

**IN THE COURT OF APPEALS OF IOWA**

No. 7-342 / 07-0590

Filed May 23, 2007

**IN THE INTEREST OF E.C.-A., Minor Child,**

**A.P.C., Mother,**  
Appellant.

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

A mother appeals from a juvenile court order terminating her parental  
rights to one child. **AFFIRMED.**

Christopher Kragnes, Sr. of Kragnes & Associates, P.C., Des Moines, for  
appellant.

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

Charles Fuson, Des Moines, guardian ad litem for minor child.

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

**MILLER, J.**

Aimee is the mother of seven-year-old Enzo. Aimee appeals from a March 2007 juvenile court order terminating her parental rights to Enzo. The order also terminated Enzo's father's parental rights, and he has not appealed. We affirm.

Aimee is thirty-nine years of age. Enzo was removed from her physical custody in April 2006 and placed in the temporary legal custody of his maternal grandparents, subject to the supervision of the Iowa Department of Human Services (DHS). The removal was precipitated by Aimee's actively using illegal drugs, resulting in a diminished capacity to safely parent Enzo.

Following a June 2006 hearing, the juvenile court adjudicated Enzo a child in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b), (c)(2), and (n) (2005). It ordered that he remain in the temporary legal custody of his maternal grandparents. Aimee did not attend the hearing. The court found she had not maintained contact with the DHS or her attorney.

In September 2006 the juvenile court held a disposition hearing, following which it ordered that Enzo remain in the temporary legal custody of his maternal grandparents. Aimee did not attend the hearing. The court found she appeared to have abandoned any reunification efforts.

Following a January 2007 permanency hearing, the juvenile court continued Enzo's temporary legal custody in his maternal grandparents and placed his guardianship in the DHS. Aimee did not attend the hearing. The court ordered the county attorney to institute proceedings to terminate parental rights.

It found that Enzo's parents had abandoned any reunification efforts and their whereabouts were unknown.

The State filed a petition to terminate parental rights in late January 2007. Following a hearing on the petition the juvenile court terminated Aimee's parental rights pursuant to Iowa Code sections 232.116(1)(b), (d), (e), and (f). Aimee appeals.

We review termination proceedings de novo. Although we are not bound by them, we give weight to the trial court's findings of fact, especially when considering credibility of witnesses. The primary interest in termination proceedings is the best interests of the child. To support the termination of parental rights, the State must establish the grounds for termination under Iowa Code section 232.116 by clear and convincing evidence.

*In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000) (citations omitted).

Aimee states as the issue presented for appeal that she "seeks a reversal of the order terminating the parental rights of [Aimee] with respect to [Enzo]." This leaves the nature of the issue presented rather unclear, as she concedes that "the State has met its burden of proof to terminate in this case." As "supporting legal authority" she does, however, state: "The fighting issue in this case . . . is whether termination should occur or whether long-term placement should occur under 232.104(2)(d)."

We read Aimee's petition as claiming the juvenile court erred in ordering termination of her parental rights rather than entering an order pursuant to section 232.104(2)(d). Even this leaves the issue presented somewhat unclear, as that provision encompasses four distinct, alternative dispositions and Aimee does not indicate which action she contends the juvenile court should have taken. As Enzo has been in the custody of his maternal grandparents some ten

months, we read Aimee's argument as claiming the court should have transferred his guardianship and custody to his maternal grandparents<sup>1</sup> (section 232.104(2)(d)(1)), or transferred his custody to his maternal grandparents for the purpose of long-term care (section 232.104(2)(d)(3)).

"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) (citing *In re K.M.*, 653 N.W.2d 602, 608 (Iowa 2002)). Placement of a child with a relative under a permanency order is not a legally preferable alternative to termination of parental rights. *In re L.M.F.*, 490 N.W.2d 66, 67 (Iowa 1992). When the grounds for termination of parental rights exist, the needs of the child are generally promoted by termination. *Id.* at 68 (affirming termination where child was in placement with a relative). Termination of parental rights has been found to be appropriate where a child is bonded with grandparents and likely to be adopted by them. *In re B.K.K.*, 500 N.W.2d 54, 57 (Iowa 1993).

Aimee has been offered a variety of services to help her deal with her long-standing substance abuse and other problems and to reunify her with Enzo. She has failed or refused to avail herself of those services. Aimee last visited Enzo in June 2006. As she acknowledges in her petition on appeal, Aimee is not willing to proceed with treatment for her substance problems. Aimee has rejected offered services, and has rejected or abandoned any reunification efforts.

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<sup>1</sup> He was already in their custody, but the DHS was his guardian.

Enzo is now enduring his second removal from Aimee. He is doing very well in the custody of his maternal grandparents, with whom he has currently been for ten months and with whom he appears to be bonded. They are willing to adopt him and wish to do so. There is little or no likelihood that Aimee will have a relationship with Enzo in either the near or reasonably foreseeable future. We find, as the juvenile court did, that Enzo deserves a safe, stable environment in which to grow up and his maternal grandparents can and will provide it if allowed to do so. We conclude termination of Aimee's parental rights is necessary, appropriate, and in Enzo's best interests in order that he may acquire the safety, stability, and security he needs and deserves.

**AFFIRMED.**