

**IN THE COURT OF APPEALS OF IOWA**

No. 1-882 / 11-1596  
Filed November 23, 2011

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

**T.E., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Constance Cohen,  
Associate Juvenile Judge.

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

**AFFIRMED.**

Nancy A.S. Trotter, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Andrea Vitzthum,  
Assistant County Attorney, for appellee State.

Erin E. Mayfield of Youth Law Center, Des Moines, attorney and guardian  
ad litem for minor child.

Considered by Vaitheswaran, P.J., and Potterfield and Doyle, JJ.

**VAITHESWARAN, P.J.**

A mother appeals the termination of her parental rights to her son, born in 2010. She contends (1) the record lacks clear and convincing evidence to prove the ground for termination cited by the juvenile court and (2) termination was not in the child's best interests.

*I.* The juvenile court terminated the mother's parental rights pursuant to Iowa Code section 232.116(1)(h) (2011) (requiring proof of several elements including proof that child could not be returned to parent's custody). Our review of the evidence supporting this decision is de novo. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

The child was removed from the mother's care based on domestic violence that occurred in the child's presence, the mother's subsequent arrest, and her inability to find a caretaker while she was in jail. The mother was later admitted to a residential facility to address domestic violence and other issues. She participated in regular semi-supervised visits with her son. Those visits went well, with the mother "completely present and focused on" the child. The mother also engaged in therapy and other services and made significant strides in her efforts to reunify with the child.

The mother's progress came to a screeching halt when she decided to leave the facility and spend a night elsewhere. As this was a violation of facility rules, she was not readmitted. Around the same time, the mother essentially stopped communicating with the Iowa Department of Human Services and stopped attending visits with her child. She had no contact with her son for approximately two months.

The juvenile court scheduled a termination of parental rights hearing, providing notice to the mother. She did not appear, and the hearing was rescheduled. Although the mother did appear at the rescheduled hearing, her only explanation for her apparent loss of interest in reunification was “stress.” She conceded she had only contacted the department twice in the previous two months, conceded she stopped attending therapy sessions, conceded she had not seen her son for more than two months, and conceded that her absence from the child’s life was harmful to him.

The department recommended termination of the mother’s parental rights. A court-appointed special advocate supported this recommendation, citing the mother’s

nomadic lifestyle, failure to avail herself to programs that would improve her and her son’s situation, the near total dependence on others for the essentials of daily living, and the combine[d] direct negative impact on [the child’s] emotional, physical, and educational development.

We conclude the State proved that the child could not be returned to the mother’s custody.

*II.* The mother next contends termination was not the child’s best interests, given the strong bond between mother and child. See Iowa Code § 232.116(3)(c). There is no question a bond existed. But the mother weakened that bond by declining to participate in visits, despite her recognition that this would prove harmful to the child. For that reason, we conclude termination of the mother’s parental rights to the child was in the child’s best interests.

**AFFIRMED.**