

**IN THE COURT OF APPEALS OF IOWA**

No. 7-672 / 07-1293  
Filed September 19, 2007

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

**M.A.S., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Polk County, Joe E. Smith, District Associate Judge.

A mother appeals from the juvenile court's order terminating her parental rights to her child. **AFFIRMED.**

M.A.S., Des Moines, Pro Se.

Nancy Trotter, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, John P. Sarcone, County Attorney, and Michelle Chenoweth, Assistant County Attorney, for appellee State.

James Waters, Ankeny, for appellee father.

Christine Milligan-Ciha, Clive, for minor child.

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

**BAKER, J.**

A mother appeals from the juvenile court's order terminating her parental rights to her child. Upon our de novo review, we affirm.

**I. Background and Facts**

M.S. is the mother of C.S., who was born in January 1995. In May of 2005, C.S. was removed from her mother's custody due in part to the mother's use of methamphetamine. C.S. was placed in her father's custody, where she remains. C.S. was adjudicated a child in need of assistance (CINA) in July 2005. The juvenile court ordered a number of services be offered to the mother, including in-home services, substance abuse evaluation and treatment, urinalysis for drug testing, psychiatric services, and supervised visitation. With the exception of visitation, the mother's compliance with services was sporadic or nonexistent. The results of her urinalysis indicate that she continued to use illegal drugs through October 2006. She stopped complying with required drug testing in November 2006. Additionally, the court has entered a number of no-contact orders prohibiting unsupervised contact between the mother and C.S. due to the mother's often inappropriate communication with C.S.

Following a June 14, 2007 hearing, the juvenile court terminated the mother's parental rights pursuant to Iowa Code sections 232.116(1)(d), (e), (f), and (j) (2007). The mother appeals from this order.<sup>1</sup>

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<sup>1</sup> The mother filed a notice of appeal, combined certificate and petition on appeal pro se. The mother's attorney also timely filed all the required appellate filings. This opinion responds to both the issues raised in the mother's pro se appeal as well the appeal filed by her attorney.

## II. Merits

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). While the juvenile 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). We conclude the termination was appropriate under at least two of the cited provisions, Iowa Code sections 232.116(1)(d) (parent was offered or received services and the circumstance leading to CINA adjudication continues to exist) and (f) (parent's severe, chronic substance abuse problem precludes child's return within a reasonable period of time).

The mother contends that the juvenile court erred in finding by clear and convincing evidence that she has been offered services to correct the situation leading to the neglect and that the circumstance continues despite the provision of those services. She contends that the juvenile court erred in finding by clear and convincing evidence that she has a chronic substance abuse problem and her prognosis indicates C.S. cannot be returned in a reasonable time. The mother further argues that, because C.S. is placed with her father, and because she and C.S. have a long-term relationship and bond, termination of her parental rights is not in C.S.'s best interests.

The record shows the mother was offered services but failed to accept those services to remedy the problems leading to C.S.'s removal. Although she did complete a substance abuse treatment program, she has failed to continue

with the aftercare portion of the program. She has also failed to provide urine samples for drug testing.

A parent's failure to admit and address her psychological and substance abuse problems constitutes a failure to cooperate in correcting the circumstance that led to the CINA adjudication. *In re T.C.*, 489 N.W.2d 53, 55 (Iowa Ct. App. 1992). In this case, the mother has denied a substance abuse problem despite numerous positive drug screens and the testimony of her own mother that she has used drugs in the past. The record contains no credible evidence she has overcome her drug abuse problems. "The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems." *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987). We find that the mother has been offered services, yet the circumstance that led to C.S.'s being adjudicated a CINA still exists. The mother's substance abuse problem precludes C.S.'s safe return to her. It is in C.S.'s best interests to terminate the mother's parental rights. See *In re N.M.*, 491 N.W.2d 153, 156 (Iowa 1992) (holding one parent's legal custody of the child does not preclude termination of the noncustodial parent's parental rights); *T.C.*, 489 N.W.2d at 55 (holding termination of parental rights appropriate in light of mother's failure to admit and address her substance abuse and other psychological problems).

The requirements of Iowa Code sections 232.116(1)(d) and (f) have been met, and it is in the best interests of C.S. to terminate the mother's parental rights. After considering all issues presented by both the mother and her attorney, we affirm the juvenile court.

**AFFIRMED.**