

**IN THE COURT OF APPEALS OF IOWA**

No. 3-990 / 13-1343  
Filed October 23, 2013

**IN THE INTEREST OF A.Z.,  
Minor Child,**

**V.L., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Polk County, Romonda D. Belcher,  
District Associate Judge.

The mother appeals the juvenile court's termination of her parental rights.

**AFFIRMED.**

Jared C. Harmon of Carr & Wright Law Firm, P.L.C., Des Moines, for  
appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John Sarcone, County Attorney, and Kevin Brownell, Assistant  
County Attorney, for appellee State.

Nicole Nolan of the Youth Law Center, Des Moines, attorney and guardian  
ad litem for minor child.

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

**VOGEL, P.J.**

The mother appeals the termination of her parental rights to her child, A.Z., claiming the State did not prove by clear and convincing evidence her rights should be terminated pursuant to Iowa Code sections 232.116(1)(d), (g), and (h) (2013). She further asserts termination was not in the child's best interest due to the bond between her and A.Z., and because she "has the baseline parenting skills necessary to care for the child." Because we find the State adequately proved grounds to terminate under Iowa Code section 232.116(1)(g), and termination is in A.Z.'s best interest, we affirm.

A.Z., born in November 2012, was removed from his parents' care eleven days after he was born. Both biological parents consented to removal due to the mother's unresolved substance abuse issues with methamphetamine and prescription drugs and the fact the father is a registered sex offender. A hearing was held on November 27, 2012, in which the court found placement in the home would be contrary to A.Z.'s best interest. A.Z. was adjudicated a child in need of assistance on January 10, 2013, pursuant to Iowa Code section 232.2(6)(c)(2) and (n). A.Z. remains in foster care, in the custody of the Department of Human Services.

During the pendency of this proceeding, the following services were offered to the mother: child protective services; individual therapy; parenting classes; substance abuse evaluations; drug screens; family team meetings; parent partner; bus passes; interstate compact; paternity testing; employment assistance; anger management classes; family safety, risk, and permanency

services; and family interaction and visitation. She was also required to follow recommendations by these providers and address her criminal issues.

The mother has significant mental health and substance abuse problems. The mother admitted, and medical records reflect, that she was using methamphetamine while pregnant with A.Z. She also purchased Percocet from the street while pregnant. On March 19, 2013, the day after the dispositional hearing, the mother tested positive for methamphetamine. She is not currently in compliance with any of the services offered by DHS, that is, she is not attending therapy or substance abuse treatment, she continues to test positive for methamphetamine as well as commit crimes, and she is homeless. At the hearing, she acknowledged she cannot take care of herself. She also has a significant history as a victim of domestic violence—she continued to remain with A.Z.'s father before he was incarcerated, despite reporting he abused her. Additionally, according to DHS reports, she has a history of being with many men who were physically abusive to her. The mother has also had her parental rights terminated to five older children, two in 2005, two in 2009, and one in 2010.

The mother's attendance at supervised visits was inconsistent. Between February and May 2013 she did not visit A.Z. at all. Her contact with A.Z. improved in the month of July.

The State filed a petition to terminate parental rights on May 31, 2013, due to the mother's unwillingness to engage in services and continued substance abuse and mental health issues. A hearing was held on August 2, 2013, in which the mother testified. The juvenile court issued a ruling terminating the parental

rights of both the father and the mother on August 12, 2013, pursuant to Iowa Code sections 232.116(1)(d), (g), and (h).

The mother now appeals, claiming the State did not prove by clear and convincing evidence her rights should be terminated under code sections 232.116(1)(d), (g), and (h). She further asserts termination was not in the child's best interest due to the bond between her and A.Z., and because she "has the baseline parenting skills necessary to care for the child."

We review termination proceedings de novo. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). The grounds for termination must be proved by clear and convincing evidence. *Id.* Our primary concern is the child's best interest. *Id.* When the juvenile court terminates parental rights on more than one statutory ground, we only need find grounds to terminate under one of the sections cited by the juvenile court to affirm. *Id.*

We agree with the juvenile court that the State proved by clear and convincing evidence the mother's parental rights should be terminated under Iowa Code section 232.116(1)(g).<sup>1</sup> The mother has previously had her rights terminated to five of her older children. She continues to remain homeless and

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<sup>1</sup> Iowa Code section 232.116(1)(g) allows for termination when the court finds:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(2) The court has terminated parental rights pursuant to section 232.117 with respect to another child who is a member of the same family or a court of competent jurisdiction in another state has entered an order involuntarily terminating parental rights with respect to another child who is a member of the same family.

(3) There is clear and convincing evidence that the parent continues to lack the ability or willingness to respond to services which would correct the situation.

(4) There is clear and convincing evidence that an additional period of rehabilitation would not correct the situation.

unemployed, as well as use methamphetamine and abuse prescription drugs. Moreover, she refuses to engage in the services offered by DHS so she may correct these issues. When we must determine the future actions of the parent, her past behavior is instructive. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). It is clear the mother continues to lack the ability or willingness to respond to services, and further services would not correct the situation. See Iowa Code § 232.116(1)(g)(1)–(4).

Furthermore, the mother has not shown there is a significant bond between her and A.Z. such that termination is not in the child's best interest. See Iowa Code § 232.116(3). A.Z. was removed from her care eleven days after he was born, and her attendance at visits was sporadic at best. As the juvenile court found:

There is no question the mother loves the child and does not want to feel like she is giving up on this child even though she lacks the capacity to seek the help she needs to address her substance abuse and mental health issues . . . . [T]he mother concedes that there are not appropriate family members [who can] care for the child given the family history. The mother loves the child enough to recognize the child's best interest is for him to remain in the current placement where all of his needs are met.

These findings are readily apparent in the record. Moreover, the mother has not demonstrated a willingness to engage in services to correct her substance abuse and mental health issues. “We have repeatedly followed the principle that the statutory time line must be followed and children should not be forced to wait for their parent to grow up.” *In re N.F.*, 579 N.W.2d 338, 341 (Iowa Ct. App. 1998); see also Iowa Code § 232.116(2). We agree with the juvenile

court termination is in A.Z.'s best interest, and we affirm the court's grant of the State's petition to terminate the mother's parental rights.

**AFFIRMED.**