

**IN THE COURT OF APPEALS OF IOWA**

No. 2-476 / 12-0521  
Filed June 27, 2012

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

**B.I., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Rachael E. Seymour,  
District Associate Judge.

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

Matthew M. Boles of Parrish, Kruidenier, Dunn, Boles, Gribble, Parrish,  
Gentry & Fisher, L.L.P., Des Moines, for appellant mother.

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

Jared Harmon of Carr & Wright, P.L.C., Des Moines, for appellee father.

Charles S. Fuson, Youth Law Center, Des Moines, attorney and guardian  
ad litem for minor child.

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

**VAITHESWARAN, P.J.**

Brittany appeals the termination of her parental rights to her oldest child, born in 2005. She contends the State failed to prove the grounds for termination cited by the juvenile court.

***I. Background Facts and Proceedings***

Brittany, who was twenty-five years old at the time of the termination hearings, had an eight-year relationship with Joshua, the father of her four children.<sup>1</sup> Joshua physically abused Brittany, at times in the presence of the children. The Iowa Department of Human Services investigated a domestic abuse incident in 2006 and issued a confirmed child abuse report against Joshua.

In 2010, the department again investigated a report of domestic abuse. At this time, authorities arrested Joshua for domestic abuse assault (third) and child endangerment. The district court entered a criminal order prohibiting any contact between the parents.

The children were removed from the mother's care and placed in foster care. After two days, the foster parents expressed difficulty managing the oldest child, C.P., and he was transferred to the care of his maternal grandmother, where he remained throughout the proceedings.

The State petitioned to terminate the mother's parental rights to all four children. Brittany consented to the termination of her parental rights to the three youngest children. She did not consent to the termination of her rights to C.P.

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<sup>1</sup> Shortly before the termination proceedings involving these four children, Brittany had a fifth child fathered by a different man.

because, at the time of the termination hearings, he had yet to be placed in a pre-adoptive home. Over the course of several days, testimony was taken regarding C.P.'s welfare. Following the hearings, the juvenile court terminated the mother's parental rights to the children on several statutory grounds. Brittany appealed, seeking a reversal only as to C.P.

## ***II. Analysis***

We may affirm if we find clear and convincing evidence to support any of the grounds on which the juvenile court relied. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (noting that a court's decision to terminate the parental rights to a child may be affirmed if clear and convincing evidence supports any of the grounds relied upon by the court for terminating the parent's rights). Reviewing the record de novo, we agree with the juvenile court that termination of Brittany's parental rights to C.P. was warranted under Iowa Code section 232.116(1)(f) (2011) (requiring proof of several elements, including proof that child four or older cannot be returned to parent's custody).

The grandmother with whom C.P. was placed for more than a year had a twenty-year history as a foster parent. She also adopted and raised eight children, including Brittany. At the termination hearings, the grandmother testified that she and her husband were not in a position to adopt their six-year-old grandson, as they were aging and did not have the energy to raise another child. When asked about the prospect of reuniting C.P. with his mother, she stated, "I think that would be very difficult to see happen." She noted that, before the court intervened in the children's lives, she "saw many things that led [her] to say [the] children [were] in danger." While the grandmother acknowledged that

Brittany was less likely to blame others for her circumstances and more likely to seek help than she was when the children were removed, she expressed concern with Brittany's continuing inability to develop an emotional connection with her children.

The remaining record supports the grandmother's concerns about Brittany. While Brittany participated in individual therapy and domestic violence treatment and regularly attended one-and-a-half hour supervised visits with C.P., there was no indication she was in a position to handle C.P.'s severe emotional outbursts. The child's therapist cited these outbursts in recommending against expanded visits. She noted C.P.'s increasing emotional and behavioral difficulties despite his placement with his "highly skilled" grandmother. As of the dates of the termination hearings, these behavioral issues showed no signs of abatement.

Brittany's testimony also lent support to the termination decision. At the hearings, she expressed no desire to have C.P. returned to her custody. Indeed, when specifically asked if she agreed with the department's decision to explore foster care placement for C.P., she responded, "Yes."

We agree with the juvenile court that C.P. could not be returned to Brittany's custody. Accordingly, we affirm the termination of Brittany's parental rights to C.P.

**AFFIRMED.**