

**IN THE COURT OF APPEALS OF IOWA**

No. 17-1505  
Filed November 22, 2017

**IN THE INTEREST OF A.H.,  
Minor Child,**

**S.L., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Black Hawk County, Daniel L. Black, Associate Juvenile Judge.

A mother appeals the order terminating her parental rights. **AFFIRMED.**

Andrew C. Abbott of Abbott Law Office, P.C., Waterloo, for appellant mother.

Thomas J. Miller, Attorney General, and Meredith L. Lamberti, Assistant Attorney General, for appellee State.

Linnea Nico of the Juvenile Public Defender Office, Waterloo, guardian ad litem.

Considered by Vogel, P.J., and Tabor and Bower, JJ.

**BOWER, Judge.**

A.H. was born in December 2009. The family came to the attention of the Iowa Department of Human Services (DHS) after reports the mother had relapsed with methamphetamine. The mother and father had previously had their rights terminated to A.H.'s older sibling in 2007.<sup>1</sup> On April 29, 2016, A.H. was removed from his parents' care, adjudicated a child in need of assistance, and the mother's parental rights were eventually terminated in September of 2017.

The mother was not compliant with substance-abuse treatment and only partially compliant with mental-health treatment. In October 2016, the mother was charged with possession of a controlled substance and placed on probation. The mother failed substance-abuse treatment and was discharged. When she returned to the program after approximately a month, she participated for a few sessions but stopped attending. After moving several times the mother only participated in mental-health treatment, not substance-abuse treatment. In 2017, the mother missed a number of drug tests and those she did take were uniformly positive for methamphetamine.

The mother has been unable to secure stable housing or employment. Between the termination hearing and the hearing set for closing arguments, the mother's probation was revoked and at the time of the termination order, she was living in a residential treatment facility where A.H. could not reside.

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<sup>1</sup> The father's parental rights were also terminated in the present case, but only the mother appeals.

During the case, A.H. was placed with the maternal aunt and uncle and has lived with them for more than a year. The mother progressed to semi-supervised and unsupervised visitation with A.H. before her probation was revoked. On September 9, 2017, the juvenile court terminated the mother's parental rights pursuant to Iowa Code section 232.116(1)(e), (f), (g), and (h) (2017). The mother now appeals.

The scope of review is de novo in termination cases. *In re D.W.*, 791 N.W.2d 703, 706 (Iowa 2010). Clear and convincing evidence is needed to establish the grounds for termination. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). Where there is clear and convincing evidence, there is no serious or substantial doubt about the correctness of the conclusion drawn from the evidence. *In re D.D.*, 653 N.W.2d 359, 361 (Iowa 2002). We give weight to the juvenile court's findings of fact but are not bound by them. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). The highest concern in termination proceedings is the best interests of the children. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990).

When the juvenile court terminates a parent's rights on more than one ground, "we need only find termination appropriate under one of these sections to affirm." *In re J.B.L.*, 844 N.W.2d 703, 704 (Iowa Ct. App. 2014). In order to terminate parental rights under section 232.116(1)(f), (1) the child must be four years old or older, (2) the child must have been adjudicated in need of assistance, (3) the child must have been removed from the home for at least twelve of the last eighteen months, or for the last twelve consecutive months with any period at home being less than thirty days, and (4) the child cannot be

returned to the home as provided in section 232.102. The mother claims A.H. could have been returned to her care at the time of termination. This statement is untrue as the mother's probation had been revoked and she had been placed in a residential treatment facility where A.H. could not reside. We find the evidence was sufficient to terminate her parental rights.

The mother also claims termination is not in the best interests of the child. She claims A.H. is so bonded to her termination would cause damage to the child's mental and emotional health. A.H. was removed from the mother's care due to the mother's chronic substance abuse. The mother was unable and unwilling to address her substance-abuse issues. A.H. has been placed with relatives in a stable and secure environment. Any emotional distress termination may cause is greatly outweighed by the opportunity A.H. will receive by being raised in a stable and nurturing environment. Termination is in the child's best interest. Pursuant to Iowa Court Rule 21.26(1)(a), (b), and (e), we affirm the juvenile court.

**AFFIRMED.**