

IN THE COURT OF APPEALS OF IOWA

No. 0-655 / 10-1253
Filed September 22, 2010

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

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

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

A mother appeals the termination of her parental rights to her daughter.

AFFIRMED.

Michael Bandy of Bandy Law Office, Waterloo, for appellant mother.

Heather Feldkamp, Waterloo, for father.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney
General, Thomas J. Ferguson, County Attorney, and Kathleen Hahn, Assistant
County Attorney, for appellee State.

Melissa Anderson-Seeber and Timothy Baldwin of Public Defender's
Office, Waterloo, for minor child.

Considered by Vogel, P.J., and Doyle and Mansfield, JJ.

VOGEL, P.J.

Monica appeals from the district court's order terminating her parental rights to her daughter, A.A. (born November 2009). The district court terminated Monica's rights under Iowa Code section 232.116(1)(e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), (g) (child CINA, parent's rights to another child were terminated, parent does not respond to services), and (h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home) (2009).¹ We affirm.

Our review of termination of parental rights cases is *de novo*. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). When the district court terminates parental rights on more than one statutory ground, we only need to find grounds to terminate parental rights under one of the sections cited by the district court in order to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa Ct. App. 1996).

A.A. was removed from Monica's custody at birth and placed in family foster care, where she has remained. Although this case involves only A.A., Monica has had her parental rights terminated to four older children. While not directly related to the termination of Monica's parental rights to A.A., these facts shed light on the ongoing problems and inability of Monica to learn acceptable standards of parenting such that A.A. could be returned to her care. Case history records are entitled to much probative force when a parent's current performance is being examined. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993).

¹ The parental rights of A.A.'s father were also terminated. He does not appeal.

Monica's history reveals a troubled pattern of substance abuse and an environment riddled with domestic violence. While Monica did participate in a substance abuse evaluation in November 2009 and completed a substance abuse treatment program in February 2010, Iowa Department of Human Services (DHS) social worker, Darcy Jolley, testified that Monica tested positive for marijuana in March and May of that year. This was following a history of relapses in October 2008, January 2009, and January 2010. Monica also experienced continuing domestic violence issues at the hand of A.A.'s father. Although he was arrested for assault, and a no-contact order was in place, Monica failed to separate herself from him completely.

Monica primarily contends on appeal that the court erred by not granting her additional time to achieve reunification. The record clearly demonstrates that she is not reasonably likely to be able to care for A.A. in the near future. The district court found that, "Despite all the services and assistance, Monica [] has not progressed to even semi-supervised visitation." We, like the district court, conclude clear and convincing evidence supports termination under section 232.116(1)(h).

Even if a statutory ground for termination is met, a decision to terminate must still be in the best interest of a child after a review of Iowa Code section 232.116(2). *In re P.L.*, 778 N.W.2d 33, 37, 40 (Iowa 2010). We consider "the child's safety," "the best placement for furthering the long-term nurturing and growth of the child," and "the physical, mental, and emotional condition and needs of the child." *Id.* At the time of the hearing, A.A. had been in foster care her entire life. She is thriving in her current placement. Based on Monica's

history of drugs and violent relationships, with little progress on being able to offer A.A. a safe and stable home, we conclude termination of Monica's parental rights was in A.A.'s best interest as set forth under the factors in section 232.116(2).

AFFIRMED.