

**IN THE COURT OF APPEALS OF IOWA**

No. 0-526 / 10-0918

Filed July 28, 2010

**IN THE INTEREST OF L.M. and J.M.,  
Minor Children,**

**R.M.M., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Marshall County, Victor G. Lathrop,  
Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights.

**AFFIRMED.**

Bethany J. Currie of Johnson, Sudenga, Latham, Peglow & O'Hare,  
P.L.C., Marshalltown, for appellant mother.

John Swain, Marshalltown, for appellee father.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney  
General, Jennifer Miller, County Attorney, and Joshua Vander Ploeg, Assistant  
County Attorney, for appellee State.

Melissa Nine of Kaplan, Frese & Nine, L.L.P., Marshalltown, for minor  
children.

Considered by Sackett, C.J., and Potterfield and Tabor, JJ.

**POTTERFIELD, J.**

Rochelle appeals from the June 2010 order terminating her parental rights to her children, L.M. and J.M., pursuant to Iowa Code sections 232.116(1)(h) and (l) (2009).<sup>1</sup> She claims the State failed to prove (1) that the children cannot be returned to her custody at the present time or within a reasonable period of time; (2) that she had a severe, chronic substance abuse problem; (3) that she presents a danger to herself or others; and (4) that termination of her parental rights is in the children's best interests.

We affirm the termination of Rochelle's parental rights. Rochelle tested positive for marijuana or refused to provide drug screens for over one year after her children were placed in the care of their grandparents, despite both in-patient and out-patient treatment. Because of this, she never progressed to unsupervised visits with the children. "When the statutory time standards found in section 232.116 are approaching, and a parent has made only minimal progress, the child deserves to have the time standards followed by having termination of parental rights promptly pursued." *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). Rochelle's decision to continue her drug usage until roughly six weeks before her termination hearing, along with her lack of stable housing, prevents her children from being returned to her custody at the present time. "A parent cannot wait until the eve of termination . . . to begin to express an interest in parenting." *In re C.B.*, 611 N.W.2d 489, 495 (Iowa 2000). After our de novo review of the record, *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991), we

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<sup>1</sup> Rochelle's parental rights are the only rights at issue on appeal. The rights of the children's father were also terminated.

agree with the detailed fact finding and well-reasoned legal conclusions of the juvenile court in determining that Rochelle's parental rights should be terminated pursuant to Iowa Code section 232.116(1)(h).<sup>2</sup>

Further, after a de novo consideration of the relevant factors we agree with the district court's conclusion that a termination of Rochelle's parental rights is in the best interests of L.M. and J.M. Following the framework provided by *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010), the district court considered the children's safety, long-term nurturing and growth, and physical, mental, and emotional needs. The children's paternal grandparents have been providing a safe and nurturing home for the children for over one year. We agree with the district court that they "appear much more suited [than Rochelle] to address the children's long-term nurturing and growth, as well as their physical, mental, and emotional needs." See Iowa Code § 232.116(2) (directing the court to consider the best placement for furthering the long-term nurturing and growth of the child).

We affirm the thorough and well-reasoned decision of the district court.

**AFFIRMED.**

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<sup>2</sup> We do not address Rochelle's arguments that relate to the termination of her parental rights pursuant to Iowa Code section 232.116(1)(l). See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) ("When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm.").