

IN THE COURT OF APPEALS OF IOWA

No. 7-042 / 06-2103
Filed February 14, 2007

**IN THE INTEREST OF A.I.,
Minor child,**

S.I., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Louise M. Jacobs,
District Associate Judge.

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

AFFIRMED.

Christopher A. Kragnes, Sr. of Kragnes, Tingle & Koenig, P.C., Des
Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Cory McClure,
Assistant County Attorney, for appellee.

Kathryn Miller, Juvenile Public Defender, Des Moines, for minor child.

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

VAITHESWARAN, J.

S.I. is the mother of A.I., born in 1991. S.I. has a mental illness that can be treated with medication. For several years, she did not comply with a treatment regimen.

A.I. was first removed from S.I.'s care in 2001. He was returned to his mother the following year. A.I. was again removed in May 2003, due to his mother's failure to supervise him properly. He remained in foster care from that point forward.¹

Over the years, S.I. acted erratically in A.I.'s presence, threatened to kidnap him, and caused him to feel distraught. At the same time, she shared a close bond with him. Based on this bond, the Department of Human Services elected to dismiss a petition to terminate S.I.'s parental rights, filed in 2004.

In 2006, S.I. consented to the termination of her parental rights to A.I. The State proceeded with a second termination action based on consent. See Iowa Code § 232.116(1)(a) (2005). At the termination hearing, the State elected not to rely on this ground and instead sought termination under Iowa Code section 232.116(1)(f) (requiring proof of several elements including proof that the child cannot be returned to a parent's custody). The district court ordered termination on this ground, noting that the statutory elements were satisfied. The court also stated that fifteen-year-old A.I. was "of sufficient age to have his opinion heard as

¹ A.I.'s father was killed in a war when A.I. was approximately five years old.

to what was in his long-term interest” and he desired “to be adopted by his foster parents.”²

On appeal, S.I. concedes the elements of Iowa Code section 232.116(1)(f) “were met,” but argues “there has not been a material change in circumstances in this case since the time permanency was ordered.” We agree with the State that S.I. did not preserve error on this contention. S.I. presented no evidence at the termination hearing and made no argument to the court that could be construed as this type of legal challenge. Accordingly, we decline to consider this argument. See *In re T.J.O.*, 527 N.W.2d 417, 420 (Iowa Ct. App. 1994) (“As a general rule, an issue not presented in the juvenile court may not be raised for the first time on appeal.”).

AFFIRMED.

² A.I. did not testify at the termination hearing. However, he advised his therapist of his wishes.