

IN THE COURT OF APPEALS OF IOWA

No. 1-448 / 11-0313
Filed June 15, 2011

**IN THE INTEREST OF D.H.-C.,
Minor Child,**

**C.L.W., Mother,
Appellant,**

**C.A.H., Father,
Appellant.**

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

A mother appeals the termination of her parental rights to her child.

AFFIRMED.

Cathleen J. Siebrecht of Siebrecht Law Firm, Des Moines, for appellant
mother.

Nicholas Sarcone of Stowers Law Firm, West Des Moines, for appellant
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.

Paul White of Juvenile Public Defender's Office, Des Moines, 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 her daughter, born in 2008. She contends (1) the record lacks clear and convincing evidence to support the grounds for termination cited by the juvenile court and (2) the juvenile court should have declined to terminate her parental rights based on the placement of the child with a relative.

I. The juvenile court terminated the mother's parental rights pursuant to several statutory provisions. We may affirm if we find clear and convincing evidence to support any of the cited grounds. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). On our de novo review, we conclude termination was warranted under Iowa Code section 232.116(1)(h) (2009) (requiring proof of several elements including proof the child cannot be returned to the parent's custody).

The child was placed with her paternal great-grandparents in 2009 based on evidence of domestic abuse between her mother and father. The child remained in their care throughout the proceedings. At the termination hearing, the mother admitted to throwing a straightening iron at the father. She also admitted to using marijuana for approximately five years.

The mother sought treatment for her drug use but did not begin this treatment program until one month before the termination hearing. While a specialist testified that the mother "show[ed] initiative" and appeared motivated to stay in the program, the six-month statutory time period for termination had long-since expired, as had a six-month extension granted by the juvenile court. The

mother squandered much of that time, conceding she continued to use marijuana until two months before the termination hearing.

The mother maintains that, despite her past non-compliance, she was now in a position to assume custody of her child, as the treatment facility allowed children and allowed her to remain a resident for up to two years. Her assertion would carry more weight if she had entered the program sooner. As it stood, there was little to indicate the mother had truly turned a corner; while she submitted one urine sample which was negative for the presence of drugs, she had not received the results of the second urine sample and had not spent any time caring for the child at the facility. For these reasons, we agree the child could not be returned to her custody.

II. The mother alternately contends the court should have considered deferring termination, as the child was with relatives. See Iowa Code section 232.116(3)(a). Because the mother was already afforded six extra months to work towards reunification, the juvenile court had little choice but to view the statutory termination periods with a sense of urgency. See *In re C.B.*, 611 NW.2d 489, 495 (Iowa 2000). Given the mother's limited progress during the extension period, we concluded a deferral of termination was not warranted.

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

AFFIRMED.