

**IN THE COURT OF APPEALS OF IOWA**

No. 6-883 / 06-1402  
Filed November 16, 2006

**IN THE INTEREST OF C.B.-W.,  
Minor Child,**

**C.J., Mother,**  
Appellant.

---

Appeal from the Iowa District Court for Jones County, Robert Sosalla,  
Judge.

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

Richard Pazdernik Jr., Cedar Rapids, for appellant mother.

Marty Hagge, Cedar Rapids, for father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, Connie S. Ricklefs, County Attorney, and Robert Hruska,  
Assistant County Attorney, for appellee State.

Robert Davison, Cedar Rapids, for minor child.

Considered by Sackett, C.J., and Zimmer and Eisenhauer, JJ.

**ZIMMER, J.**

A mother appeals from the termination of her parental rights to her son. Upon our de novo review, we affirm.

***I. Background Facts and Proceedings***

Cynthia and Mark are the unmarried parents of Chace, born in November 1997.<sup>1</sup> In May 1998 the juvenile court removed Chace from his parents' care based on a founded abuse report. The court found Chace to be a child in need of assistance (CINA) and placed him in foster care where he remained for one year while reunification services were offered to his parents.

Chace began a trial home placement with his father on May 13, 1999. By that time, Mark and Cynthia had separated. Chace remained with his father, and the court dismissed the CINA proceedings on September 11, 2001.

Chace entered the juvenile court system for a second time during October 2003 after Mark became intoxicated, took out a gun, threatened to harm himself and his girlfriend, and shot himself in the foot. Chace was in the home at the time of the incident. Mark agreed that Chace should be placed in voluntary foster care.<sup>2</sup> Chace was again adjudicated CINA on December 9, 2003, and the court continued his placement in foster care.

---

<sup>1</sup> Cynthia has three other children. At the time of the termination hearing, Cameron was five, Sydney was four, and Ceagan was two. Cynthia has sole custody of Ceagan. She also testified she has joint custody and shared care of Cameron and Sydney, although she failed to provide the department of human services with a copy of her dissolution decree.

<sup>2</sup> Mark has significant mental health issues and a history of alcohol abuse. He is currently institutionalized in a supervised living facility. He recognizes he is unable to parent his son.

In February 2005 the juvenile court held a trial to determine whether Mark's and Cynthia's parental rights should be terminated. At that time, the court did not terminate the parental rights of either parent because it concluded DHS had not made reasonable efforts to reunify Cynthia with Chace. The court granted Cynthia an additional six months to take the steps necessary for her reunification with her son.

On February 27, 2006, the State filed another petition to terminate Mark and Cynthia's parental rights. Following a second termination hearing, the juvenile court terminated the parental rights of the mother and father in an order filed August 24, 2006. Cynthia has appealed.<sup>3</sup>

## ***II. Scope and Standards of Review***

We review termination proceedings de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be supported by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). We are primarily concerned with the child's best interests in termination proceedings. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

## ***III. Discussion***

On appeal, Cynthia contends: (1) clear and convincing evidence does not support the termination of her parental rights, (2) the court erred in finding reasonable efforts had been made toward reunification, and (3) termination is not in Chace's best interests. We find no merit in any of these claims.

---

<sup>3</sup> At the termination hearing, Mark consented to the termination of his parental rights. He has not appealed from the termination of his parental rights.

Cynthia first contends clear and convincing evidence does not support the termination of her parental rights. The juvenile court terminated Cynthia's parental rights to Chace pursuant to Iowa Code sections 232.116(1)(e) (2005) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child); and 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). When the juvenile court terminates parental rights on more than one statutory ground, we only need to find grounds to terminate under one of the sections cited by the court in order to affirm the court's ruling. *In re S.R.*, 600 N.W. 2d 63, 64 (Iowa Ct. App. 1999). We choose to focus our attention on section 232.116(1)(e) as a basis for termination.

It is undisputed Chace has been adjudicated CINA and has been removed from Cynthia's care for the past six months. We also agree with the juvenile court's finding that Cynthia "has not demonstrated a continued, long term, consistent, genuine effort to maintain significant and meaningful contact with Chace." The court found Cynthia only attended nine of the possible sixty-eight visits allowed from July 2005 through August 6, 2006. Cynthia did not visit Chace at all from November 2005 until February 2006 when the State filed its second petition to terminate her parental rights. Furthermore, the record reveals Cynthia's contact with Chace was sporadic when he was in foster care as an infant and when he lived with his father.

Cynthia's suggestion that others are to blame for her failure to maintain meaningful contact with her son is not supported by the record. Although some of her scheduled visits with Chace were cancelled due to conflicts with her son's

schedule, Chace's illness, or provider unavailability, the overall record demonstrates the mother has never been committed to maintaining a meaningful relationship with her son. We find Cynthia failed to maintain significant and meaningful contact with Chace, and we conclude clear and convincing evidence supports the termination of her parental rights under section 232.116(1)(e).

Cynthia next contends the court erred in finding reasonable efforts had been made toward reunification. When a parent alleging inadequate services fails to demand services other than those provided, the issue of whether services were adequate is not preserved for appellate review. *In re S.R.*, 600 N.W.2d at 65. In this case, the juvenile court found Cynthia did not request any additional services, and the record did not indicate any additional services that could be provided. We conclude Cynthia failed to preserve error on this issue. Furthermore, although Cynthia blames the Iowa Department of Human Services and Chace's foster family for her failure to visit her son regularly, we agree with the juvenile court's conclusion that Cynthia chose to remove herself from Chace's life.

The final argument Cynthia raises is that termination is not in Chace's best interests. Even when the statutory grounds for termination are met, the decision to terminate parental rights must reflect the child's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). When we consider the child's best interests, we look to his or her long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). Chace is emotionally detached from his mother and knows he cannot rely on her. Chace is currently living with a foster family that is willing to adopt him. The juvenile court found Chace is anxious to have a

permanent home with his foster family. Chace sees his foster parents as his parents, and it would cause him great mental and emotional harm to return to his mother's care. We agree with the juvenile court's finding that termination of Cynthia's parental rights is clearly in the child's best interests.

***IV. Conclusion***

We affirm the juvenile court's decision to terminate Cynthia's parental rights.

**AFFIRMED.**