

**IN THE COURT OF APPEALS OF IOWA**

No. 3-627 / 13-0647  
Filed July 10, 2013

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

**M.C., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Polk County, Constance C. Cohen,  
Associate Juvenile Judge.

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

Andrea M. Flanagan of Sporer & Flanagan, P.L.L.C., Des Moines, for  
appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John Sarcone, County Attorney, and Stephanie Brown,  
Assistant County Attorney, for appellee.

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

Penny Reimer, West Des Moines, for father.

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

**DANILSON, J.**

A mother appeals from the termination of her parental rights. A thorough review of the record reflects a mother who has a longstanding methamphetamine addiction. Her rights to another child were terminated in 2007. She has six founded child abuse assessments from 2005, 2006, 2009, 2010, and 2012. I.S. was born in January 2009 and this is the third time he has been adjudicated a child in need of assistance (CINA). Although the mother has made some progress of late, unfortunately the progress has been too little, too late. We affirm.

The first CINA action, which was related to the parents' substance abuse and domestic violence,<sup>1</sup> was closed on July 31, 2010.

The second CINA action was initiated in December 2010 due to the mother's continued use of methamphetamine and an ongoing issue of domestic violence. The matter proceeded to a hearing on a petition to terminate the parental rights in March 2011. On April 26, 2011, the juvenile court dismissed the termination petition and granted the parents additional time to seek reunification. I.S. was returned to his mother's custody on August 25, 2011, and the CINA case was closed on January 24, 2012. The father had regular visitation with the child.

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<sup>1</sup> The child is now placed with his father, whose substance abuse and domestic violence issues were ongoing during the first and second proceedings. During and since the second juvenile court proceeding, the father has made great strides in maintaining his sobriety and employment, and is in a nonviolent personal relationship with a woman who intends to adopt I.S. if allowed to do so.

In September 2012 this three-year-old child was removed from his mother's care for the third time because of the mother's use of methamphetamine and domestic violence in her current relationship. While the mother is currently undergoing substance abuse treatment and maintaining sobriety in a very controlled setting, in light of her extensive history of methamphetamine use, her ability to abstain from drug use in the long-term is anything but speculative. As aptly stated by the juvenile court, we "must give more weight to past conduct than [to] untested promises."

Upon our de novo review, see *In re D.W.*, 791 N.W.2d 703, 706 (Iowa 2010), we adopt the juvenile court's findings and rulings as our own. We affirm the termination of the mother's parental rights pursuant to Iowa Code section 232.116(1)(d) (2013)<sup>2</sup> because the child was adjudicated a CINA due to the risk of neglect based on issues of domestic violence, the mother's drug abuse, and lack of supervision. The evidence established the risk continued to exist at the time of the termination hearing.<sup>3</sup>

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<sup>2</sup> Section 232.116(1)(d) authorizes the court to terminate parental rights if:

d. The court finds that both of the following have occurred:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding.

(2) Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

<sup>3</sup> The mother contends domestic violence is no longer an issue because her paramour is incarcerated and she has a "new found understanding of the root of that codependence." Whether that understanding will translate into long-term behavioral change is yet unknown.

Neither the fact that the child is placed with a relative, nor the bond between mother and child precludes termination here. See *id.* § 232.116(3)(a), (c). We find that termination of the mother’s parental rights will provide the child needed and deserved stability, remove the risk of the mother further disrupting the child’s life, and satisfy the statutory best interest analysis. See Iowa Code § 232.116(2) (stating the court must give primary consideration to “the child’s safety, . . . the best placement for furthering the long-term nurturing and growth of the child, and . . . the physical, mental, and emotional condition and needs of the child”). We affirm without further opinion. See Iowa Ct. R. 21.26(1)(a), (b), (d), and (e) (May 3, 2013).

**AFFIRMED.**