

IN THE COURT OF APPEALS OF IOWA

No. 2-317 / 12-0393
Filed April 25, 2012

**IN THE INTEREST OF A.G. and C.G.,
Minor Children,**

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

Appeal from the Iowa District Court for Polk County, Carol S. Egly, District Associate Judge.

A mother appeals the termination of her parental rights to two children.

AFFIRMED.

David A. Pargulski of Pargulski, Hauser & Clarke, P.L.C., Des Moines, for appellant mother.

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

Francis Hurley of Phil Watson, P.C., Des Moines, for appellee father.

Nicole Garbis-Nolan of Youth Law Center, attorney and guardian ad litem for minor children.

Considered by Eisenhauer, C.J., and Potterfield and Mullins, JJ.

POTTERFIELD, J.

A mother appeals the termination of her parental rights to two children. On appeal the mother asserts the juvenile court erred in: (1) finding statutory grounds existed to terminate her parental rights; (2) finding termination was in the children's best interests; (3) terminating her parental rights despite the existence of her close bond with the children; and (4) admitting certain evidence.

The juvenile court terminated the mother's parental rights pursuant to Iowa Code section 232.116(1)(d), (e), (f), and (l) (2011). We must only find grounds to terminate her parental rights under one of the subparts to affirm the ruling of the juvenile court. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). The mother provides no argument on appeal that the juvenile court erred in terminating her parental rights pursuant to Iowa Code section 232.116(1)(l) nor does she cite to any authority in support of such an argument. She has therefore waived any argument relating to this ground. See Iowa R. App. P. 6.903(2)(g). Accordingly, we conclude statutory grounds existed to terminate the mother's parental rights.

We also find terminating the mother's parental rights so the children can be permanently placed is in the children's best interests. We agree with the thorough and detailed findings of the juvenile court, specifically the court's findings that the mother "has not addressed the violence, the criminal conduct, the illegal drug lifestyle, and the substance abuse to which she had exposed her children. She never honestly engaged in substance abuse treatment nor mental health therapy." "It is well-settled law that we cannot deprive a child of permanency after the State has proved a ground for termination under section 232.116(1) by hoping someday a parent will learn to be a parent and be able to

provide a stable home for the child.” *In re P.L.*, 778 N.W.2d 33, 41 (Iowa 2010). The caseworker assigned to this case testified the children are “very comfortable” in their foster home. See Iowa Code § 232.116(2)(b). The foster home is stable, and the foster mother has shown a commitment to meeting the children’s needs and a willingness to adopt them. See *id.* § 232.116(2). We find this to be the best placement for furthering the long-term nurturing and growth of the children and for meeting the children’s physical, mental, and emotional needs. See *id.*

We further conclude the juvenile court did not err in terminating the mother’s rights despite her bond with the children, a factor the court may consider in deciding whether to terminate. See *id.* § 232.116(3)(c). The factors set forth in 232.116(3) have been interpreted as permissive, rather than mandatory. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997), *overruled on other grounds by In re P.L.*, 778 N.W.2d at 39. At the time of trial, the mother had not seen the children in roughly four months.¹ We agree with the juvenile court that any bond that still existed between the mother and her children does not outweigh the children’s need for permanency. There is no evidence that termination of the mother’s parental rights would be detrimental to the children.

Finally, we find the mother’s arguments regarding the judicial notice and admission of evidence are moot given the mother’s failure to argue the statutory grounds for termination had not been met. See *In re D.A.W.*, 552 N.W.2d 901, 903 (Iowa Ct. App. 1996) (finding arguments related to the admission of evidence

¹ The mother’s brief on appeal asserts the Iowa Department of Human Services failed to make reasonable efforts because it refused to allow contact between the mother and her children. Because the mother’s brief cites no authority in support of this argument, we decline to address it on appeal. See Iowa R. App. P. 6.903(2)(g).

were moot where the parent did not dispute that statutory grounds for termination existed). Further, we find any error in this regard would not be reversible error as on our de novo review, we arrive at the same result as the juvenile court without resort to the evidence with which the mother takes issue. See *In re Adkins*, 298 N.W.2d 273, 278 (Iowa 1980) (finding no reversible error although lower court did not follow proper procedure for judicial notice where reviewing court, on de novo review, arrived at the same result as lower court without resort to proceedings that had been improperly judicially noticed).

AFFIRMED.