

IN THE COURT OF APPEALS OF IOWA

No. 2-979 / 12-1301
Filed November 15, 2012

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

**K.W., Mother,
Appellant.**

Appeal from the Iowa District Court for Linn County, Susan Flaherty,
Associate Juvenile Judge.

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

AFFIRMED.

John J. Bishop, Cedar Rapids, for appellant.

Thomas J. Miller, Attorney General, Kristi A. Traynor, Assistant Attorney
General, Jerry Vander Sanden, County Attorney, and William Croghan, Assistant
County Attorney, for appellee.

Melody Butz of Butz Law Offices, P.L.C., Cedar Point, attorney and
guardian ad litem for minor child.

Considered by Doyle, P.J., and Mullins and Bower, JJ.

BOWER, J.

A mother appeals from the termination of her parental rights to her child. She contends the juvenile court abused its discretion in denying her motion for a continuance. Because the juvenile court acted reasonably in denying the request for a continuance, we affirm.

I. Background Facts and Proceedings.

J.G. was removed from the mother's care in June 2011, after J.G. tested positive for methamphetamine. The mother also tested positive for methamphetamine, but denied using the drug. At the same time, the mother lost her job for suspected use of methamphetamine while at work. The child was adjudicated in need of assistance.

During the course of this case, the mother regularly failed to provide adequate samples for drug testing as ordered. The evidence shows the mother continued to use illegal drugs and associate with people who used illegal drugs. The mother ceased participating in services, including visits with the child, in March 2012.

The State filed a petition seeking to terminate the mother's parental rights in May 2012. A hearing on the termination order was held in July 2012. On the day the hearing was scheduled, the mother's attorney asked for a continuance. He stated the mother had contacted him seeking a postponement of the proceedings because she was pregnant and fearful that the stress she was experiencing from the proceedings, as well as pending criminal matters, would

induce a miscarriage. Her attorney offered no medical documentation in support of the motion.

The juvenile court denied the motion to continue, citing the mother's lack of contact in the preceding three months, her history of unreliability, and her lack of attendance at previous court hearings. The court found it was contrary to the child's best interests to delay permanency. Following the hearing, at which the mother did not participate, the juvenile court entered its order terminating the mother's parental rights pursuant to Iowa Code sections 232.116(1)(b), (d), (e), and (f) (2011).

II. Analysis.

The mother contends the court should have granted her motion to continue to allow her to participate in the proceedings. We review a motion for a continuance under an abuse of discretion standard, only reversing if injustice will result to the party desiring the continuance. *In re C.W.*, 554 N.W.2d 279, 281 (Iowa Ct. App. 1996). The denial of a motion to continue must be unreasonable under the circumstances before we will reverse. *Id.*

We find the juvenile court's denial of the mother's motion to continue was reasonable under the circumstances. Although the termination petition was filed more than two months earlier, the mother waited until the day of the termination hearing to request a continuance. No medical evidence was introduced to support her claim she was pregnant, or that the stress from the hearing was likely to cause a miscarriage. The mother had also, in essence, abandoned the child

in the months leading up to the termination hearing. The child had been out of the mother's care for over one year, and required permanency.

Because the mother has failed to show the juvenile court abused its discretion in denying her motion to continue, we affirm.

AFFIRMED.