

**IN THE COURT OF APPEALS OF IOWA**

No. 1-405 / 11-0588  
Filed June 15, 2011

**IN THE INTEREST OF H.G.,  
Minor Child,**

**H.D.G., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Des Moines County, Mark E. Kruse, District Associate Judge.

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

**AFFIRMED.**

Curtis Dial of Law Office of Curtis Dial, Keokuk, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Patrick C. Jackson, County Attorney, and Pamela K. Dettmann, Assistant County Attorney, for appellee State.

Ronald D. Ellerhoff of Ronald D. Ellerhoff Law Office, Burlington, for appellee father.

Peggy Ell, Burlington, 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).

**VAITHESWARAN, J.**

A mother appeals the termination of her parental rights to a child, born in 2010. She concedes the State proved the ground for termination cited by the district court but contends termination was not in the child's best interests. See *In re P.L.*, 778 N.W.2d 33, 37 (Iowa 2010) (setting forth best interests standards). On our de novo review, we disagree. See *id.* at 39 (setting forth the standard of review).

The child was born with methadone and morphine in her system. When relatives could not be found to care for the child, the mother voluntarily placed her in foster care.

The mother admitted she continued to use a variety of drugs until shortly before the termination hearing in February 2011. At the time of the hearing, she was participating in a thirty-day inpatient treatment program that, in her words, was going "surprisingly well." However, she conceded her earlier efforts at treatment were unsuccessful.

A parent must be able to ensure the health and safety of a child. *Id.* at 40. In the year preceding the termination hearing, the mother did not show that she was in a position to do so. She was addicted to opiates and other drugs and remained an active user even after it became apparent that she might lose her daughter. Under these circumstances, we conclude that termination of her parental rights to this child was in the child's best interests.

**AFFIRMED.**