for any specified period of time . . . [or] limit a court's ability to terminate reunification services at any time." Id. § 78-3a-312(7)(a)-(b) (Supp. 2007). Thus, the juvenile court did not err in holding the permanency hearing after seven months because Mother had no entitlement to additional time.

Finally, Mother asserts that termination was not in the children's best interests because the rights of the father of two of the children were not terminated. However, at the time of the termination of Mother's rights, a termination trial had been scheduled for the father. Furthermore, Mother has not shown any relevancy to her case. The rights of a parent may be terminated upon finding grounds for termination, see id. § 78-3a-407 (Supp. 2007), and finding that the termination is in the best interest of the children, see id. § 78-3a-402(2) (2002). Each individual parent is subject to the process as an individual. Therefore, the father's status does not affect Mother's status, and the juvenile court did not err in finding that termination of Mother's rights was in the children's best interests.

Affirmed.

Pamela T. Greenwood,
Associate Presiding Judge

Judith M. Billings, Judge

James Z. Davis, Judge