

IN THE COURT OF APPEALS OF IOWA

No. 6-730 / 06-1224
Filed September 21, 2006

**IN THE INTEREST OF B.B.,
Minor child,**

R.B., Mother,
Appellant.

Appeal from the Iowa District Court for Warren County, Kevin Parker,
District Associate Judge.

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

William A. Eddy of Eddy Law Firm, Indianola, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Gary Kendell, County Attorney, and Alyssa Kenville, Assistant
County Attorney for appellee.

Thomas P. Graves of Jackowski & Graves, guardian ad litem, Clive, for
minor child.

Considered by Sackett, C.J., and Vaitheswaran, J., and Robinson, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2005).

VAITHESWARAN, J.

Rhonda appeals the termination of her parental rights to Baily, born in 2002. She contends the record lacks clear and convincing evidence to support termination under the grounds cited by the district court. See Iowa Code § 232.116(1)(f) (requiring proof of several elements including proof that child cannot be returned to the parent's custody), (l) (requiring proof of several elements including proof that parent has a severe and chronic substance abuse problem and presents a danger to self or others) (2005). On our de novo review, we disagree.

Twenty-five-year-old Rhonda began using marijuana when she was fourteen and methamphetamine when she was sixteen. She informed a substance abuse evaluator that she stopped using both substances in late 2004. However, at a termination hearing, she admitted that her "drug problem" led to Baily's removal from her care in January 2005. Rhonda also admitted that she continued to use both illegal substances throughout 2005 and into March of 2006.

By this time, Baily had been out of Rhonda's care for more than a year. Faced with losing her child, Rhonda entered an in-patient drug treatment program. She initially complied with programming requirements, and staff recommended she reunify with Baily "within this facility."

At a termination hearing in May 2006, Rhonda testified she was continuing her participation in the recovery program and was "ready to be [Baily's] parent." At a second hearing a month later, a social worker with the Department of Human Services testified Rhonda had just been discharged from the program for

attempting to get high on dust remover and for “threatening to harm herself.”

Meanwhile, Baily was doing well with her paternal grandmother. Although Baily and Rhonda shared a close bond and had extensive visitation, Rhonda’s relapse and attempt to harm herself eliminated the possibility of immediate reunification.

For these reasons, we affirm the district court’s termination of Rhonda’s parental rights to Baily.

AFFIRMED.