

IN THE COURT OF APPEALS OF IOWA

No. 6-801 / 06-1304
Filed October 11, 2006

**IN THE INTEREST OF D.M.L.,
Minor Child,**

**A.M.L., Mother,
Appellant.**

Appeal from the Iowa District Court for Montgomery County, Mark J. Eveloff, District Associate Judge.

A mother appeals the termination of her parental rights pursuant to Iowa Code section 232.116(1)(e) (2005). **AFFIRMED.**

C. Kenneth Whitacre of Swenson & Whitacre, P.C., Glenwood, for appellant.

Charles Richards of Richards Law Office, Red Oak, for appellee father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Bruce Swanson, County Attorney for appellee State.

Josiah Wearin of Stamets & Wearin, P.C., Red Oak, for minor child.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

VAITHESWARAN, J.

Alisa appeals the termination of her parental rights to Domenic, born in 2002. She contends she “was not given adequate time to address the problems that led to the filing of the termination petition.” She also contends “the State has failed to show that [she] has not attempted to assume the parental role.” Reviewing the record de novo, we disagree on both counts.

The State sought to terminate Alisa’s parental rights pursuant to a single statutory ground: the absence of significant and meaningful contact between mother and child. Iowa Code § 232.116(1)(e) (2005). “Significant and meaningful contact” includes “the affirmative assumption by the parents of the duties encompassed by the role of being a parent.” *Id.* Among other things, the parent must show “a genuine effort to complete the responsibilities prescribed in the case permanency plan.” *Id.*

Domenic was removed from Alisa’s care in May 2004 after drugs were discovered in her home. Although initial tests did not reveal the presence of illegal drugs in Alisa’s system, later tests showed signs of methamphetamine use. The Department of Human Services prepared a case permanency plan that required Alisa to comply with recommended substance-abuse treatment. She did not do so.

In December 2004, a Department worker stated:

There has been little progress with helping Domenic’s parents to understand why they cannot use drugs and have their son in their home. [Alisa] . . . appear[s] to be in complete denial of how [she has] influenced [her] son’s life with [her] drug use.

In January 2005, Alisa was admitted to an intensive outpatient substance abuse treatment program. She was discharged two months later “due to her non-compliance.”

In October 2005, a Department employee stated, “[Alisa] continues to minimize her drug use.” She noted that Alisa “failed both outpatient and inpatient treatment.” The employee concluded that the Department had “exhausted reasonable efforts to reunite” Alisa with her son.

In May 2006, less than one month before the termination of parental rights hearing, Alisa’s urine tested positive for the presence of methamphetamine. By this time, two years had elapsed since Domenic’s removal from her care and she had yet to address the drug dependency issue that precipitated the removal.

It is true that Alisa maintained contact with Domenic and shared a close bond with him. Until shortly before the termination hearing, she regularly participated in supervised visitation with her son and interacted well with him. She also spoke to him on the phone up to several times per week. However, Alisa acknowledged that reunification could not occur unless she abstained from illegal drug use. As she did not do so, she was not in a position to assume “the duties encompassed by the role of being a parent.” Iowa Code § 232.116(1)(e).

We affirm the termination of Alisa’s parental rights to Domenic.

AFFIRMED.