

**IN THE COURT OF APPEALS OF IOWA**

No. 6-706 / 06-1171  
Filed September 7, 2006

**IN THE INTEREST OF A.G.R. and R.N.R.,  
Minor Children,**

**L.R., Mother,**  
Appellant.

---

Appeal from the Iowa District Court for Pottawattamie County, Kathleen Kilnoski, District Associate Judge.

L.R. appeals the termination of her parental rights. **AFFIRMED.**

William McGinn, Council Bluffs, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Matthew Wilber, County Attorney, and Dawn Eimers, Assistant County Attorney, for appellee-State.

Scott Strait, Council Bluffs, for minor children.

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

**HUITINK, P.J.**

L.R. appeals the termination of her parental rights pursuant to Iowa Code sections 232.116(1)(e), 232.116(1)(f) and 232.116(1)(l) (2005). We affirm.

***I. Background Facts & Proceedings.***

L.R. is the mother of A.G.R., born May 2002, and R.N.R., born November 1999. In January 2005 Council Bluffs police learned that L.R. was using and selling illegal drugs, specifically methamphetamines, in her apartment while her children were present. A subsequent search of L.R.'s apartment yielded multiple items of drug paraphernalia. As a result, the court issued an ex parte order for temporary removal of the children.

When police arrived to execute the ex parte removal order, L.R. denied the children were in her home. She also failed to disclose where the children were. As a result, the children were not taken into protective custody until March 2005. The children were placed with relatives.

In March 2005 the children were adjudicated children in need of assistance pursuant to Iowa Code sections 232.2(6)(c)(2) (child is likely to suffer harm due to parent's failure to exercise care in supervising child) and 232.2(6)(n) (parent's mental capacity (or condition, or drug or alcohol abuse) results in child not receiving adequate care). Pending a dispositional hearing, L.R. was granted supervised visitation and required to submit to urinalysis screening, obtain a substance abuse evaluation, and maintain employment and housing.

The resulting dispositional order provided for a number of services and treatment requirements for L.R. L.R. was required to undergo outpatient drug treatment, complete parenting classes, and participate in supervised visitation

with the children. At that time, L.R. was seeking stable employment and also agreed to undergo a gambling addiction assessment as recommended by the Iowa Department of Human Services. The court also indicated that L.R. must demonstrate sustained sobriety and a stable home before her children could be returned to her care.

The record made at a March 2006 review hearing indicated that L.R. had failed to complete substance abuse treatment. The record also indicated that she was inconsistent in attending parenting classes and had not completed the gambling addiction assessment. She further failed to complete the required drug testing, and she had not obtained a stable residence or employment. As a result, the trial court determined that the permanency goal should be changed from reunification to termination of parental rights and adoption.

In April 2006 the State filed a petition to terminate L.R.'s parental rights pursuant to Iowa Code sections 232.116(1)(e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), 232.116(1)(f) (child four or older, child CINA, removed from home for twelve of last eighteen months, and child cannot be returned home), 232.116(1)(h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home), and 232.116(1)(l) (child CINA, parent has substance abuse problem, child cannot be returned within a reasonable time).

The court terminated L.R.'s parental rights under Iowa Code sections 232.116(1)(e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), 232.116(1)(f) (child

four or older, child CINA, removed from home for twelve of last eighteen months, and child cannot be returned home), and section 232.116(1)(f) (child CINA, parent has substance abuse problem, child cannot be returned within a reasonable time).

On appeal, L.R. argues the following:

- I. The court erred in terminating L.R.'s parental rights as she could have been given additional time to work at reunification.

## ***II. Standard of Review.***

The scope of review 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 children. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

## ***III. Merits.***

The State claims that L.R. has failed to preserve her challenge to the sufficiency of the evidence supporting termination of her parental rights on any of the grounds cited by the trial court. For purposes of this appeal, we assume without deciding L.R. has preserved her sufficiency of the evidence claims for our review.

When the trial court terminates parental rights on multiple grounds, we need only find clear and convincing evidence to terminate on one of the grounds to affirm the trial court. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Iowa Code section 232.116(1)(f) provides for termination of parental rights if there is clear and convincing evidence that a child has been adjudicated to be a

child in need of assistance pursuant to section 232.96 and custody has been transferred from the parents for placement pursuant to section 232.102, the parent has a severe, chronic substance abuse problem and presents a danger to self or others as evidenced by prior acts and that there is clear and convincing evidence that the parent's prognosis indicates that the children will not be able to be returned to the custody of the parent within a reasonable period of time considering the children's ages and needs for a permanent home. There is no dispute concerning the requisite adjudication and duration of the children's out-of-home placement. The remaining issues are the implications of L.R.'s unresolved substance abuse and whether the children can be returned home within a reasonable period of time.

We have long recognized that parents with chronic and unresolved substance abuse problems clearly present a danger to their children. See, e.g., *State v. Petithory*, 702 N.W.2d 854, 858-59 (Iowa 2005) (citing *In re J.K.*, 495 N.W.2d 108, 113 (Iowa 1993)). When the issue is parental drug addiction, we consider the treatment history of the parent to determine the likelihood that the parent will be in a position to parent in the foreseeable future. *In re N.F.*, 579 N.W.2d 338, 341 (Iowa Ct. App. 1998). Children should not be forced to wait for their parents to be able to care for them. *Id.*

L.R. has a substantial history of substance abuse, including methamphetamines. Despite the availability of multiple treatment opportunities, L.R.'s substance abuse issues remain unresolved, and her prognosis for recovery is fairly described as poor. Moreover, L.R. has failed to avail herself of services and visitation opportunities intended to facilitate reunification with her

children. We, like the trial court, conclude the children cannot be safely returned to L.R.'s care within a reasonable period of time. We affirm on this issue.

#### ***IV. Best Interests.***

The court can deny the State's requested termination of parental rights if circumstances indicate termination is not in the children's best interests. *In re A.L.*, 492 N.W.2d 198, 202 (Iowa Ct. App. 1992). A close relationship between parent and child is an example of a circumstance warranting such restraint. Iowa Code § 232.116(3)(c). However, this circumstance is only one of many factors considered and is not controlling. *In re N.F.*, 579 N.W.2d at 341. We are primarily concerned with the best interests of the children. Iowa R. App. P. 6.14(6)(o); *In re R.K.R.*, 572 N.W.2d 600, 601 (Iowa 1998). In determining the best interests of the children, we look to the children's long-range and immediate interests. *In re J.J.S., Jr.*, 628 N.W.2d 25, 28 (Iowa Ct. App. 2001). "Insight for the determination of a child's long-range best interests can be gleaned from 'evidence of the parent's past performance for that performance may be indicative of the quality of the future care that parent is capable of providing.'" *In re C.B.*, 611 N.W.2d 489, 495 (Iowa 2000) (quoting *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981)).

The record indicates that it is in the children's best interests for L.R.'s parental rights to be terminated. L.R. has not maintained a significant bond or meaningful contact with her children. She has attended less than half of the supervised visitation, and she showed limited interest in the children during supervised visitation. The children are doing well in their current placement with

relatives who intend to adopt them. We affirm the trial court's decision terminating L.R.'s parental rights concerning A.G.R. and R.N.R.

**AFFIRMED.**