

IN THE COURT OF APPEALS OF IOWA

No. 6-937 / 06-1494
Filed December 13, 2006

**IN THE INTEREST OF T.D., T.F., T.D., and T.D.,
Minor Children,**

R.F., Mother,
Appellant.

Appeal from the Iowa District Court for Tama County, Fae Hoover-Grinde,
District Associate Judge.

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

Melissa Nine of Kaplan & Frese, L.L.P., Marshalltown, for appellant
mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Brent D. Heeren, County Attorney, for appellee State.

John Haney, Marshalltown, 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 four children. Upon our de novo review, we affirm.

I. Background Facts and Proceedings

Renee is the mother of Taylor, born in July 1996, Taima, born in June 1998, Tegan, born in November 2001, and Tiara, born in September 2004. Taylor's father is deceased, Scott is the father of Taima, and the fathers of Tegan and Tiara are unknown.

Renee has a history of abusing controlled substances. In September 2004 the juvenile court removed the children from Renee's care after Tiara was born with drugs in her system. Taima and Tegan were also born with drugs in their systems.¹ The court adjudicated the children as children in need of assistance (CINA) on October 19, 2004. The children were placed in foster care, and Renee was offered services.

Renee initially missed appointments for a psychiatric evaluation. After she completed an evaluation, she declined to participate in counseling.² Renee has also missed multiple drug screens. She showed up for a hairstat test on

¹ Renee denied any responsibility for her children's exposure to drugs. Renee claims she was sexually assaulted shortly before Tiara's birth and her assailant injected her with cocaine. Renee did not report the assault to law enforcement or medical personnel. Renee claimed she smoked only one marijuana cigarette on the way to the hospital to give birth to Tegan. She contends Taima tested positive for cocaine because she had sexual intercourse with Taima's father, who was a heavy cocaine user, while she was pregnant.

² The Iowa Department of Human Services offered to pay for every other session of recommended mental health counseling on a sliding fee schedule rate; however, Renee elected not to continue the sessions.

March 16, 2005, and the results were negative; however, the comments concerning the collection for the test noted the hair was synthetic and from a wig.

All of Renee's visits with her children have been supervised since she began receiving services. Renee complied with the visitation schedule for the first six months of services, but missed visits during the following three months.

Renee has a criminal record. She is currently on probation for the offense of theft. She missed appointments with her probation officer in May, June, and July 2005. An Iowa Department of Human Services (DHS) report dated July 21, 2005, indicates Renee had not contacted her community services coordinator in months and had not paid all of her fines. At one point, Renee stayed at the Meskwaki Casino for two to three months and failed to maintain contact with DHS or her probation officer.

On August 9, 2005, the State filed a petition to terminate Renee's and the fathers' parental rights. The following month, Renee was charged with felony forgery. At the time the termination hearing was held in late January and early February 2006, an application for revocation of Renee's probation was pending.

The juvenile court terminated Renee's and the fathers' parental rights in an order filed September 6, 2006. Renee has appealed.³

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

³ None of the fathers appeared at the termination hearing, and they have not appealed from the termination order.

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, Renee contends the statutory criteria for termination were not proved by clear and convincing evidence and termination is not in the children's best interests. We find no merit in these claims.

The juvenile court terminated Renee's parental rights pursuant to Iowa Code sections 232.116(1)(d), 232.116(1)(e), 232.116(1)(f), 232.116(1)(h), 232.116(1)(i), and 232.116(1)(j) (2005). 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)(j) (children CINA, parent has substance abuse problem, and children cannot be returned within a reasonable time) as a basis for termination.

There is no dispute that the children have been adjudicated CINA. It is also clear Renee has a severe and chronic substance abuse problem. Three of Renee's children tested positive for drugs at birth. Renee's oldest child Tyler, now an adult, used drugs in front of and with his mother. Renee has not cooperated fully with DHS or her probation officer since her children were removed from her care. She has failed to provide numerous drug screens. In her brief on appeal, Renee focused on the progress she made in the two months prior to the termination hearing. We find her efforts too little and too late. Renee waited too long to respond to DHS services, and "the underlying problems which

adversely affected her ability to effectively parent were too serious to be overcome in the short period of time prior to the termination hearing.” *In re C.B.*, 611 N.W.2d 489, 495 (Iowa 2000). We find clear and convincing evidence supports the termination of Renee’s parental rights.

Renee next claims termination was not in the children’s best interests due to the strength of her bond with the children. 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 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).

We recognize that a strong bond between parent and child can be a special circumstance that mitigates against termination even when the statutory grounds have been satisfied. Iowa Code § 232.116(3)(c). However, this is not an overriding consideration, but merely a factor to consider. *In re N.F.*, 579 N.W.2d 338, 341 (Iowa Ct. App. 1998). At times, Renee can function as a loving and supportive mother. However, she continues to have unresolved substance abuse and mental health issues. Unfortunately, Renee offers a variety of farfetched excuses and rationalizations for her current circumstances and past behavior, and she refuses to consistently participate in services to address her problems. Renee has not demonstrated she can care for herself or her children now or in the future. The children’s guardian ad litem recommended that the juvenile court terminate Renee’s parental rights.

Renee’s children have been in foster care for more than two years, and their foster mother testified she is interested in adopting them. To continue to

keep these 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 and become a responsible parent. We agree with the juvenile court's finding that termination of Renee's parental rights is clearly in the children's best interests.

IV. Conclusion

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

AFFIRMED.