

IN THE COURT OF APPEALS OF IOWA

No. 6-591 / 06-0937
Filed July 26, 2006

**IN THE INTEREST OF J.G.,
Minor child,**

E.G., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen,
Associate Juvenile Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Christine A. Bisignano, West Des Moines, for appellant mother.

Nancy Pietz, Des Moines, for appellee father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Andrea Vitzthum,
Assistant County Attorney, for appellee State.

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

Considered by Sackett, C.J., and Vaitheswaran and Eisenhauer, JJ.

VAITHESWARAN, J.

Elsie is the mother of Jesus, born in 1997. She appeals the termination of her parental rights to the child, arguing that (1) the record lacks clear and convincing evidence to support the grounds for termination cited by the juvenile court and (2) termination is not in the child's best interests.

I. The juvenile court terminated Elsie's parental rights on several grounds. Reviewing the record de novo, we find clear and convincing evidence to support termination under Iowa Code section 232.116(1)(f) (2005) (requiring proof of several elements including proof that the child cannot be returned to the parent's custody).

Elsie admitted to a severe substance-abuse problem. She began using alcohol when she was nine or ten years old, marijuana when she was ten, and methamphetamine when she was twenty. Although she underwent inpatient substance abuse treatment in 1995 and remained sober for eight years after that, she relapsed in 2003. At that time, she began using methamphetamine intravenously up to three times a day and marijuana on a "[d]aily basis."

She continued abusing substances after Jesus was removed from her care, despite the availability of services to address her addictions. At the termination hearing, she admitted using methamphetamine just three weeks prior to the hearing, alcohol "[a] couple weeks ago," and marijuana a week before the hearing. She also conceded that she only enrolled in substance abuse treatment a few days before the hearing. Finally, Elsie acknowledged that Jesus could not be returned to her care for "[t]hree months."

We agree with the district court that the State proved the elements for termination under Iowa Code section 232.116(1)(f). We find it unnecessary to address the remaining grounds for termination. See *In re S. R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (stating we may affirm if any one of the grounds cited by the district court is supported by clear and convincing evidence).

II. The ultimate consideration is the best interests of the child. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). Elsie contends that the juvenile court should have deferred termination, given the potential for his placement with a relative and given the bond she shared with him. Iowa Code § 232.116(3).

The record supports Elsie's contention that there was a potential relative placement for Jesus in the Chicago area. However, Jesus's therapist testified that he had already been placed with three foster families, was "extremely connected" with his most recent foster family, and another placement "would be detrimental to him." In light of this evidence, we are not convinced that the potential for a relative placement was grounds for deferring termination.

As for Elsie's contention that she shared a bond with her son, there is no question she did. There is also no question that, although Jesus had not seen his mother for approximately eleven months preceding the termination hearing, he was attached to her.

Despite this mutual attachment, the bond was severed primarily because of Elsie's failure to address her addictions. Elsie recognized this. When asked if she harmed her son by failing to cooperate with services, she answered, "Yes." Jesus also recognized this. His therapist testified, "I think, overall, he really wants to be with his mother, but he also understands that she hasn't been

following up with any of the DHS guidelines and not making any attempts to get better at this point.”

Based on this record, we agree with the juvenile court that immediate termination was in the child’s best interests.

AFFIRMED.

Eisenhauer, J., concurs; Sackett, C.J. concurs specially.

SACKETT, C.J. (concurring specially)

I concur and in doing so note that Jesus's foster parents intend to adopt him. I would trust immediate efforts will be made to finalize the adoption and give him permanency.