

IN THE COURT OF APPEALS OF IOWA

No. 7-125 / 07-0120
Filed March 14, 2007

**IN THE INTEREST OF I.J.,
Minor Child,**

**A.V., Mother,
Appellant.**

Appeal from the Iowa District Court for Polk County, Constance Cohen,
Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights to her son.

AFFIRMED.

Jami Hagemeyer of Williams, Blackburn, Hudson and Maharry, P.L.C., Des
Moines, for appellant mother.

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

George Arvidson, Des Moines, for appellee father.

Kayla Stratton, Guardian Ad Litem for minor child.

Considered by Zimmer, P.J. and Miller and Baker, JJ.

BAKER, J.

Amanda is the mother of Isaac, who was born in May of 1999. The family first came to the attention of the juvenile court system when Isaac was removed from Amanda's care in August of 2005 due to his exposure to drugs and his parents' neglect. At the time, Amanda was using methamphetamine and his father Michael, whose rights are not at issue in this appeal, was incarcerated on drug charges. Following an uncontested hearing in September of that year, Isaac was adjudicated a child in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b), (c)(2), and (n) (2005). Amanda further consented to Isaac's ongoing removal.

Following another hearing in June of 2006, finding that Amanda had resolved some of her addiction and parenting problems, the court ordered that Isaac be transitioned back to her care. Only twenty-six days after Isaac was returned to her care, Amanda tested positive for the use of methamphetamine and Isaac was again removed. On August 14, 2006, the State filed a petition seeking to terminate Amanda's parental rights to Isaac. On January 5, 2007, the court granted the petition and terminated Amanda's parental rights under sections 232.116(1)(d), (f), and (j). Amanda appeals from this ruling.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). While the district court terminated the parental rights on more than one statutory ground, we will affirm if at least one ground has been proved by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Our primary concern in termination proceedings is the best interest of the child. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981).

On appeal, Amanda contends the evidence is lacking to support the termination under any of the grounds alleged, and she further maintains that termination is not in Isaac's best interests. She believes that an extension of time during which she could make further progress toward reunification would be in order. Upon our careful de novo review of the record, we conclude that no additional time would remedy Amanda's deficiencies and that termination is in Isaac's best interests.

We first conclude the court properly terminated Amanda's parental rights under section 232.116(1)(d), which requires clear and convincing proof that the child previously has been adjudicated CINA due to physical abuse or neglect and that despite the parents' receipt of services, those circumstances that led to adjudication continue to exist. We also conclude that the district court was correct in finding clear and convincing evidence supported termination under section 232.116(f) and that termination is in Isaac's best interests. As noted, Isaac's first removal in August of 2005 was due to his exposure to his mother's drug use. Amanda's drug use continued apparently unabated throughout the remainder of this case until the termination hearing. Amanda most clearly has not addressed those issues that led to Isaac's adjudication.

Amanda, now twenty-eight years old, admitted that she started using methamphetamine at age sixteen. Despite treatment both before and during the pendency of this case, she has been unsuccessful in addressing her drug abuse. At the termination hearing she admitted to monthly use. Further, despite providing numerous clean drug screens throughout this case, she admitted that some were clean due to her efforts to mask that use by drinking vinegar and

large amounts of water before those tests. In the month preceding the termination hearing she used methamphetamine twice.

Amanda clearly lacks insight into how the drug affects both her and Isaac. At the termination hearing, she claimed that she could safely parent Isaac today, even with her continued use, but she admitted she was uncertain whether she could stop using even if Isaac was returned to her care. She also admitted that on at least one occasion she cared for him in the afternoon after using methamphetamine in the morning.

For similar reasons, and based on the same facts as expressed above, we conclude termination of Amanda's parental rights is decidedly in Isaac's best interests. Amanda's severe drug abuse problem has no apparent end in sight, despite the many efforts and services supplied by the social workers and service providers. Her past acts indicate Amanda lacks the insight and ability to place Isaac's interests before her own. The child's best interests are served by terminating Amanda's parental rights in an effort to give the child permanency. Amanda's past performance and failure to address her drug dependency do not indicate that she can adequately care for her child. He will be at risk of further adjudication if ever returned to her care. We therefore affirm the termination of Amanda's parental rights to Isaac.

AFFIRMED.