

IN THE COURT OF APPEALS OF IOWA

No. 7-565 / 07-1168
Filed September 6, 2007

**IN THE INTEREST OF E.K.,
Minor Child,**

**S.R.N., Mother,
Appellant.**

Appeal from the Iowa District Court for Black Hawk County, Daniel L. Block, Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights to her daughter. **AFFIRMED.**

James R. Wilson, Dysart, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steven Halbach, Assistant County Attorney, for appellee State.

Mary Kennedy, Waterloo, for appellee father.

Timothy Baldwin of the Black Hawk County Public Defenders Office, Waterloo, guardian ad litem for minor child.

Considered by Huitink, P.J., and Vogel and Baker, JJ.

VOGEL, J.

Sarah is the mother of Emily, who was born in 2002. On July 28, 2005, Emily was removed from the custody of her parents¹ after it was reported that they had repeatedly violated a domestic no-contact order and were using illegal substances. Emily was subsequently adjudicated to be a child in need of assistance pursuant to Iowa Code sections 232.2(6)(c)(2) and (n) (2005) and she was placed with the Iowa Department of Human Services (DHS) for placement in foster care. Although Sarah participated in services, she was not consistent in attending visitations and service providers opined that Emily's return to her parents' care was unlikely in the foreseeable future. Consequently, the State filed a petition seeking to terminate Sarah's parental rights on February 16, 2007. Following a hearing on the petition, the juvenile court granted the State's request and terminated Sarah's rights under section 232.116(1)(f) and (l). Sarah appeals from this order.

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).

On appeal, Sarah's sole assertion is that the juvenile court erred in determining that placement with her, either immediately or within a short period of time, would not be in Emily's best interests. Of course, our primary concern is

¹ Emily's father consented to the termination of his parental rights. His rights are not at issue in this appeal.

the best interests of the child. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). Upon our de novo review of the record, we agree termination of Sarah's parental rights is in Emily's best interests, and therefore affirm the order of the juvenile court.

Emily's early involvement with DHS was due to her parents' lack of supervision, denial of critical care, and substance abuse. She was removed from her parents' care in July 2003, but following the receipt of some services, was returned in October. Despite four years of further services, many of the concerns that led to this adjudication continue to exist. The most recent reports in the record reflect Sarah's lack of commitment to services and indifference to the seriousness of the situation. She has not made Emily the first priority in her life, as evidenced by her attitude toward and sporadic participation in services and treatment.

Service providers also expressed great concern with Sarah's mental stability and psychological needs. She has been diagnosed with depression, ADHD, and cognitive disorder. However, she has been inconsistent with individual counseling, which, according to social worker Michelle Sloyer, is a "critical component of her mental health treatment." This inconsistency and indifference has also been exhibited in visitation with Emily. Between September and December 2006, there were eighteen occasions when Sarah either missed visits or repeatedly cut visits short.

Finally, Emily is in the care of her paternal great aunt and uncle, a home in which she is very stable, happy, and bonded. Even at her young age, Emily has

expressed that she feels scared when she's with her mother, and that she feels safe when in the care of her great aunt and uncle.

Due to Sarah's instability and failure to address seriously and consistently the circumstances that led to juvenile court involvement, Emily cannot safely be returned to her care. Her best interests clearly were served by the juvenile court's termination order.

AFFIRMED.