

IN THE COURT OF APPEALS OF IOWA

No. 1-387 / 11-0575
Filed June 15, 2011

**IN THE INTEREST OF R.E.K.,
Minor Child,**

**V.L.W., Mother,
Appellant.**

Appeal from the Iowa District Court for Woodbury County, Mary L. Timko,
Associate Juvenile Judge.

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

AFFIRMED.

Chad Thompson of Thompson, Phipps & Thompson, Kingsley, for
appellant mother.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney
General, Patrick Jennings, County Attorney, and Dewey P. Sloan, Assistant
County Attorney, for appellee State.

John S. Moeller of John S. Moeller, P.C., Sioux City, for appellee father.

Mercedes S. Ivener, Sioux City, attorney and guardian ad litem for minor
child.

Considered by Vogel, P.J., Vaitheswaran, J., and Huitink, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

VOGEL, P.J.

Virginia appeals the district court's order terminating her parental rights to her son, R.K. (born October 2009).¹ The district court terminated Virginia's rights under Iowa Code sections 232.116(1)(d) (child CINA for neglect, circumstances continue despite receipt of services), (e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), (h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home), and (l) (child CINA, parent has substance abuse problem, child cannot be returned home within a reasonable time) (2009). 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 S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

Virginia appeals, asserting the State failed to prove by clear and convincing evidence any of the grounds the district court terminated under, specifically sections 232.116(1)(d), (e), (h), and (l). R.K. was initially removed from Virginia's care when he was two months old, due to her mental health issues, alcohol and other substance abuse, and domestic violence. Shortly thereafter, Virginia began substance abuse treatment at the Women and Children's Center. In February 2010, R.K. was adjudicated a child in need of

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

assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b), (c)(1), and (n). As a part of the adjudication, R.K. was allowed to be returned to Virginia's care, with the condition that she successfully complete the current or similar treatment program. Virginia moved to High Tower Place Women's Facility in May 2010, but in July she was asked to leave the treatment program due to several behavior problems. Due to Virginia's relapse into alcohol use, R.K. was removed from Virginia's care and placed with his paternal grandparents, where he has remained.

Virginia was offered a substance abuse assessment in September, and again in December 2010, after failing to follow through with earlier recommendations. She was admitted to the Synergy Center, a residential treatment facility, in December, but left after two weeks. At the time of trial, Virginia was enrolled in outpatient treatment.

Virginia has been offered numerous services, including substance abuse treatment, family safety, risk, and permanency services (FSRP), psychiatric assessments, family team meetings, skill development, and options for housing, all of which she has only sporadically or minimally participated. The district court found Virginia had never sufficiently addressed her mental health issues or completed a substance abuse treatment program; she had no consistent place to live; and many of the circumstances under which R.K. was adjudicated continued despite Virginia's receipt of services. While she asserts she should have been granted additional time for reunification, we agree with the district court that Virginia has been offered sufficient services, and there is no evidence the circumstances would change were she given additional time to resolve her

problems. We conclude clear and convincing evidence supports termination under 232.116(1)(h).

Virginia also asserts termination of her parental rights is not in R.K.'s best interest. 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.* R.K. is living with his paternal grandparents, who want to adopt him, and he doing very well in this placement. Virginia has shown neither stability in her life, nor a consistent willingness to put R.K.'s needs first. *In re J.E.*, 723 N.W.2d at 801 (Cady, J., concurring specially) ("A child's safety and the need for a permanent home are now the primary concerns when determining a child's best interests."). Therefore, the district court was correct in concluding Virginia was not prepared to parent R.K., and we conclude termination of Virginia's parental rights was in R.K.'s best interest as set forth under the factors in section 232.116(2).

AFFIRMED.