

IN THE COURT OF APPEALS OF IOWA

No. 6-404 / 06-0593
Filed June 14, 2006

**IN THE INTEREST OF
P.J., D.S. and T.W.,
Minor Children,**

L.J., Mother,
Appellant.

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

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

Cathleen Siebrecht of Siebrecht & Siebrecht Law Firm, Des Moines, for
appellant.

Edward Bull of Bull Law Office, P.C., Des Moines, for appellee-father.

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

Kimberly Ayotte of Youth Law Center, Des Moines, for minor child.

Considered by Mahan, P.J., and Hecht and Eisenhauer, JJ.

HECHT, J.

Lunetha is the mother of Toneice, who was born in 1997, Pegi, who was born in 2001, and Diamond, who was born in 2002. The three children came to the attention of the Iowa Department of Human Services (DHS) in 2004, when Lunetha left them alone with their eleven-year old, special needs sister in a home that had no food and had no screens on the windows. Pegi and Diamond were removed on September 7, 2004, while Toneice was removed with Lunetha's consent on November 2, 2004, after Lunetha was incarcerated on drug charges. The children were later adjudicated to be in need of assistance pursuant to Iowa Code sections 232.2(6)(b), (c), and (n) (2003).

At a subsequent review hearing, Lunetha was ordered to complete substance abuse treatment, provide random drug screens, and cooperate with in-home services. However, after DHS representatives concluded Lunetha made inadequate progress, the State filed a petition seeking to terminate her parental rights on October 28, 2005. Following the hearing on that petition, the juvenile court terminated Lunetha's parental rights under sections 232.116(1)(d) (2005) (Diamond, Pegi, and Toneice), 232.116(1)(f) (Pegi and Toneice), and 232.116(1)(h) (Diamond). Lunetha appeals from this order, contending essentially that termination is not in the best interests of the children and that clear and convincing evidence does not support the termination under the provisions cited by the juvenile court.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). While the district court terminated the 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). Our primary concern in termination proceedings is the best interest of the children. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981).

Upon our careful de novo review of the record, we conclude the court properly terminated Lunetha's parental rights to Pegi and Toneice under section 232.116(1)(f) and her rights to Diamond under section 232.116(1)(h). Both of these provisions require the State to prove by clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102. The record here is abundantly clear that Lunetha has a substantial and largely unaddressed drug problem, has not made progress in or taken seriously the services she was provided, and lacks an adequate understanding of the responsibilities required to care for these three children.

We believe Lunetha's history of drug abuse clearly precludes the children's return to her care. From the inception of this case through November of 2005, she repeatedly tested positive for the use of marijuana. She then ceased providing urine samples until January of 2006, when she twice tested positive for cocaine use, and an in-home worker found marijuana in Lunetha's home. Despite this wealth of evidence indicating prolonged and extensive use, Lunetha denied using illegal drugs. Moreover, her compliance with requests to take drug treatment was sporadic at best.

The record further proves Lunetha's poor attendance and effort at service appointments and therapy. Her dishonesty with service providers regarding her drug use and an individual to whom she had exposed the children is particularly troubling. We are similarly troubled by evidence clearly establishing that Lunetha

has great difficulty parenting the children as a group, but lacks awareness of her substantial parenting-skills deficits.¹ Visits between Lunetha and the children have not moved to semi-supervised or unsupervised due to the presence in the home of men about whom Lunetha refuses to provide information, unsafe conditions in the home, and Lunetha's continued dishonesty in her communications with providers. Lunetha is in no position to resume the care of these children.

For similar reasons, we conclude termination of Lunetha's parental rights is in the best interests of all three children despite any bond that may exist between them and despite the fact that Toneice is not currently in a pre-adoptive placement. Given Lunetha's disappointing and troubling history and her persistent denial of her parenting deficits, it would be imprudent for us to believe that the children would not be harmed if they were to be returned to her care. Accordingly, we affirm the termination of Lunetha's parental rights to Toneice, Pegi, and Diamond.

AFFIRMED.

¹ We note Lunetha's failure to adequately parent her older children led to their removal from her care as well.