

IN THE COURT OF APPEALS OF IOWA

No. 1-921 / 11-1562
Filed December 21, 2011

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

**C.G., Mother,
Appellant.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
District Associate Judge.

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

AFFIRMED.

Timothy Tupper, Davenport, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Michael Walton, County Attorney, and Julie A. Walton,
Assistant County Attorney, for appellee.

Dana Copell, Davenport, attorney and guardian ad litem for minor child.

Considered by Danilson, P.J., and Tabor and Mullins, JJ.

TABOR, J.

A young mother appeals the termination of her parental rights to her son, C.G., arguing termination is not in his best interests. Despite nearly two years of involvement with the Department of Human Services (DHS), the mother has failed to improve her parenting skills so that she can competently care for the child. Nor is placement with the maternal grandmother in C.G.'s best interests given concerns about the safety of the grandmother's home and ongoing violence between the mother and grandmother. Because the child's best interests are served by termination of the mother's parental rights, we affirm.

I. Background Facts and Proceedings.

This family came to the attention of the DHS shortly after C.G.'s birth in October 2009. Child protection workers were concerned about eighteen-year-old Cassandra's developmental delays and her ability to care for C.G.¹ In the first assessment report, the worker wrote: "Cassandra has no concept of what an infant's needs are and how to meet them. Cassandra is not feeding the infant and taking care of the infant unless her mother is in the [hospital] room with her."

At the time of C.G.'s birth, Cassandra lived with her mother, who helped care for the infant. The DHS offered parenting classes to help Cassandra develop the necessary skills to safely parent C.G. But Cassandra did not cooperate with services; she failed to take her prescribed medication on a regular basis, refused to answer the service provider's questions, and did not participate in mental health treatment.

¹ The identity of C.G.'s father is unknown.

Because Cassandra failed to improve her parenting skills, the court approved removal of the child from her care in June 2010. The DHS placed C.G. in the care of his maternal grandmother.² Although workers harbored safety concerns about the grandmother's home—mainly with the lack of cleanliness and potential choking hazards for the child—the DHS initially believed the family placement was in the child's best interests. But the DHS moved C.G. into foster care in February 2011 after another altercation between Cassandra and her mother. Police officers responded to the apartment and Cassandra was ordered to stay out of the home. Two days later the police responded to a second call regarding a domestic disturbance between the mother and grandmother. The child was removed due to concerns regarding ongoing violence, the grandmother's lack of supervision, and unsafe conditions in the home.³

Following the child's placement in a foster home, the mother seemingly abandoned all efforts to regain custody. She failed to comply with the case permanency plan and her attendance at visitation with the child was inconsistent. In June 2011, the State filed a petition to terminate the mother's rights pursuant to Iowa Code sections 232.116(1)(b), (d), (e), (h), (i), (k), and (l) (2011). Following a hearing in August 2011, the juvenile court ordered the mother's parental rights be terminated under sections 232.116(1)(b), (d), (e), (h), and (i).

² Cassandra continued to reside with her mother until November 24, 2010, when Cassandra assaulted her mother. Police arrested Cassandra and she spent six days in jail.

³ Police saw broken glass on the kitchen floor, as well as other choking hazards within reach of the child. A neighbor reported that the grandmother left C.G., a toddler, alone for as long as ten minutes.

II. Scope and Standard of Review.

We review termination orders de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010). The de novo standard applies to both the statutory grounds for termination under section 232.116(1) and the best-interest determination under section 232.116(2). *Id.* We are not bound by the juvenile court's findings of fact, but we accord them weight, especially in assessing the credibility of witnesses. *In re D.W.*, 791 N.W.2d 703, 706 (Iowa 2010).

III. Analysis.

The juvenile court terminated Cassandra's parental rights pursuant to five subsections. She does not allege that the State failed to meet its burden of proving the grounds for termination by clear and convincing evidence. Instead, she contends termination is not in C.G.'s best interests. See Iowa Code § 232.116(2). In determining best interests, we must 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.*; *P.L.*, 778 N.W.2d at 37.

The record shows termination is in the child's best interests. Cassandra is incapable of bringing up the child safely and making sure he meets developmental milestones. Because of her own developmental delays, Cassandra required training in parenting skills before she could attend to C.G.'s most basic needs. The mother's hostility toward service providers and refusal to implement the directives of the case permanency plan precluded her from making the progress necessary to master these skills. Cassandra's parenting

deficiencies have caused C.G. to suffer his own developmental delays. Fortunately, his foster family is working to remedy these problems and the DHS worker reports that he is thriving in the foster home.

Cassandra ventures that if the child is not returned to her care, he should be placed with her mother. We agree with the juvenile court's sentiments that such a placement would be problematic. The grandmother had custody of C.G. for approximately six months. During that time, Cassandra and her mother had three fights that required police intervention. The condition of the grandmother's home has posed a danger to C.G. and the grandmother has been unwilling to allow safety checks.

As Cassandra states on appeal, there is no dispute she and the grandmother love C.G. Unfortunately, good intentions are not enough to nurture a child. Termination is in a child's best interest when a parent lacks the capacity to meet the child's present and future needs. *In re S.N.*, 500 N.W.2d 32, 36 (Iowa 1993). Cassandra's failure to cooperate with services and inability to offer a peaceful and secure environment for her C.G. defeats her best-interest claim. The child's best interests require termination. Accordingly, we affirm.

AFFIRMED.