



found that it was in the child's best interest to be placed in the temporary custody of the Division of Child and Family Services.

3. Ms. CLIENT was awarded supervised visitation with the child contingent upon clean urine analysis testing.

4. An Amended Verified Petition and Motion to Transfer Custody was filed on or about October 24, 2002.

5. Respondent has tested clean for drug use since before the child was removed.

6. Respondent has been allowed significant visits and has continued breast feeding the entire time the child has been in DCFS custody.

### **ARGUMENT**

#### **THE STATE HAS FAILED TO PROVIDE SUFFICIENT EVIDENCE TO THE COURT OR THE PARTIES REGARDING ALLEGATIONS IN THE MOTION**

**I.** The State's Motion to Deny Reunification Services, states that "...the parents have continued to use drugs despite participating in the Third District Juvenile Court Drug Program. They were arrested on January 21, 2002 after they were observed through a window by law enforcement officers smoking crack cocaine." Respondent admits that she was arrested on January 21, 2002, but no charges have been filed and she has been told that charges will not be filed. Additionally, Ms. CLIENT's urinalysis testing has been clean as is evident in the significant amount of visitation she has been awarded. (See exhibit #1, UA tests)

**II.** The State's Motion to Deny Reunification Services, further states that, "On February 26, 2001, the parental rights of FATHER and CLIENT were terminated to their children, CHILD, CHILD, CHILD. Permanent Custody and guardianship of CHILD was awarded to his maternal grandparents. Although, Respondent's parental rights have been terminated in the past, there has been a significant change of circumstances, substantial enough to overcome the presumption of an unfit parent. Indeed, DCFS has acted on the pretense they were going to offer reunification services in that Ms. CLIENT has been allowed significant visits and has continued breast feeding the entire time the baby has been in custody.

**CONCLUSION**

WHEREFORE, Respondent respectfully requests that this Court dismiss the State's Motion to Deny Reunification and to continue with the goal of reunification.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2002.

FIRM

\_\_\_\_\_  
ATTORNEY  
Attorneys for CLIENT

**CERTIFICATE OF MAILING**

I hereby certify that I mailed, first class postage prepaid, a true and correct copy of the foregoing Objection to Motion to Deny Reunification Services on this \_\_\_\_ day of \_\_\_\_\_, 2002, to the following:

STATE OF UTAH  
ATTORNEY GENERAL'S OFFICE

GUARDIAN AD LITEM

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