

IN THE COURT OF APPEALS OF IOWA

No. 7-390 / 07-0673
Filed July 12, 2007

**IN THE INTEREST OF N.L.B.,
Minor Child,**

**J.N.B., Mother,
Appellant.**

Appeal from the Iowa District Court for Jasper County, Thomas W. Mott,
District Associate Judge.

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

AFFIRMED.

Steven Holwerda of the Holwerda Law Office, Newton, for appellant
mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, Steve Johnson, County Attorney, and James Cleverely,
Assistant County Attorney, for appellee.

Maria Ruhtenberg, Des Moines, guardian ad litem for minor child.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

BAKER, J.

Jamie is the mother of Nathaniel, who was born in February 2006, with detectable levels of marijuana, methamphetamine, and amphetamine in his system. Jamie admitted she had used the drugs while pregnant, and voluntarily placed him in the custody of the Iowa Department of Human Services for foster care placement. In March, Nathaniel was adjudicated to be a child in need of assistance under Iowa Code sections 232.2(6)(n) and (o) (2005). On November 28, 2006, the State filed a petition seeking to terminate Jamie's parental rights to Nathaniel. Following a hearing, the court granted the State's request and terminated Jamie's rights under sections 232.116(1)(d) and (h). Jamie 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 is the best interests of the child. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

On appeal, Jamie first contends that the circumstances which led to Nathaniel's adjudication did not continue to exist at the time of the termination hearing. See Iowa Code § 232.116(1)(d)(2). She further alleges that the court erred in determining Nathaniel could not be returned to her care at that time. See Iowa Code § 232.116(1)(h)(4). Upon our de novo review of the record, we reject both of these arguments and affirm the termination of her parental rights to Nathaniel.

The circumstances that led to Nathaniel's adjudication, and which constituted Jamie's most significant personal hurdle, was her drug use. Jamie reported that she used drugs throughout her entire pregnancy, and that she used methamphetamine two days before the day of birth and marijuana on the day of birth. As a result of this exposure, Nathaniel was born premature and affected by the drug use with special needs. After Nathaniel's removal, Jamie continued her drug use.

At the time of the termination hearing, however, Jamie had been free of drugs for almost five months. While this personal achievement is certainly commendable, like the district court, we are not convinced that Jamie has progressed to a degree that would warrant a return of Nathaniel to her care. In August of 2006, it was reported that Jamie was still struggling in her substance abuse treatment. Also, at the time of the hearing, she was living in Dubuque with an individual who she had met in substance abuse treatment. While it appears this individual's problem was with alcohol, not drugs, we still question the propriety of moving in with another substance abuser and believe it will hinder Jamie's long-term prospects for sobriety. In light of her significant history of drug abuse and exposing her children to that lifestyle, we cannot conclude that this short period of abstinence is sufficient to conclude the circumstances that led to adjudication have been solved.

By the time Nathaniel had turned one, Jamie had only seen him twelve times, consequently there was little bonding between the two. During visits, she had difficulty interacting with him and she appeared to lack basic parenting skills and intuitions. These issues become significant when considered in conjunction

with Nathaniel's special needs. Moreover, while Jamie has a history of mental health issues, it did not appear to service providers that she had an interest in addressing those issues. Finally, she has not met service providers' expectations with regard to learning those basic parenting skills. Thus, we must also concur in the judgment that Nathaniel cannot be returned to the care of Jamie at the present time. We affirm the termination of Jamie's parental rights.

AFFIRMED.