

IN THE COURT OF APPEALS OF IOWA

No. 0-570 / 10-0888
Filed August 25, 2010

**IN THE INTEREST OF S.S. and C.T.,
Minor Children,**

**T.M.T., Mother,
Appellant.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
District Associate Judge.

A mother appeals the termination of her parental rights to two children.

AFFIRMED.

Rebecca G. Ruggero, Bettendorf, for appellant mother.

Dana Copell, Davenport, for appellee father.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney
General, Michael J. Walton, County Attorney, and Julie Walton, Assistant County
Attorney, for appellee State.

Patricia Zamora of Zamora, Taylor, Woods & Frederick, Davenport, for
minor children.

Considered by Vaitheswaran, P.J., and Eisenhauer and Danilson, JJ.

VAITHESWARAN, P.J.

A mother appeals the termination of her parental rights to two children, born in 2006 and 2008. She contends the record lacks clear and convincing evidence to support termination under Iowa Code section 232.116(1)(d), (h), (i), and (k) (2009).

As a preliminary matter, we note that although the mother correctly cites the code provisions on which the juvenile court relied in terminating her parental rights, her arguments invoke the elements of unrelated code provisions. For example, the mother challenges the juvenile court's reliance on Iowa Code section 232.116(1)(d), which authorizes termination where (1) a court adjudicated children to be in need of assistance after finding they were physically or sexually abused or neglected and (2) the circumstances which led to the adjudication continue to exist despite the receipt of services. However, in the body of her argument, she discusses the absence of "significant and meaningful contact," an element of an unrelated termination provision on which the juvenile court did not rely. See Iowa Code § 232.116(1)(e). After examining each substantive argument in light of the challenged code provisions, we conclude the mother has made no argument on her challenges to the evidence supporting termination under three of the four grounds cited by the juvenile court, Iowa Code section 232.116(1)(d), (h), and (k). Therefore, those challenges are waived. See Iowa R. App. P. 6.903(2)(g)(3) ("Failure to cite authority in support of an issue may be deemed waiver of that issue."). As we may affirm if we find clear and convincing evidence to support any of the grounds cited by the juvenile court, *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999), and the three waived grounds are effectively

unchallenged, our opinion could end here. However, we elect to proceed to the merits of the single ground the mother has challenged, Iowa Code section 232.116(1)(i). Our review is de novo. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

Iowa Code section 232.116(1)(i) requires proof that a child was abused or neglected, that the abuse or neglect “posed a significant risk to the life of the child or constituted imminent danger to the child,” and that “receipt of services would not correct the conditions which led to the abuse or neglect of the child within a reasonable period of time.” Iowa Code § 232.116(1)(i).

The record reveals that the mother was involved in an abusive relationship that precipitated the removal of the children. The mother contends the conditions that led to the abuse no longer exist, as she ended the relationship. However, the Department of Human Services presented evidence that the mother began another abusive relationship that was ongoing at the time of the termination hearing. A department social worker testified as follows:

[W]e provided a year and half of services, one of the main issues focusing on domestic violence, yet [the mother] has continued to engage in unhealthy relationships. Although at the beginning she wasn't able to acknowledge that they were unhealthy, today she can acknowledge that, which I think is a good thing, but she continues to engage in them regardless, so I do think that the children would continue to be exposed to that.

While a service provider testified that the mother was not in a “committed relationship” with this new boyfriend, and a court-appointed special advocate noted that there was no known physical violence between the two, there was evidence of ongoing contact, evidence that the new boyfriend had “anger issues,”

and evidence that the mother feared him. This evidence supports the juvenile court's termination of the mother's parental rights under section 232.116(1)(i).

The department cites several other reasons supporting termination, including the mother's failure to address mental health concerns and her over-ingestion of prescribed medication. We find scant support for these additional reasons. Accordingly, we do not rely on them.

We affirm the termination of the mother's parental rights to her children, born in 2006 and 2008.

AFFIRMED.