

IN THE COURT OF APPEALS OF IOWA

No. 0-608 / 10-1195
Filed September 9, 2010

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

T.C., 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 her daughter.

AFFIRMED.

Joel Walker, Davenport, for appellant mother.

Lauren Phelps, Bettendorf, for father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Michael Walton, County Attorney, and Julie Walton, Assistant
County Attorney, for appellee.

Maggie Moeller of Wehr, Berger, Lane & Stevens, Davenport, attorney
and guardian ad litem for minor child.

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

VAITHESWARAN, P.J.

A mother appeals the termination of her parental rights to her daughter, born in 2007. She concedes that she voluntarily and intelligently consented to the termination of her parental rights, but maintains the State did not prove good cause for the termination. See Iowa Code § 232.116(1)(a) (2009). Additionally, the mother contends termination was not in the best interests of either the mother or the child.

We may affirm a termination order if there is 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). The mother only challenges one of the several grounds for termination cited by the juvenile court. Accordingly, termination is appropriate on the unchallenged grounds. See *id.*

We proceed to the mother's contention that termination was not in the child's best interests. The Iowa Supreme Court recently articulated the standards governing a best-interests analysis.

[T]he proper analysis under section 232 is first for the court to determine if a ground for termination exists under section 232.116(1). If a ground exists, the court may terminate a parent's parental rights. In considering whether to terminate, "the court shall give primary consideration 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." Any findings in this regard should be contained in the judge's decision. Finally, before terminating a parent's parental rights, the court must consider if any of the exceptions contained in section 232.116(3) allow the court not to terminate.

In re P.L., 778 N.W.2d 33, 39 (Iowa 2010) (citations omitted). Applying these principles as well as a de novo standard of review, we note that the mother had a

history of substance abuse, which compromised the child's safety. For example, when the Iowa Department of Human Services became involved with the family, the mother and father of the child were both intoxicated and in a vehicle, and one of them was operating the car while the child was in it.

The mother did not take serious steps to address her substance abuse. She was unsuccessfully discharged from a drug court program and did not participate in certain other prescribed services. Although she advised the guardian ad litem that she had been sober for several months, she declined to corroborate her assertion and declined to disclose where or with whom she was living. Several months before the termination hearing, she acknowledged she could not care for her child and was not seeking to have her returned. There was nothing to indicate her views had changed by the time of the termination hearing. Indeed, at that time, she was hopeful her sister, with whom the child was placed, would serve as the child's long-term caretaker.

We recognize "[t]he court need not terminate the relationship between the parent and child if the court finds any of the following:" "[a] relative has legal custody of the child" or "[t]here is clear and convincing evidence that the termination would be detrimental to the child at the time due the closeness of the parent-child relationship." Iowa Code § 232.116(3)(a), (c) (2009); *see also P.L., 778 N.W.2d* at 38. We are not convinced deferral of termination was warranted under either of these provisions. Although the mother appropriately interacted with her child during visits, she was inconsistent in attending all the scheduled visits. Similarly, although the mother appeared to share a bond with

the child, she did not take all available steps to strengthen that bond such as fully participating in visits and documenting her move to sobriety.

We conclude termination of the mother's parental rights was in the best interests of the child and deferral of termination was not warranted. We affirm the juvenile court's termination of the mother's parental rights to her child.

AFFIRMED.