

IN THE COURT OF APPEALS OF IOWA

No. 6-794 / 06-1305
Filed October 11, 2006

IN THE INTEREST OF K.B. and J.B., Minor Children

M.B., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Karla J. Fultz,
Associate Juvenile Judge.

A mother appeals from the juvenile court order terminating her parental
rights to two children. **AFFIRMED.**

Stephie N. Tran, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Annette Taylor,
Assistant County Attorney, for appellee.

Andrea Flanagan of Sporer & Ilic, P.C., Des Moines, for appellee-father.

Jason Hauser, Des Moines, guardian ad litem for minor children.

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).

SACKETT, C.J.

Misty, the mother of Jamie, born in the fall of 2001, and Khia, born in early 2004, has filed a petition on appeal challenging a decision of the juvenile court terminating her parental rights to the two children. The children's father is not a party to the proceeding. No notice of the hearing was served on him. Misty contends (1) the juvenile court erred in terminating her parental right under Iowa Code sections 232.116(1)(b), 232.116(1)(d), 232.116(1)(f), 232.116(1)(h), 232.116(1)(l), and 232.116(2), and (2) terminating her parental rights is against the children's best interests. We affirm.

SCOPE OF REVIEW

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). While the district court terminated the parental rights on more than one statutory ground, we will affirm if at least one ground has been proved by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995).

BACKGROUND FACTS AND PROCEEDINGS

The children were removed from Misty's care in May of 2005, based on a founded report that she had denied critical care and failed to provide adequate supervision. Misty left the children with members of her extended family and did not return as promised. Khia has special needs. At the time Misty left Khia she had a feeding tube, and Misty failed to provide the relative with contact information for medical care. The relative was not able to consent to medical treatment when it became evident the child needed hospitalization, as she was failing to thrive.

Misty consented to the children's removal from her care, and they continued in the care of a relative. In July of 2005, the children were found to be children in need of assistance (CINA). At that time Misty had not utilized services necessary for the children's return to her care.

A dispositional hearing was held in August of 2005, and Misty still had not utilized the necessary services. She had not completed a substance abuse evaluation and was not providing requested screens. She had exercised fewer than three visits with the children since they were removed from her care. At a review hearing in November of 2005, Misty still was not accessing services or visiting with the children on a consistent basis.

It was not until about the time the petition for termination of parental rights was filed in May of 2006 that Misty began therapy and utilized the education program at the House of Mercy.

We first address Misty's challenge to the grounds found for termination. The State contends that section 232.116(1)(f) was pled with respect to Jamie and 232.116(1)(h) was pled with respect to Khia, and the juvenile court properly terminated on both grounds. The State points out that no further arguments were made with regard to these sections and at the termination hearing Misty admitted the children could not be returned to her at that time. She asked instead for an additional six months. We affirm the juvenile court's termination on these grounds.

The State further points out Misty did not argue that her parental rights should not have been terminated under section 232.116(1)(d). We agree that

Misty has failed present any arguments challenging termination under section 232.116(1)(d). We affirm the juvenile court's finding on this ground.

Having affirmed on at least one ground cited by the juvenile court, we need not address Misty's claims concerning the other statutory grounds for termination. Misty also contends that termination of the children's parental rights is not in their best interest. The State contends this error was not preserved for appellate review as it is not addressed in the order on appeal.

The juvenile court found that termination was in the children's best interest. The children have been out of Misty's home for more than a year. She made little effort to seek their return until the termination petition was filed. The State notes that the children are in a stable home with a couple who have indicated they wish to adopt them.

AFFIRMED.