

IN THE COURT OF APPEALS OF IOWA

No. 1-137 / 11-0101
Filed March 7, 2011

**IN THE INTEREST OF S.M.R.,
Minor Child,**

**M.S., Mother,
Appellant.**

Appeal from the Iowa District Court for Pottawattamie County, Charles D. Fagan, District Associate Judge.

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

AFFIRMED.

Sara E. Thalman of Rouwenhorst & Rouwenhorst, P.C., Council Bluffs, for appellant mother.

Lori L. Falk-Goss, Council Bluffs, for appellee father.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney General, Matthew D. Wilber, County Attorney, and Dawn M. Landon, Assistant County Attorney, for appellee State.

William F. McGinn of McGinn, McGinn, Springer & Noethe, Council Bluffs, 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 son, born in 2009. She contends the record lacks clear and convincing evidence to support termination on the grounds cited by the district court.

We may affirm if we find clear and convincing evidence to support any of the grounds cited by the court. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). On our de novo review, we conclude the State proved that the child could not be returned to the mother's custody. See Iowa Code § 232.116(1)(h) (2009) (enumerating several factors for termination of parental rights, including that the child could not be returned to the parent's custody).

The child was removed from the mother's custody in August 2009 due to unsanitary conditions in the mother's home. The Department of Human Services later determined that the home had been declared unfit for human occupancy. The child was placed with the father and remained out of the mother's care for the duration of the proceedings.

Initially, the mother visited the child two to three times per week. Her visits later became more sporadic and, by June 2010, they ended. For the next five months, the mother did not see the child at all. While she reinitiated contact in the month before the termination hearing, she acknowledged that, even with that hearing looming, her visits were irregular. She also admitted she only spent a total of four hours with the child in the seven months preceding the termination hearing.

At the hearing, the mother stated the child's father could "have full custody," and all she wanted was an occasional visit. Based on this testimony

and her reluctance to avail herself of the visits that were afforded her, we conclude the child could not be returned to her custody.¹

We affirm the termination of the mother's parental rights to her son.

AFFIRMED.

¹ The mother does not raise a "best interests" challenge to the termination decision. See *In re P.L.*, 778 N.W.2d 33 (Iowa 2010). Accordingly, we need not address the "exceptions" to termination.