

IN THE COURT OF APPEALS OF IOWA

No. 6-860 / 06-0983
Filed November 16, 2006

**IN THE INTEREST OF C.E., JR.,
Minor child,**

**T.W., Mother,
Appellant.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
District Associate Judge.

A mother appeals the termination of her parental rights to her child.

AFFIRMED.

Barbara E. Maness, Davenport, for appellant.

Lucy Valainis, Davenport, for appellee father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, William E. Davis, County Attorney, and Gerda Lane, Assistant
County Attorney, for appellee State.

Christine Frederick, Davenport, for minor child.

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

VAITHESWARAN, J.

Toni appeals the termination of her parental rights to Christopher, born in 2003. She contends the record lacks clear and convincing evidence to support the grounds for termination on which the juvenile court relied. Reviewing the record de novo, we find the requisite amount of evidence to support termination under Iowa Code section 232.116(1)(h) (2005) (requiring proof of several elements including proof that child cannot be returned to parent's custody). See *In re S.R.*, 600 N.W.2d 63, 64 (1999) (stating we may affirm where there is clear and convincing evidence to support any one of the grounds cited by the district court).

Shortly before Christopher's second birthday, Toni and the child's father called the Department of Human Services from a bus station in Davenport. They said they were leaving the state and did not have money to take Christopher with them. They asked the Department to have their son placed in foster care.

The Department took steps to have the child placed with a family in Davenport. Meanwhile, Christopher's parents went to Florida, where they remained for approximately three weeks. On their return, they settled in a town several hours from Davenport. This decision made financial sense, as a family in that town offered them employment and housing assistance. However, the decision limited the parents' ability to visit their son.

Within a month of the parents' return to Iowa, Christopher's father quit the job that had been arranged for him. Within two months of the parents' return, both parents stopped visiting Christopher in Davenport. Department staff encouraged the parents to relocate to Davenport so they could be closer to their

son. They declined.¹ The parents also did not take advantage of the Department's offer of transportation assistance to Davenport.

At the termination hearing in May 2006, a Department social worker testified she had been assigned to the case since its inception, and the parents knew how to contact her. She stated the last contact she had with Toni was in June of 2005 by electronic mail.² Noting that Toni had no visitation or contact with Christopher for more than a year, the social worker recommended termination of Toni's parental rights.

The social worker's testimony was bolstered by reports from a court-appointed special advocate and a guardian ad litem. Both essentially opined that reunification was not possible, given Toni's lack of contact with her son.

Because Toni did not avail herself of opportunities to maintain a bond with Christopher, we agree with the juvenile court that he could not be returned to her custody.

We affirm the termination of Toni's parental rights to Christopher.

AFFIRMED.

¹ The social worker testified, "It didn't matter how much I tried to encourage them, they refused to come to Davenport. I informed them and advised them it would facilitate reunification with their child and it was not in Christopher's best interests to move him again."

² In early 2006, Toni e-mailed the court-appointed special advocate and expressed a renewed interest in reunifying with her son. The advocate advised her to contact her Department social worker and gave her that person's phone number. She also recommended that Toni contact her attorney. Although there is an indication that Toni did speak to her attorney, there is no evidence that she followed up with the Department's social worker.