

IN THE COURT OF APPEALS OF IOWA

No. 6-258 / 06-0254
Filed April 26, 2006

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

**L.P., Mother,
Appellant.**

Appeal from the Iowa District Court for Polk County, Karla Fultz, Associate Juvenile Judge.

A mother appeals the juvenile court order terminating her parental rights to her minor child. **AFFIRMED.**

Bryan J. Tingle of Kragnes, Tingle & Koenig, P.C., Des Moines, for appellant.

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

Kristin Parks, Des Moines, guardian ad litem for minor child.

Considered en banc.

PER CURIAM***I. Background Fact & Proceedings***

Lacey and Michael are the parents of Allysha, born in April 1996.¹ Allysha was initially removed from Lacey's care in July 2001 due to the mother's severe alcoholism, which rendered her unable to care for the child. Allysha was adjudicated to be a child in need of assistance (CINA). She was later returned to her mother's care at the House of Mercy. Allysha was removed again in September 2002, when Lacey decided to leave that program to live with her boyfriend, Tony. Eventually, Lacey completed a treatment program, and Allysha was returned to her care in August 2003. The juvenile court case was closed in February 2004.

Allysha was removed for a third time in September 2004, after Lacey physically attacked Allysha and the maternal grandmother. Lacey had been abusing alcohol and illegal drugs. Allysha was placed in the same foster home where she had previously resided during the earlier juvenile court proceedings.

Allysha was adjudicated CINA pursuant to Iowa Code sections 232.2(6)(c)(2) (2003) (child is likely to suffer harm due to parent's failure to supervise) and (n) (parent's alcohol abuse results in child not receiving adequate care). Lacey began outpatient treatment for substance abuse and made progress with her sobriety.

Lacey's relationship with Tony was violent, and Allysha had expressed fear of him. Due to an incident of violence that Allysha observed when Tony

¹ Michael is Allysha's putative father. He has not been involved in Allysha's life and is not a party to this appeal.

dropped Lacey off for visitation, the juvenile court ordered that Tony was to have no contact with Allysha. During Lacey's first unsupervised visit, she allowed Tony to be present, despite the no-contact order. Visits were then changed back to supervised.

Lacey was inconsistent in participation with services. She was resistive to change and was unwilling to make appropriate changes in her parenting of Allysha. Lacey lacked parenting skills and was unable to effectively discipline Allysha. She did not have stable housing and was dishonest with service providers. Lacey was reluctant to take recommended medication for depression.

In September 2005 the State filed a petition seeking to terminate Lacey's parental rights. The juvenile court terminated Lacey's parental rights under sections 232.116(1)(d) (2005) (child CINA for neglect, circumstances continue despite the receipt of services) and (f) (child four or older, CINA, removed at least twelve months, child cannot be safely returned home). The juvenile court found Lacey had failed to comply in a timely manner with the services offered to her. The court stated, "Despite the reasonable efforts and the provision of many services, [Lacey] has not shown the insight that would allow her to safely and independently parent her child." Lacey appeals the termination of her parental rights.

II. Standard of Review

The scope of review in termination cases is de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be proven by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000).

Our primary concern is the best interests of the child. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

III. Sufficiency of the Evidence

Lacey contends the termination of her parental rights is not supported by clear and convincing evidence. We determine there is sufficient evidence in the record to show that Allysha cannot be returned to Lacey's care at the present time. Lacey continued in her violent relationship with Tony and did not recognize that this relationship was detrimental to Allysha. Lacey was unable to maintain a stable residence. Furthermore, despite the receipt of services, Lacey had not improved her parenting skills. She continued to have more of a peer relationship with Allysha than a parent-child relationship. We conclude Lacey's parental rights were properly terminated under section 232.116(1)(d), because the circumstances which led to the original adjudication continued despite the receipt of services. Because we have affirmed on this ground, we need not address the other grounds cited by the juvenile court. *See In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

IV. Best Interests

Lacey asserts that termination of her parental rights is not in Allysha's best interests. She claims the case should have been continued for six months to allow her more time to address her problems. We note, however, that Allysha was first removed in July 2001, and Lacey has had ample time to address her problems. It would not be in Allysha's best interests to continue this case any longer. *See In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997) (finding delays in

permanency is not in a child's best interest). We conclude termination of Lacey's parental rights is in Allysha's best interests.

We affirm the decision of the juvenile court.

AFFIRMED.