

IN THE COURT OF APPEALS OF IOWA

No. 0-833 / 10-0705
Filed November 24, 2010

**IN THE INTEREST OF R.F.,
Minor Child,**

**S.F., Mother,
Appellant.**

Appeal from the Iowa District Court for Marion County, Terry Wilson,
District Associate Judge.

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

AFFIRMED.

Dawn M. Bowman of Bowman Law Office, Pleasantville, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Terry E.
Rachels, County Attorney, and Melissa Clarke, Assistant County Attorney, for
appellee.

Meegan Keller of Keller Law Office, Altoona, for father.

Terri A. Menninga, Pella, attorney and guardian ad litem for minor child.

Considered by Eisenhauer, P.J., and Potterfield and Doyle, JJ.

EISENHAUER, P.J.

A mother appeals the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence, termination is not in the child's best interest, and termination is not warranted because of the strong bond between her and the child. We review her claims de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The child was removed from the parents' care in March 2009 after they were arrested for using and selling controlled substances in the home. The child was adjudicated in need of assistance the following month. The mother pled guilty to conspiracy to manufacture methamphetamine and a drug tax stamp violation and was sentenced to a five-year suspended sentence and placed on probation for three years. The mother was ordered to a woman's residential treatment facility as a condition of probation, where she was to stay and obtain substance abuse treatment until maximum benefits were received.

In November 2009, the mother was discharged from the treatment facility for failing to follow through. She absconded from parole and her whereabouts were unknown until she was arrested in January 2010. In March 2010, the State filed a petition to terminate the mother's parental rights. At the time of termination, the mother was in jail awaiting placement at the House of Mercy treatment center.

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(e), (f), and (l) (2009). The mother contends the State failed to prove the grounds for termination pursuant to sections 232.116(1)(e) and (l),

but agrees the State proved termination pursuant to section 232.116(1)(f). Because termination was appropriate under section 232.116(1)(f), we need not consider whether the State proved the grounds for termination under the other sections. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995) (holding we need only find termination proper under one ground to affirm).

The mother next contends termination is not in the child's best interest. In considering the best interest of a child, we look to (1) the child's safety, (2) the best placement for furthering the long-term nurturing and growth of the child, and (3) the physical, mental, and emotional condition and needs of the child. Iowa Code § 232.116(2); *P.L.*, 778 N.W.2d at 41. The mother has a lengthy and severe history of substance abuse for which she has not been treated. At the time of termination, the mother was waiting to begin treatment. Her previous attempt at treatment resulted in her discharge from the program after missing six meetings, failing to submit to drug testing, and being seen in bars. The mother's past actions are evidence of the quality of her future care. *In re K.F.*, 437 N.W.2d 559, 560 (Iowa 1989). The recovery process will be a lengthy one with uncertain results. The child requires permanency now. The child's long-term safety, nurturing, and growth are best served by termination.

Finally, the mother contends termination is not warranted because she satisfies the exception set forth in Iowa Code section 232.116(3)(c), which provides termination is not required where it would be detrimental to the child due to the closeness of the parent-child relationship. The exceptions set forth in 232.116(3) have been interpreted as permissive, rather than mandatory. *In re*

J.L.W., 570 N.W.2d 778, 781 (Iowa Ct. App. 1997), *overruled on other grounds* by *P.L.*, 778 N.W.2d at 39. In determining whether to apply this section, we consider the child's long-term and immediate best interests. *Id.* For the reasons stated above, we conclude termination is in the child's best interest and affirm the termination of the mother's parental rights.

AFFIRMED.