

IN THE COURT OF APPEALS OF IOWA

No. 1-130 / 10-2040

Filed March 7, 2011

**IN THE INTEREST OF L.S. AND Z.C.,
Minor Children,**

**T.A.T., Mother,
Appellant.**

Appeal from the Iowa District Court for Warren County, Kevin A. Parker,
District Associate Judge.

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

Andrea M. Flanagan of Sporer & Flanagan, P.L.L.C., Des Moines, for
appellant mother.

Jane A. Orlanes of Orlanes Law Office, P.L.C., Des Moines, for appellee
father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, John Criswell, County Attorney, and Karla Fultz, Assistant
County Attorney, for appellee State.

Jane White of Parrish, Kruidenier, Dunn, Boles, Gribble, Cook, Parrish,
Gentry & Fisher, L.L.P., Des Moines, attorney and guardian ad litem 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 her children, born in 2005 and 2007. She contends (1) the record lacks clear and convincing evidence to support the grounds for termination cited by the juvenile court and (2) termination is not in the children's best interests.

I. We may affirm if we find clear and convincing evidence to support any of the grounds for termination cited by the juvenile court. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). On our de novo review, that quantum of evidence supports termination under Iowa Code sections 232.116(1)(f) and (h) (2009) (identical provisions for children of differing ages, requiring proof of several elements, including proof that children could not be returned to parent's custody).

The children were removed from the mother's custody in February 2009 based on her use of methamphetamine and the unsanitary conditions in her apartment. The mother was subsequently charged with and convicted of assault and was jailed for five months. She also spent time at a women's correctional facility. On her release from the facility, the mother obtained an apartment and a job and transitioned from supervised visitation to semi-supervised visits, including overnight time with the children. Her urine samples consistently tested negative for the presence of methamphetamine and she appeared well on her way to reunification with the children.

In February 2010, the juvenile court granted the mother six additional months to work towards reunification. The court additionally enrolled her in a family drug court program. Three months later, the mother lost her job, could not pay her bills, and was evicted from her apartment. She moved in with her

parents, who welcomed her and agreed to take in her children in the event she was successful in her reunification efforts. Nonetheless, the Department of Human Services required the mother to revert to supervised visits with the children and, in August 2010, the State filed a petition to terminate her parental rights.

At the termination hearing, the mother testified that she had secured another apartment, had two jobs, and continued to submit clean methamphetamine screens. She asserted that if she were afforded an additional two months, she would be in a position to have the children returned to her custody.

This turn for the better was marred by the following key admissions. On direct examination, the mother acknowledged she had been consuming alcohol, admitted this consumption was considered a “relapse,” and conceded her alcohol usage placed her at greater risk of relapsing on methamphetamine. On cross-examination, she also admitted her alcohol consumption spanned five months and was not disclosed to the drug court or the department. Finally, she admitted to associating with friends or lovers who had abused illegal substances. Given the mother’s seven-year history of methamphetamine use and her acknowledged past difficulty staying away from methamphetamine, these risky behaviors did not bode well for her long-term sobriety. Based on these facts, we conclude the mother was not in a position to have the children returned to her custody.

II. The mother also contends termination was not in the children’s best interests. See *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010) (stating that once a ground for termination is shown under section 232.116(1), the court must then

look to factors under section 232.116(2) and (3) to see whether termination is still appropriate). The mother had already been afforded six additional months to move toward reunification. She made some progress during that period, using the support of her family to carry her through the temporary period of financial instability and making significant efforts to live independently once again. She also maintained her contacts with the children and preserved a strong and undisputed bond with them. However, she did not maintain her commitment to sobriety. For that reason, we conclude the children's safety would have been compromised had the juvenile court ordered reunification, and we further conclude termination was in the best interests of the children.

AFFIRMED.