

**IN THE COURT OF APPEALS OF IOWA**

No. 2-1129 / 12-1890  
Filed January 9, 2013

**IN THE INTEREST OF B.H., B.H., J.H.,  
K.H. JR., B.H. III, AND J.S.,  
Minor Children,**

**K.H., Mother.  
Appellant.**

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Appeal from the Iowa District Court for Polk County, Louise Jacobs,  
District Associate Judge.

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

**AFFIRMED.**

Tammi M. Blackstone of Harrison & Dietz-Kilen, P.L.C., Des Moines, for  
appellant mother.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant  
Attorney General, John Sarcone, County Attorney, and Annette Taylor, Assistant  
County Attorney, for appellee State.

Karl Wolle of the Juvenile Public Defender's Office, Des Moines, attorney  
and guardian ad litem for minor children.

Considered by Eisenhauer, C.J., and Vogel and Vaitheswaran, JJ.

**VOGEL, J.**

Keisha appeals the district court's order terminating her parental rights to her six children: B.H. III (born 2002); J.H. (born 2003); B.H. (born 2005); J.S. (born 2007); B.H. (born 2008); and K.H. (born 2011).<sup>1</sup> We review termination of parental rights actions de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010). If the juvenile court terminates parental rights on more than one statutory ground, we need only find that the evidence supports termination on one of the grounds cited by the juvenile court to affirm. *In re R.K.*, 649 N.W.2d 18, 19 (Iowa Ct. App. 2000).

Keisha's rights were terminated pursuant to Iowa Code sections 232.116(1)(f) (2011) (child four or older, adjudicated child in need of assistance (CINA), removed from home for twelve of last eighteen months, and child cannot be returned home); (h) (child three or younger, adjudicated CINA, removed from home for six of last twelve months, and child cannot be returned home); and (i) (child CINA, child was in imminent danger, services would not correct conditions).

Keisha does not contest that the statutory elements of section 232.116(1)(f), (h), and (i) have been proved, but rather only argues before us that termination is not in the children's best interests under section 232.116(2) and the considerations in section 232.116(3) should prevent termination. Because she does not contest the statutory grounds of section 232.116(1) we affirm the district court's findings as to the grounds supporting termination.

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<sup>1</sup> The children's father's parental rights were previously terminated and are not part of this action.

The children were adjudicated children in need of assistance under Iowa Code section 232.96 on January 4, 2011. The court in April 2012 declined to terminate Keisha's parental rights, though the statutory grounds were present, as there was no plan in place to achieve permanency for the children. By the August hearing, the placements had proved to be stable for all the children. The older three, B.H. III, B.H., and J.H., have been placed in their foster home for approximately one and one-half years and appear to be well integrated into the family, the extended family, the neighborhood, and the schools. The foster family is committed to adopting these three siblings. J.S., in another home, refers to his foster parents as "mom" and "dad." B.H. and K.H. are also in a pre-adoptive home and doing well. As the guardian ad litem specifically noted, the court's concerns from the earlier hearing were eliminated.

Though provided appropriate time and opportunities to show progress, Keisha's unwillingness to be forthright with service providers demonstrated her lack of desire to have her children returned to her. We affirm the district court's finding that termination is in the children's best interests. Iowa Code § 232.116(2).

The considerations found in section 232.116(3) are permissive and the court has discretion, based on the unique circumstances of each case and the best interests of the children, whether to apply the factors in this section to save the parent-child relationship. *In re D.S.*, 806 N.W.2d 458, 474-75 (Iowa Ct. App. 2011); *see also In re C.L.H.*, 500 N.W.2d 449, 454 (Iowa Ct. App. 1993). We agree with the district court there does not appear to be an exceptionally close

relationship between Keisha and her children that would weigh against termination under 232.116(3). We therefore, affirm the district court.

**AFFIRMED.**