

IN THE COURT OF APPEALS OF IOWA

No. 7-162 / 06-2105
Filed March 14, 2007

**IN THE INTEREST OF T.C.,
Minor Child,**

V.B., Mother,
Appellant.

Appeal from the Iowa District Court for Dallas County, Virginia Cobb,
District Associate Judge.

V.B. appeals from a juvenile court order adjudicating her child, T.C., to be
a child in need of assistance. **AFFIRMED.**

Tiffany Koenig of Kragnes, Tingle & Koenig, P.C., Des Moines, for
appellant mother.

Robert Wright, Des Moines, for legal father.

Ted Engel, Des Moines, for biological father.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney
General, Wayne Reisetter, County Attorney, and Sean Wieser, Assistant County
Attorney, for appellee State.

Jason Hauser, Des Moines, for minor child.

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

HUITINK, J.

V.B.'s child, T.C. (age seven), was adjudicated a child in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(c)(2) (2005) (child is likely to suffer harm due to parent's failure to exercise care in supervising child) and 232.2(6)(n) (parent's mental capacity (or condition, or drug or alcohol abuse) results in child not receiving adequate care). On appeal, V.B. challenges the sufficiency of the evidence supporting T.C.'s adjudication as a child in need of assistance.

Our review of juvenile court proceedings is de novo. *In re K.N.*, 625 N.W.2d 731, 733 (Iowa 2001). We give weight to the fact findings of the juvenile court, especially when considering the credibility of witnesses, but we are not bound by those findings. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990). The State has the burden of proving the allegations by clear and convincing evidence. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). "Clear and convincing evidence" means there are no serious or substantial doubts as to the correctness or conclusions of law drawn from the evidence. *Id.*

We initially reject the State's argument that V.B. has failed to preserve error on all of her claims because she failed to challenge all of the grounds upon which the juvenile court adjudicated T.C. a child in need of assistance. The State contends that "[T.C.'s] CINA adjudication did not rest solely upon his suffering past harm from [V.B.'s] methamphetamine use." In the statement of legal issues section of her brief, V.B. specifically "requests that the Court reverse the juvenile court's order finding the child to be in need of assistance under Iowa Code section 232.2(6)(c)(2) and (6)(n)." These were the grounds upon which T.C. was

adjudicated CINA. Furthermore, V.B. asserts that her child is “healthy and well cared for” and that there is no “evidence or testimony that [her] child had suffered any harm while in the care of the mother either under the influence of illegal substances or not under the influence.” We read these statements as her assertion that the juvenile court’s adjudicatory order is not supported by clear and convincing evidence. We accordingly proceed to the merits of the issues V.B. raises on appeal.

V.B.’s main contention appears to be that the services of the State are not required. She asserts that T.C. has not been harmed while in her care, whether she has been “under the influence of illegal substances or not.” She also cites her participation in outpatient treatment as well as her attendance at four or five NA meetings in the sixty-day period preceding the adjudicatory hearing.

The record indicates V.B. was the subject of five child abuse reports, four of which were drug related. The record also indicates T.C. was removed from V.B.’s custody in January 2003 after police discovered a methamphetamine lab in her home. We have long recognized that parents with chronic, unresolved substance abuse problems present a danger to their children. *In re J.K.*, 495 N.W.2d 108, 113 (Iowa 1993). Moreover, the aftereffects of methamphetamine abuse are pervasive and staggering—much more so than with other drugs. *State v. Petithory*, 702 N.W.2d 854, 859 (Iowa 2005). V.B.’s continued need for outpatient drug treatment and her history of methamphetamine-related arrests are clear and convincing evidence that she suffers from a severe and unresolved substance abuse problem. Contrary to V.B.’s claims, T.C.’s adjudication as a child in need of assistance need not await the occurrence of injury or harm. *In re*

D.T., 435 N.W.2d 323, 330 (Iowa 1989) (“[W]e think our temporary removal provisions in [CINA] proceedings are designed to prevent probable harm to a child and do not require delay until after the harm is done.”). We, like the juvenile court, find clear and convincing evidence supporting T.C.’s adjudication as a child in need of assistance on both of the grounds mentioned earlier.

AFFIRMED.