

IN THE COURT OF APPEALS OF IOWA

No. 6-933 / 06-1474
Filed November 30, 2006

**IN THE INTEREST OF N.O. and D.B.,
Minor Children,**

A.B., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Joe E. Smith, District Associate Judge.

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

William Morris, Des Moines, for appellant mother.

Christine Bisignano, West Des Moines, for father of N.O.

Jolie Juckette of Nelissen & Juckette, P.C., Des Moines, for father of D.B.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, John P. Sarcone, County Attorney, and Christine Gonzales, Assistant County Attorney, for appellee State.

Jessica Miskimins of the Youth Law Center, Des Moines, for minor children.

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

ZIMMER, J.

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

I. Background Facts & Proceedings

Anissa is the mother of Dylan, born in July 2002, and Nathan, born in January 2005. Timothy is the father of Dylan, and Casey is the father of Nathan. In July 2005 the juvenile court removed the children from Anissa's care based on her drug abuse. The court adjudicated Dylan and Nathan as children in need of assistance (CINA) on August 18, 2005. Nathan was placed in foster care, and Dylan has been living with his father since May 2006.

On April 27, 2006, the State filed a petition to terminate Casey's and Anissa's parental rights. At the termination hearing, Anissa admitted she has a long history of drug abuse. She testified she has used methamphetamine for nine years and she started using marijuana when she was eleven years old. She has been through four inpatient drug treatment programs. Anissa claimed the last time she used marijuana was in May 2006, but she tested positive for marijuana in July 2006. At the termination hearing, Anissa testified she could not have the children returned to her care because she did not "have a place or the money for them to come home." She claimed she could care for the children if she was allowed to live at the House of Mercy.

The juvenile court terminated Casey's and Anissa's parental rights in an order filed August 29, 2006. Anissa has appealed.¹

¹ At the time of the termination hearing, Casey was incarcerated in Missouri. He instructed his attorney to inform the court he wanted to maintain his parental rights, but

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 children'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, Anissa contends termination is not in the children's best interests. We find no merit in this claim.

The juvenile court terminated Anissa's parental rights pursuant to Iowa Code sections 232.116(1)(d), 232.116(1)(h), 232.116(1)(i), and 232.116(1)(l) (2005) (child CINA for physical or sexual abuse or neglect, and circumstances continue despite receipt of services; child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home; child meets definition of CINA, child was in imminent danger, and services would not correct conditions; child CINA, parent has substance abuse problem, and child cannot be returned within a reasonable time). Anissa does not contend the State failed to prove the statutory grounds for termination. We find clear and convincing evidence supports the grounds for termination.

Even when the statutory grounds for termination are met, the decision to terminate parental rights must reflect the children's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). When we consider the children's best

would present no evidence. He has not appealed from the termination of his parental rights.

interests, we look to their long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). A child and family resource specialist with Children and Families of Iowa recommended that the court terminate Anissa's parental rights because she had not adequately addressed her substance abuse issues. The juvenile court found that despite Anissa's receipt of a plethora of services, she continued to abuse illegal drugs and her denial of usage was not credible.² Furthermore, Anissa concedes her longest period of sobriety during the CINA proceedings only lasted two months, and she admitted she was unable to care for the children at the time of the termination hearing.

Dylan has been living with his father since May 5, 2006, and he has adjusted well to his father's home. Nathan has been in foster care for more than a year, and the foster family is willing to adopt him. To continue to keep children in temporary or even long-term foster homes is not in their best interests, especially when the children are adoptable. *In re C.K.*, 558 N.W.2d at 175. These children have waited long enough for their mother to resolve her issues with illegal drugs. We agree with the juvenile court's finding that termination of Anissa's parental rights is clearly in the children's best interests.

IV. Conclusion

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

AFFIRMED.

² The juvenile court found Anissa was supposed to comply with drug testing twice a week from July 13, 2005, to July 20, 2006. She only showed up for drug testing eight times, and only one of the tests was completely negative for the presence of illegal drugs.