

IN THE COURT OF APPEALS OF IOWA

No. 6-1050 / 06-1835
Filed January 18, 2007

**IN THE INTEREST OF M.P. AND Q.B.,
Minor children,**

**T.M.B., Mother,
Appellant.**

Appeal from the Iowa District Court for Black Hawk County, Daniel L. Block, Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights to two children. **AFFIRMED.**

James R. Wilson, Dysart, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steven J. Halbach, Assistant County Attorney, for appellee.

Kelly Smith, Waterloo, guardian ad litem for minor children.

Considered by Huitink, P.J., and Vogel and Baker, JJ.

BAKER, J.

Tina is the mother of Megan, who was born in 2003, and Quinten who was born in 2005. The family first came to the attention of the Iowa Department of Human Services (DHS) due to concerns about Tina's substance abuse, instability, and lack of supervision. Megan was adjudicated as a child in need of assistance (CINA) in May 2, 2005, pursuant to Iowa Code sections 232.2(6)(n) and (o) (2005), while Quinten was adjudicated on December 12, 2005, under sections 232.2(6)(c)(2) and (n). Megan was removed from her mother's custody on June 21, 2005, and Quinten was removed on February 9, 2006. On May 3, 2006, the State filed a petition seeking to terminate Tina's parental rights to Megan and Quinten. Following a trial, the court granted the State's request and terminated Tina's rights pursuant to sections 232.116(1)(e), (h) and (j).¹ Tina appeals from this order.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). Our primary concern in termination proceedings is the best interests of the children. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). While the district court terminated Tina's parental rights on more than one statutory ground, we will affirm if at least one ground has been proved by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995).

Tina's sole contention on appeal is that the juvenile court "erred in finding that placement of the children in [her home] either immediately or within an additional short period of time, would not be in the best interests of the children."

¹ The fathers of Megan and Quinten voluntarily consented to the termination of their parental rights. Consequently, we do not address them in this appeal.

In support of this, she claims she has a “strong bond” with the children and that she is ready, willing, and able to care for them. Upon our careful de novo review of the record, we disagree. Because of the children’s ages and need for permanency, coupled with Tina’s significant history of drug abuse and lack of any meaningful progress through services, we conclude termination of Tina’s parental rights is in the best interests of Megan and Quinten.

Like the juvenile court, we find most troubling Tina’s longstanding history of substance abuse. After having started using drugs at the age of fourteen, Tina’s use of cocaine and methamphetamine continued unabated even through the course of these juvenile court proceedings and up to the time of the termination hearing. She most recently tested positive for the use of amphetamines on August 10, 2006. This was a mere one month prior to the termination hearing. In addition, on September 14, 2006, the State filed a trial information charging Tina with possession of cocaine and methamphetamine.

While the juvenile court’s position was clear that Tina had to address her substance abuse situation in order to achieve reunification, she was largely resistant toward services. In November of 2005 she was discharged from treatment due to noncompliance, and she has undertaken no further treatment since that time. Tina also failed to follow through with outpatient mental health counseling and to take prescribed medications. Finally, she has regularly missed visitations with her children and never progressed beyond fully supervised visits.

Accordingly, because Tina’s use of services was minimal and because she failed to act in the best interests of her children, we concur in the juvenile

court's judgment that her parental rights to Megan and Quinten should be terminated. We therefore affirm.

AFFIRMED.