

IN THE COURT OF APPEALS OF IOWA

No. 3-319 / 12-1616
Filed April 10, 2013

**IN THE INTEREST OF E.W.,
Minor Child,**

**A.M.W., Mother,
Appellant.**

Appeal from the Iowa District Court for Marion County, Steven Guiter,
District Associate Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Jessica Millage of Millage Law Firm, P.C., Des Moines, for appellant
mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, and Edward Bull, County Attorney, for appellee-State.

Jared Harmon, Des Moines, guardian ad litem for minor child.

Considered by Eisenhauer, C.J., and Danilson and Bower, JJ.

EISENHAUER, C.J.

A mother appeals from the order terminating her parental rights to her child. She contends the State did not prove the grounds for termination and termination was not in the child's best interests. We affirm.

The child was removed from the mother's care a day after he was born in October 2011. He has remained in foster care since. The mother's parental rights to two other children were previously terminated. At the termination hearing, the mother acknowledged she was not prepared to take care of the child and she had no bond with the child. The court terminated the mother's parental rights under Iowa Code section 232.116(1)(g) and (h) (2011).

We review terminations de novo. *In re H.S.*, 805 N.W.2d 737, 745 (Iowa 2011). We examine both the facts and law, and adjudicate anew those issues properly preserved and presented. *In re L.G.*, 532 N.W.2d 478, 480-81 (Iowa Ct. App. 1995). We accord considerable weight to the findings of the juvenile court, especially concerning the credibility of witnesses, but are not bound by them. *Id.* at 481.

The mother contends the State failed to prove either statutory ground for termination. When the court terminates a parent's rights on more than one statutory ground, we may affirm if any of the grounds cited are supported by clear and convincing evidence. *In re D.W.*, 791 N.W.2d 703, 706 (Iowa 2010). The mother does not challenge the first three elements of section 232.116(1)(h), and we find they are supported by clear and convincing evidence. The mother contends the State did not prove the child could not be returned to her at the time of the termination hearing. See Iowa Code § 232.116(1)(h)(4). The mother

acknowledged in her testimony at the termination hearing she was not prepared to take care of the child “today,” the child should stay with the foster family, and she still had “to go to the parenting classes and stuff like that” before the child could safely be returned to her. We agree with the juvenile court clear and convincing evidence supports termination of her parental rights under section 232.116(1)(h).

The mother also contends termination is not in the child’s best interests. In determining a child’s best interests, we “give primary consideration to the child's safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional condition and needs of the child.” *Id.* § 232.116(2). The mother acknowledged she has no bond with the child; when the child cried during visitation, the mother texted the foster mother to come downstairs and help; the child views the foster parent as its protector and care provider; and it would not be fair to the child to take him from the only home he’s known. *See id.* § 232.116(2), (2)(b)(1). The mother has unresolved mental health issues, she is unemployed and states her asthma and carpal tunnel syndrome in both wrists makes finding a job difficult, and she lacks the parenting skills to care for the child. *See id.* § 232.116(2)(a). The foster family is able and willing to adopt the child. *See id.* § 232.116(2)(b). We agree with the juvenile court termination is in the child’s best interests.

AFFIRMED.