

IN THE COURT OF APPEALS OF IOWA

No. 7-308 / 07-0432

Filed May 23, 2007

**IN THE INTEREST OF D.H.J.V.-L.,
Minor Child,**

**C.V.-L., Mother,
Appellant,**

**E.Z.-O., Father,
Appellant.**

Appeal from the Iowa District Court for Plymouth County, Robert J. Dull,
District Associate Judge.

A mother and father appeal from the order terminating their parental rights
to their son. **AFFIRMED ON BOTH APPEALS.**

Joseph W. Flannery, Le Mars, for appellant-mother.

Judy L. Freking of Jacobsma, Clabaugh & Freking, P.L.C., Sioux Center,
for appellant-father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Darin J. Raymond, County Attorney, and Amy Oetken,
Assistant County Attorney, for appellee.

John Polifka, Sioux City, guardian ad litem for minor child.

Considered by Sackett, C.J., and Vogel and Miller, JJ.

SACKETT, C.J.

Carolyn and Eduardo, the mother and biological father¹ of David, appeal from the order terminating their parental rights. Carolyn contends there was not clear and convincing evidence to support termination under Iowa Code sections 232.116(1)(a), (d), or (h) (2005). Eduardo contends there was not clear and convincing evidence to support termination under sections 232.116(1)(b), (d), (e), or (h). He also contends termination is not in David's best interest. We affirm on both appeals.

Our review is de novo. Iowa R. App. P. 6.4; *In re D.G.*, 704 N.W.2d 454, 456 (Iowa Ct. App. 2005). The State must prove the statutory grounds for termination by clear and convincing evidence. *In re L.E.H.*, 696 N.W.2d 617, 618 (Iowa Ct. App. 2005). If the juvenile court terminates a parent's 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 A.J.*, 553 N.W.2d 909, 911 (Iowa Ct. App. 1996).

Carolyn. The mother contends clear and convincing evidence supports none of the grounds for termination cited by the court. David is the fourth child to be removed from Carolyn's custody. Her parental rights to her oldest two children were terminated just four days after David's birth in January of 2006.² David was removed from Carolyn's custody immediately after his birth and was

¹ Israel, Carolyn's husband at the time of David's birth, is his legal father. His parental rights also were terminated, but he has not appealed.

² This court affirmed the termination. *In re A.B. and E.V.-L.*, No. 06-0199 (Iowa Ct. App. June 14, 2006).

placed in foster care with the family that adopted his siblings.³ In the adjudicatory order, the court found:

The entire history of the prior cases remains the current history as to Carolyn . . . , and barring some consistent showing of acceptance of services, good decision making, coping skills, and compliance with substance abuse treatment recommendations over a period of time sufficient to rely on, there is nothing before the court to support [her] position [removal was unjustified and adjudication was not necessary].

In the termination order, the court found:

After David's removal from her custody [Carolyn] was advised she needed to comply with her substance abuse after care recommendations, maintain her individual counseling, obtain her GED, and maintain steady employment. She has done none of these, despite her protestations to the contrary. She, in fact, signed a consent to termination of her parental rights, which she then withdrew. She admits to continued use of alcohol, quit her individual counseling, stopped taking her medication, stopped attending AA/NA meetings, and has again been involved in criminal activity.

These findings are supported by clear and convincing evidence in the record. For instance, Carolyn testified at the termination hearing that she stopped going to counseling, stopped attending AA/NA meetings, stopped working on her GED, and no longer took her prescribed medications. She did not have employment, but testified she was to start at the beginning of the next month. She was arrested on felony fraud charges in June of 2006.

We affirm the termination of Carolyn's parental rights under sections 232.116(1)(d) and (h).

Eduardo. The father contends clear and convincing evidence supports none of the statutory grounds cited by the court and termination is not in David's

³ Carolyn's third child, Faith, also was removed at birth and placed in foster care. She died of sudden infant death syndrome while in foster care.

best interest. Eduardo did not see Carolyn after she told him she was pregnant. He visited David in the hospital at birth for thirty to forty-five minutes. By the time of the termination hearing, he had not seen David since the hospital visit. Eduardo did not contact the department or seek to become involved in David's life during the first eight months after David's birth, even though he knew David had been removed from Carolyn's care because Eduardo thought Carolyn would get David back and Eduardo, in the United States illegally, was afraid he would be deported. His failure to seek involvement in David's life until late in this case prevented the department and workers from having the time to observe his ability to parent David. Both the case worker and a service provider testified that at least six months of observing Eduardo's attempts to parent David would be necessary before they would be able to make any determination whether David could be placed in Eduardo's care. We find clear and convincing evidence supports termination of Eduardo's parental rights under sections 232.116(1)(e) and (h).

Eduardo also contends termination of his parental rights is not in David's best interest. When we consider a child's interests, we look to long-range as well as immediate interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). David is in a pre-adoptive home with his two older half-siblings. He has no relationship with Eduardo. David's current placement is "the best placement for furthering [his] long-term nurturing and growth" and offers him the best chance for security, stability, and a relationship with his siblings. Iowa Code § 232.116(2). We affirm the termination of both parents' rights.

AFFIRMED ON BOTH APPEALS.