

**IN THE COURT OF APPEALS OF IOWA**

No. 6-360 / 06-0466  
Filed May 10, 2006

**IN THE INTEREST OF T.J., B.J., and M.J.,  
Minor Children,**

**D.E.M.B., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Wapello County, William S. Owens,  
Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights.

**AFFIRMED.**

Victoria R. Siegel of Siegel Law Office, Ottumwa, for appellant mother.

John Silko, Bloomfield, for father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Mark Tremmel, County Attorney, and Jason A. Helm, Assistant  
County Attorney, for appellee State.

Samuel Erhardt of Erhardt & Erhardt, Ottumwa, for minor children.

Considered by Sackett, C.J., and Huitink and Miller, JJ.

**HUITINK, J.**

A mother appeals from the termination of her parental rights to her children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. Our review of her claims is de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

Dalena is the mother of Travis, born in March 1999; Brent, born in September 2000; and Myrissa, born in September 2004. The juvenile court terminated Dalena's parental rights pursuant to Iowa Code sections 232.116(1)(g) (all three children) and (h) (Myrissa) (2005). When the juvenile court terminates parental rights on more than one statutory ground, we need only find termination proper under one ground to affirm. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Termination under section 232.116(1)(g) is appropriate where:

- (1) The child has been adjudicated a child in need of assistance.
- (2) The court has terminated 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 an additional period of rehabilitation would not correct the situation.

It is undisputed that the first two elements of this section have been met. The children were adjudicated children in need of assistance in September 2003 (Travis and Brent) and February 2005 (Myrissa). Dalena's parental rights to another daughter were terminated in 1998.

Clear and convincing evidence shows termination under this section was appropriate. The children have remained in foster care since their removal from the home in December 2004, after testing positive for exposure to

methamphetamine. At the time of the removal, the children's father, Francis, was living in the home, despite previous juvenile court orders prohibiting him from doing so,<sup>1</sup> and assurances by Dalena to the Iowa Department of Human Services (DHS) that he was not.

Dalena's parental rights to another child were terminated in 1998 for many of the same reasons causing concerns in this case. Despite her participation in services at the time of the previous termination, and an additional two years of participation in services in conjunction with the present case, it is clear from the record Dalena has not made the changes necessary to allow the children to return safely to her custody. She has not been able to progress beyond fully supervised visits with the children, primarily because providers do not believe she can keep the children safe. DHS workers expressed ongoing concerns with Dalena's honesty, particularly concerning her contact with Francis. Despite repeated warnings from DHS, she has continued to allow different people to live with her, including Francis's adult children. In addition, Dalena was named the perpetrator in a confirmed report of sexual abuse of Travis. As a result, DHS recommended she participate in sexual offender therapy.

The children have adjusted well and developed a strong attachment to their current foster family. The two older children have indicated they no longer wish to have visits with their mother.

Under the facts of this case, termination is appropriate. We affirm the termination of Dalena's parental rights to her children.

**AFFIRMED.**

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<sup>1</sup> Francis has a history of domestic abuse against Dalena and a history of drug abuse.