

**IN THE COURT OF APPEALS OF IOWA**

No. 6-646 / 06-1026  
Filed September 7, 2006

**IN THE INTEREST OF J.D.,  
Minor Child,**

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

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Appeal from the Iowa District Court for Polk County, Joe E. Smith, District  
Associate Judge.

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

**AFFIRMED.**

Nancy L. Pietz of Pietz Law Office, Des Moines, for appellant.

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

Nicole Garbis Nolan of the Youth Law Center, Des Moines, guardian ad  
litem for minor child.

Considered by Huitink, P.J., and Mahan and Vaitheswaran, JJ.

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

Donita and Patrick are the parents of Jadon, who was born in January 2003.<sup>1</sup> Donita has a history of substance abuse. In November 2004 Donita was on probation for drug-related offenses, and had recently completed in-patient treatment, when she had a positive drug test. Jadon was removed from her care and placed with the maternal grandmother.

Jadon was adjudicated to be a child in need of assistance (CINA) under 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). In February 2005 Jadon was returned to Donita's care as long as she resided at the House of Mercy, a treatment center for women with children.

In May 2005 Donita had a positive drug test. Her probation was revoked, and she was sent to the violator's program. Jadon was left without a caretaker, and she was placed in foster care. After Donita was released from prison, she entered a half-way house, where she remained until January 2006. Donita had a positive drug test in March 2006, did not show up for her next test, and then submitted a diluted sample after that.

In April 2006 the guardian ad litem filed a petition seeking termination of Donita's parental rights. The juvenile court terminated Donita's parental rights under sections 232.116(1)(d) (2005) (child CINA for neglect, circumstances

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<sup>1</sup> Patrick did not participate in services during CINA proceedings and did not appeal the termination of his parental rights.

continue despite the receipt of services) and (h) (child is three or younger, CINA, removed for at least six months, and cannot be returned home).<sup>2</sup> The juvenile court stated, “The bottom line is that Donita has not dealt with her addiction sufficiently to safely parent Jadon. That is what would be required in order to return Jadon to her custody.” Donita 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 C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

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

Donita asserts that there was not sufficient evidence in the record to show that her parental rights should be terminated. We find Donita’s parental rights were properly terminated under section 232.116(1)(d). Jadon was adjudicated CINA based on neglect. The circumstances which led to her adjudication continued despite Donita’s receipt of services. The juvenile court noted, “In spite of the multitude of services offered and utilized, as recently as two months before the termination hearing, Donita was consuming mood altering substances.” Although she participated in services, Donita continued to have problems with substance abuse.

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<sup>2</sup> The petition requests termination under section 232.116(1)(h) and lists the elements in that section. The termination order refers to section 232.116(1)(g), but discusses the elements of section 232.116(1)(h).

Because we have terminated based on section 232.116(1)(d), we do not need to address the other grounds cited by the juvenile court for termination of Donita's parental rights. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

**IV. Best Interests**

Donita claims termination of her parental rights was not in Jadon's best interests. In our de novo review, we find termination was in the child's best interests. We note the oft-quoted statement, "Patience with parents can soon translate into intolerable hardship for their children." See *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). Jadon has been waiting since November 2004 for her mother to maintain sobriety and to be in a position to parent her child. Donita has been unable to make the necessary changes in her life on a consistent basis.

**V. Reasonable Efforts**

To the extent the issue of reasonable efforts may have been raised in the petition on appeal, we determine the State made reasonable efforts to reunite Donita and Jadon. See *In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa Ct. App. 1997) (noting the State has the obligation to make reasonable efforts).

We affirm the decision of the juvenile court.

**AFFIRMED.**