

IN THE COURT OF APPEALS OF IOWA

No. 0-924 / 10-1579
Filed December 22, 2010

**IN THE INTEREST OF T.E.,
Minor Child,**

**K.E., Mother,
Appellant.**

Appeal from the Iowa District Court for Jones County, Angie Wilson,
District Associate Judge.

A mother appeals from the district court's order terminating her parental
rights. **AFFIRMED.**

Craig Elliott, Anamosa, for appellant mother.

Thomas J. Miller, Attorney General, Janet Hoffman, Assistant Attorney
General, and Phillip Parsons, County Attorney, for appellee State.

Brandy R. Lundy of Lundy Law Office, Cedar Rapids, attorney and
guardian ad litem, for minor child.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

VOGEL, J.

Krystal appeals the termination of her parental rights to T.E., born September 2008.¹ The district court terminated Krystal's rights under Iowa Code sections 232.116(1)(g) (child CINA, parent's rights to another child were terminated, parent does not respond to services) (2009), and (h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home). 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).

T.E. was removed from Krystal's home in May 2009, and voluntarily placed in family foster care, following an investigation arising out of alleged safety concerns in the home. Krystal has been receiving services through the Iowa Department of Human Services (DHS) since 2006, as two older children have been removed from her care because of lack of supervision, Krystal's alcohol abuse, and her choice of inappropriate, abusive partners.² T.E. was adjudicated a child in need of assistance (CINA) on September 2, 2009, pursuant to Iowa Code sections 232.2(6)(c)(2), and (n).

¹ The parental rights of the biological father of T.E. were also terminated and he does not appeal.

² One child (born in 2003) was adjudicated in need of assistance (CINA) and placed with his biological father. Krystal's parental rights to her child born in 2006 were terminated in July 2008, while she was pregnant with T.E. A fourth child (A.L.) was born in March 2010 and is also the subject of CINA proceedings.

Krystal asserts an absence of clear and convincing evidence to show that T.E. could not be returned to her care, claiming she successfully addressed the five areas of concern raised by DHS in the CINA proceedings. DHS social worker, Gwendolyn Vogeler, agreed that Krystal has been compliant with services and will make some progress, but then regresses to unhealthy patterns of behavior. Vogeler had continued concerns regarding Krystal's substance abuse, and the potential for relapse. Of great concern is Krystal's ongoing poor choice of paramours, which puts her children at risk of domestic violence. Vogeler testified "I will have a concern about [domestic violence] for probably quite some time to come;" Krystal's history demonstrates a "pattern of either inconsistency with services or her inability to retain information." Denise Mead, a remedial services provider for Horizons, who worked with Krystal on skill building, agreed that Krystal "needs to work on the types of relationships that she gets involved with." Because of Krystal's abusive relationships, she voiced concern over the safety of children being in Krystal's home.

An example of Krystal's inability to follow through with what she claims to have learned is her continued contact with the abusive fathers of her two youngest children, T.E. and A.L. She admitted to Mead that the abusive father of A.L. was in the home as recently as one week before the termination hearing, contrary to DHS's advice. The district court concluded, "Krystal has shown time and time again she cannot provide for the physical safety of her children. Krystal also refuses to understand the emotional and mental damage that is done with children who live with domestic violence." We agree that termination of Krystal's

parental rights under 232.116(1)(h) was proved by clear and convincing evidence.

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.* Krystal asserts termination of her parental rights was not in T.E.’s best interest. While she did make some improvements in her life, Krystal continues to have relationships with inappropriate people and did not demonstrate she was stable enough to provide a safe environment for T.E. T.E. has been out of Krystal’s home since May 2009 and is doing well in family foster care. We conclude termination of Krystal’s parental rights was in T.E.’s best interest as set forth under the factors in section 232.116(2).

AFFIRMED.