

**IN THE COURT OF APPEALS OF IOWA**

No. 7-010 / 06-2009  
Filed January 31, 2007

**IN THE INTEREST OF J.M. and J.M.,  
Minor Children,**

**E.M.K., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Greene County, Thomas R. Hronek,  
District Associate Judge.

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

Mark J. Rasmussen of Rasmussen Law Office, Jefferson, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, and Nicola J. Martino, County Attorney, for appellee.

Beverly Wild of Beverly Wild Law Office, P.C., Guthrie Center, for father.

Vicki R. Copeland of Wilcox, Poling, Gerken, Schwarzkoft & Copeland, P.C.,  
Jefferson, guardian ad litem for minor children.

Considered by Sackett, C.J., and Huitink and Mahan, JJ.

**SACKETT, C.J.**

Elisha is the mother of Jenna, born in 2000, Justin, born in 2002, and Abigail, born in 2004. She appeals from the juvenile court order terminating her parental rights to all three children. Elisha consented to the termination of her parental rights to Abigail. She contends the juvenile court erred (1) in finding Jenna and Justin could not be returned to her custody, (2) in excluding the maternal grandparents from consideration as a possible placement for the children, and (3) in finding termination was in the children's best interest. We affirm.

The court terminated Elisha's parental rights to Jenna and Justin under Iowa Code sections 232.116(1)(f) and (l) (2005). When a parent's rights are terminated on more than one statutory ground, we may affirm if clear and convincing evidence supports the termination under one of the cited provisions. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995).

The juvenile court found:

The evidence does establish that since her release from the Violators Program in late August 2006, Elisha has taken steps to stabilize her life and genuinely desires to recover custody of Jenna and Justin. Unfortunately, the historical record shows that she has repeatedly evidenced periods of sobriety followed by repeated resumption of use of controlled substances after her children had been removed and then returned to her custody.

....

The fact that Elisha has maintained sobriety since her discharge from the Violators Program in late August, 2006, furnishes no grounds to conclude a change in this pattern of behavior has been established. The children have been previously returned and previously disappointed. This pattern may now best be interrupted in the best interests of the children by a termination of [Elisha's] parental rights to allow the children to secure a permanent, stable, and secure home.

We find the children could not be returned to Elisha's custody at the time of the termination hearing. Termination under section 232.116(1)(f) was proper.

Elisha contends the court should have considered the maternal grandparents as a possible placement for the children. The juvenile court did not address possible placement with the grandparents in its termination order. We conclude this issue has not been preserved for our review. See *In re K.C.*, 660 N.W.2d 29, 38 (Iowa 2003) (“Even issues implicating constitutional rights must be presented to and ruled upon by the district court in order to preserve error for appeal.”).

Elisha also contends termination is not in the best interest of the children. We consider what the future likely holds if children are returned to their parent. See *In re J.W.D.*, 458 N.W.2d 8, 10 (Iowa Ct. App. 1990). “Insight for that determination is to be gained from evidence of the parents’ past performance for that performance may be indicative of the quality of future care the parents are capable of providing.” *In re A.J.*, 553 N.W.2d 909, 913 (Iowa Ct. App. 1996). A child’s “safety and the need for a permanent home are now the primary concerns when determining a child’s best interests.” *In re J.E.*, 723 N.W.2d 793, 801 (Iowa 2006) (Cady, J., concurring specially). Given Elisha’s repeated failures in the past when the children were returned to her care, we agree with the juvenile court that the “pattern may now best be interrupted” by terminating Elisha’s parental rights “to allow the children to secure a permanent, stable, and secure home.”

**AFFIRMED.**