

IN THE COURT OF APPEALS OF IOWA

No. 23-2112
Filed February 21, 2024

**IN THE INTEREST OF Q.B.,
Minor Child,**

V.R., Mother,
Appellant.

Appeal from the Iowa District Court for Scott County, Cheryl Traum, District Associate Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Barbara E. Maness of Kimball-Stevenson House, Davenport, for appellant mother.

Brenna Bird, Attorney General, and Mackenzie Moran, Assistant Attorney General, for appellee State.

Patricia Rolfstad, Davenport, attorney and guardian ad litem for minor child.

Considered by Tabor, P.J., and Badding and Buller, JJ.

BULLER, Judge.

The mother appeals from termination of parental rights to her child Q.B. (born in 2022). After attempting to abscond with Q.B. in May 2023, the mother had no contact with the child, failed to engage in services, and did not appear for trial. The mother also missed appointments and had not been in contact with her attorney, who reported she did not know the mother's legal position except that she "possibly wanted to contest termination." The child's attorney and guardian ad litem (GAL) reported the mother was in the community, was not incarcerated, and had "just . . . chosen not to participate or engage in any kind of services."

The court took judicial notice of the juvenile court filings and received exhibits from the State. The mother's attorney said she was "not going to object to their admission, but we are not stipulating to the content in any way." The mother's attorney did not make any argument resisting termination on the merits, contesting any particular elements, or disputing any specific content of the noticed documents or exhibits.

We have found failing to attend trial and contest the elements waives appellate challenges to termination. See *In re M.F.*, No. 18-0289, 2018 WL 3057772, at *1 n.2 (Iowa Ct. App. June 20, 2018) (collecting cases); *In re M.L.H.*, No. 16-1216, 2016 WL 4803999, at *1 (Iowa Ct. App. Sept. 14, 2016) (same). We elect to bypass questions of waiver here and affirm on the merits. See *In re G.G.*, No. 22-1347, 2023 WL 152483, at *2 (Iowa Ct. App. Jan. 11, 2023) (doing the same).

The mother first challenges an element concerning whether the child could safely return home. Assuming without deciding this argument was adequately

briefed, we reject it because the mother's rights were also terminated under two statutory grounds—section 232.116(1)(b) (2023) (abandonment) and (e) (failure to maintain significant and meaningful contact)—which do not require the State to prove the child could not be safely returned. On our de novo review, we summarily affirm on the unchallenged grounds. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

Second, the mother asserts termination is not in the child's best interests. Again, assuming without deciding the issue was adequately briefed, we disagree on the merits. In deciding best interests, we give primary weight "to the child's safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional condition and needs of the child." Iowa Code § 232.116(2). We also consider the child's integration into the foster family and whether the foster family is willing to permanently integrate the child. *Id.* § 232.116(2)(b). We need not recite the full factual record but suffice it to say Q.B. has been out of the mother's custody since shortly after birth, and the child's only contact with the mother since then led to the mother's arrest for child stealing. The Iowa Department of Health and Human Services (HHS) documented ongoing concerns with the mother's untreated mental-health problems, substance abuse, and domestic and sexual violence inside the home. The mother has taken no action to address these concerns and did not have contact with HHS or providers for nearly six months preceding termination. Meanwhile, the GAL conveyed the child was "doing exceptionally well" in foster care, and HHS reported the child's needs were met and she was bonded with the foster family. Termination is in Q.B.'s best interests.

Last, we find the cursory references to additional time in the mother's petition are not adequate to raise the issue. See, e.g., *In re J.R.*, No. 22-1470, 2023 WL 2148760, at *3 (Iowa Ct. App. Feb. 23, 2023) ("sprinkled mentions" of an issue are insufficient to invoke appellate review). But even if the issue were adequately raised, we reject it on the merits because there is no reason to believe the grounds for termination would "no longer exist" after six months of additional time. See Iowa Code § 232.104(2)(b).

AFFIRMED.