

**IN THE COURT OF APPEALS OF IOWA**

No. 2-250 / 12-0250  
Filed April 25, 2012

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

**N.A., Mother,**  
Appellant.

---

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Christopher M. Soppe of Blair & Fitzsimmons, P.C., Dubuque, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Ralph Potter, County Attorney, and Jean A. Becker, Assistant County Attorney, for appellee State.

Patricia M. Reisen-Ottavi of Ottavi Law Firm, Dubuque, attorney and guardian ad litem for minor child.

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

**VAITHESWARAN, P.J.**

A mother appeals the termination of her parental rights to her son, born in 2009. She contends (1) the record lacks clear and convincing evidence to establish that the child could not be returned to her custody, (2) she should have been granted additional time to assume the child's care, and (3) termination of her parental rights was detrimental to the child.

*I.* Iowa Code section 232.116(1)(h) (2011) requires proof of several elements, including proof that the child cannot be returned to the parent's custody. Our de novo review of the record reveals the following facts. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010) (setting forth standard of review).

In 2011, the Iowa Department of Human Services received a complaint that the mother (1) was not meeting the child's basic needs and (2) was exposing the child to a registered sex offender. Following an investigation, the department issued a founded report confirming the first allegation but declined to confirm the second allegation. Nonetheless, the mother signed a safety plan stating she would not have contact with the registered sex offender.

The child was subsequently removed from the mother's care and placed with relatives and in foster care. In a post-hearing removal order, the juvenile court cited the mother's admission that she and the child spent time at the sex offender's residence and her admission that she lied to service providers about her whereabouts. At a review hearing four months after the child's removal, the juvenile court found that "[c]oncerns regarding mother remain, including lack of her own residence, financial instability, inconsistent mental health counseling,

and concerns that she continues to associate with an individual on the Sex Offender Registry.”

The mother’s lack of stable housing was of particular concern. While she was admitted to a residential facility early in the proceedings, the facility discharged her for not keeping her room clean. The mother subsequently stayed in the homes of various friends but declined to keep the department apprised of her locations, forcing the department to hold visits with the child in an office.

Two months before the termination hearing, the mother was admitted to a shelter facility. The mother noted that the facility would allow her to stay for up to two years and would allow her to keep her child with her. However, by the time of the termination hearing, the mother had accumulated six write-ups for various infractions. She understood that fifteen write-ups would result in her discharge from this facility.

The mother’s employment was also sporadic. She initially had a job at a hotel but lost it when the employer’s needs changed. She later began working through a temporary employment agency and, shortly before the termination hearing, was hired by a fast food restaurant. Despite this recently-acquired job, the mother was unable to timely make her \$125 monthly rent payment to the shelter facility.

The mother additionally failed to address multiple mental health diagnoses until late in the proceedings. She only began to regularly attend therapy sessions two months before the termination hearing and she gave department personnel conflicting accounts about whether she was taking medication for her conditions.

We recognize that the mother regularly attended visits with her child and, as outlined above, belatedly made efforts to address the juvenile court's concerns with her housing, employment, and mental health situation. However, her commendable actions were overshadowed by her ongoing contact with the sex offender. Less than a month before the termination hearing, she was found in a car with the sex offender after police stopped her for driving with a suspended license. When asked about this contact, she testified,

I was having a really bad day with my depression and everything and I made the stupid decision to turn to him to try to get out of my depression. And I was on my way out of town to take them home when I got pulled over.

The mother also admitted seeing the sex offender at her workplace shortly before the termination hearing. She acknowledged relying on him as a coping mechanism for her stress and depression, rather than pursuing other coping strategies. Given the mother's unwillingness to sever her ties with the sex offender, we conclude the child could not be returned to the mother's custody.

**II.** The mother next contends that she should have been afforded additional time to reunify with her child. See Iowa Code § 232.104(2)(b). The juvenile court declined to grant this request, stating the mother "had over nine months of extensive services to address the issues identified by the department with little to no progress to show for it." While we recognize the mother made some progress in certain areas, we agree with the juvenile court that she fell short on the one key issue of her contact with the sex offender. For that reason, we agree that a six-month extension to facilitate reunification was not warranted.

**///.** The mother finally argues that termination was not in the child's best interests given the strength of the mother-child bond. See *id.* § 232.116(3)(c). The department social worker overseeing the case agreed that such a bond existed. Nonetheless, she opined, "I don't feel that [the mother] can make the appropriate decisions to keep [the child] safe at this time." We conclude termination was in the child's best interests.

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

**AFFIRMED.**