

**IN THE COURT OF APPEALS OF IOWA**

No. 6-645 / 06-1022  
Filed August 23, 2006

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

**D.H., Mother,**  
Appellant.

---

Appeal from the Iowa District Court for Linn County, William L. Thomas,  
Judge.

A mother appeals a juvenile court order terminating her parental rights.

**AFFIRMED.**

Mary McGee Light, Assistant Public Defender, Cedar Rapids, for  
appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Harold L. Denton, County Attorney, and Troy Powell, Assistant  
County Attorney, for appellee State.

Dawn R. Wilson, Cedar Rapids, for father.

Lorraine Machacek, Cedar Rapids, guardian ad litem for minor child.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

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

Diana and Mark are the parents of Crissy, who was born in January 1999.<sup>1</sup> Diana has a history of drug abuse and mental health problems. Crissy was removed from Diana's care in April 2004 after Diana was arrested for frequenting a disorderly house where drugs were used.<sup>2</sup> Diana had not been providing sufficient care and supervision for Crissy due to her use of illegal drugs. A hair test showed Crissy had been exposed to cocaine.

Crissy was adjudicated to be a child in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b) (2003) (parent is imminently likely to neglect child), (c)(2) (child is likely to suffer harm due to parent's failure to supervise), and (n) (parent's drug abuse results in child not receiving adequate care). Diana was ordered to obtain psychological and substance abuse evaluations, and to provide drug tests.

Diana made progress with services. She completed a substance abuse treatment program and attended counseling for domestic abuse. Diana participated in a psychological evaluation and was diagnosed with anxiety and personality disorders. In September 2004, the foster parent was no longer able to care for Crissy, and the child was returned to Diana's care for a trial home placement.

Crissy was again removed from Diana's care in January 2005 after Diana had positive drug tests. Diane completed a substance abuse treatment program

---

<sup>1</sup> Mark did not contest the termination of his parental rights and he has not appealed.

<sup>2</sup> In September 2004, Diana was placed on probation for two years as a result of this incident.

in July 2005, but had another relapse in September 2005. Her visits were then suspended, and were never reinstated. Diana violated her probation by forging a check. She spent two months in jail, then in January 2006 she was ordered to reside at a residential correctional facility.

In March 2006, the State filed a petition seeking termination of Diana's parental rights. At the time of the termination hearing in May 2006, Diana was scheduled to be moved to a transitional facility in a few weeks. She hoped to be in a position to have Crissy returned to her care by September 2006. Karen Goodwin, a social worker, testified Diana and Crissy had a negative bond. She stated that while Crissy loved her mother, so many negative things had happened in the past that the relationship was traumatic for her.

The juvenile court terminated Diana's parental rights under sections 232.116(1)(f) (2005) (child four or older, CINA, removed for at least twelve months, and cannot be returned home) and (l) (child CINA, parent has substance abuse problem, child cannot be returned within a reasonable time). The court stated:

I conclude that the clear and convincing evidence establishes that Crissy cannot be returned to either parent's custody as provided in Section 232.102 and further that there is clear and convincing evidence that Diana's prognosis indicates that Crissy will not be able to be returned to her within a reasonable period of time considering Crissy's age and Crissy's need for a permanent home.

Diana 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 interest of the child. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

## **III. Sufficiency of the Evidence**

Diana contends the State did not present sufficient evidence to show that her parental rights should be terminated. She states that she has been sober for the past six months, has improved her parenting skills, has received therapy for her mental health problems, and could provide a home for her child within the next few months.

On our de novo review, we find clear and convincing evidence in the record to support termination of Diana's parental rights under section 232.116(1)(f). There is clear and convincing evidence in the record to show Crissy could not be safely returned to Diana's care at the time of the termination hearing. Diana was in a residential correctional facility and could not have a child in her care. Furthermore, Diana has been unable to maintain sobriety for an extended period of time outside the correctional system. Because we affirm the termination under section 232.116(1)(f), we need not address Diana's arguments regarding section 232.116(1)(l). See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (noting that when parental rights are terminated on more than one ground, we may affirm based on only one ground).

#### **IV. Additional Time**

Diana asserts that the juvenile court should have given her an additional six months to pursue reunification with Crissy. The juvenile court noted that Cleo Hester, a social worker, testified it would not be in Crissy's best interests to grant Diana additional time. Crissy had been out of her mother's care for twenty-two of the past twenty-five months. We agree that it would not be in Crissy's best interests to further extend this case. Crissy was first removed from Diana's care in April 2004. Diana has had ample time to address her problems. We conclude the juvenile court properly denied Diana's request for additional time.

#### **V. Best Interests**

Diana claims termination of her parental rights is not in Crissy's best interests. In her petition, Diana states, "Even though the bond between the child and mother may be negative, the bond does exist. It is in the best interest of the child to continue the relationship with her mother because of the bond . . . ." Diana cites to section 232.116(3)(c), which provides that the juvenile court need not terminate parental rights if it finds termination would be detrimental to the child due to the closeness of the parent-child relationship.

We first note that Diana did not raise an argument based on section 232.116(3)(c) before the juvenile court, and therefore error has not been preserved. See *In re T.J.O.*, 527 N.W.2d 417, 420 (Iowa Ct. App. 1994) (stating an issue not presented in the juvenile court may not be raised for the first time on appeal). Even if the issue had been raised, however, we would find termination of Diana's parental rights is in Crissy's best interests. As Diana admitted, and as

the evidence shows, she had a negative bond with her child. Crissy's relationship with her mother has been traumatic to her.

We affirm the decision of the juvenile court.

**AFFIRMED.**