

IN THE COURT OF APPEALS OF IOWA

No. 3-656 / 13-0782

Filed July 10, 2013

**IN THE INTEREST OF R.B.,
Minor Child,**

**H.B., Mother,
Appellant.**

Appeal from the Iowa District Court for Warren County, Kevin A. Parker,
District Associate Judge.

A mother appeals from the juvenile court's grant of the State's petition to
terminate her parental rights. **AFFIRMED.**

Dawn Bowman of Bowman Law Office, Pleasantville, for appellant mother.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney
General, John Criswell, County Attorney, and Tracie Sehnert, Assistant County
Attorney, for appellee State.

Jeremy Feitelson, West Des Moines, for appellee father.

Jeremy Evans of Sporer & Flanagan Law Firm, Des Moines, attorney and
guardian ad litem for minor child.

Considered by Vogel, P.J., and Vaitheswaran and Bower, JJ.

VOGEL, P.J.

A mother appeals the termination of her parental rights to her son, R.B., born March 2011. On June 24, 2011, R.B. was removed from his mother's home due to her substance abuse issues and an unsafe environment, specifically, the use of methamphetamine and marijuana in R.B.'s presence. R.B. was placed with his father. On July 13, 2011, R.B. was adjudicated a child in need of assistance, pursuant to Iowa Code section 232.2(6)(c)(2) and (n) (2011), given his mother's substance abuse problems. On August 17, 2011, the court found that, for R.B. to safely return to his mother, she must address her substance abuse issues, participate in a mental health evaluation, submit to urine analysis tests, and accept in-home services. The Iowa Department of Human Services (DHS) offered many services to the mother, including substance abuse evaluations and treatment, visitation, therapy, random urine analysis, Family Safety, Risk, and Permanency services, mental health services, Family Recovery Court, and treatment in the House of Mercy. The mother was diagnosed with depression and extreme anxiety, for which she continues to take prescription medication.

On June 28, 2012, a termination and permanency hearing was conducted. Given the progress the mother was making in her treatment, the court concluded termination was not in R.B.'s best interest at the time. On January 2, 2013, the court held a review hearing, where it was established the mother and father would participate in an arrangement where R.B. would live with each of them, but not stay more than four consecutive nights with either. However, on February 20, 2013, the DHS worker was alerted that an unidentified male was staying in

the mother's apartment where R.B. was currently residing. As such, accompanied by police, she made an unscheduled visit. Upon a search of the apartment, police found a box containing needles, marijuana, a marijuana pipe, and methamphetamine. Residue found on a spoon tested positive for methamphetamine. A sample of R.B.'s hair also tested positive for methamphetamine. While the mother contends these drugs belonged to the man staying in her home, she nonetheless pleaded guilty to possession of methamphetamine and marijuana, was given a deferred judgment, and was placed on probation. At the termination hearing, the mother continued to adamantly deny the drugs were hers and claimed she had been drug free for two years. R.B. was again placed in his father's care. His mother was allowed supervised visits, and out of six visits between the time she was released from jail and the termination hearing, she attended five and was late to four. Additionally, her attendance at the various treatment programs she was offered had been sporadic, and the social worker characterized her behavior as consistently dishonest and unwilling to take responsibility for her choices.

Given the mother's failure to address her various issues, the State again petitioned for termination of her parental rights on March 8, 2013, and the termination hearing was held April 23, 2013. By written order the juvenile court granted the petition on April 30, 2013, citing Iowa Code sections 232.116(1)(i) and (j) as grounds for termination—the neglect of R.B. and his mother's inability to address her substance abuse issues, respectively. The mother now appeals the decision, claiming the juvenile court erred by finding the State proved by clear and convincing evidence that termination was appropriate. By way of remedy,

she requests an additional six months in which she can address her mental health and substance abuse issues.

We review the juvenile court's decision to terminate parental rights de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). When the juvenile court terminates parental rights on more than one ground, we need only find grounds to terminate under one section cited by the court to affirm. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

We agree with the juvenile court's conclusion that termination is appropriate under Iowa Code section 232.116(1)(I). R.B.'s mother has failed to address her substance abuse problems, take responsibility for her actions, and otherwise place R.B.'s needs ahead of her own. She has made poor decisions revolving around her drug abuse that have placed R.B. in danger, specifically, allowing a known drug user in her home, after which R.B. tested positive for methamphetamine.

Furthermore, the record is clear that many services were offered to R.B.'s mother, such as drug and mental health counseling. However, she did not consistently avail herself of these services. Therefore, the State has satisfied the requirement that services be offered to the parent before termination may be ordered. *See In re N.H.*, 383 N.W.2d 570, 572 (Iowa 1986).

The mother also asserts termination should not have been ordered due to the close bond she has with R.B. *See* Iowa Code § 232.116(3). While the record does reflect that her visits with R.B. were generally positive, the mother testified R.B. does not know her as being his mother. As the juvenile court

noted, R.B. “cannot afford to wait any longer for his mother to heal.” As such, the juvenile court correctly granted the State’s termination petition.

AFFIRMED.