

IN THE COURT OF APPEALS OF IOWA

No. 7-673 / 07-1295
Filed September 19, 2007

**IN THE INTEREST OF T.P., T.M., C.M., N.P., and
B.C., JR.,
Minor Children,**

**M.R.P., 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 five of
her six children. **AFFIRMED.**

Kathryn E. Walker of Walker & Bilingsley, Newton, for appellant.

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

Joanie Grife, Marshalltown, guardian ad litem for minor children.

Considered by Sackett, C.J., and Zimmer and Eisenhauer, JJ.

SACKETT, C.J.

A mother appeals from the order terminating her parental rights to the oldest five of her six children.¹ She contends the evidence does not support termination because the children can be returned to her care “in a reasonable amount of time” and termination is not in the children’s best interest “because they are bonded and attached” to her. We affirm.

The scope of review in termination cases is de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). The grounds for termination must be established by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). If the juvenile court terminates parental rights on more than one statutory ground, we need to find the evidence supports termination on only one of the grounds cited by the juvenile court to affirm. *In re R.K.*, 649 N.W.2d 18, 19 (Iowa Ct. App. 2000). “Clear and convincing evidence” means there are no serious or substantial doubts as to the correctness of conclusions of law drawn from the evidence. *C.B.*, 611 N.W.2d at 492.

The children at issue were born in July of 1993, July of 1996, April of 1999, December of 2000, and October of 2003. The court terminated the mother’s parental rights to all five children under Iowa Code sections 232.116(1)(d) and (e) (2007). The court also terminated her parental rights to the children four years of age and older under section 232.116(1)(f), and to the child three or younger under section 232.116(1)(h). The mother’s contention the children could be returned to her in a reasonable amount of time does not

¹ The sixth child, born in February of 2007, tested positive for cocaine at birth and was removed from the mother’s care. The court waived reasonable efforts for reunification with this child the same day it terminated the mother’s parental rights to the five oldest children.

address the statutory grounds in sections 232.116(1)(d) (child in need of assistance for physical or sexual abuse (or neglect), circumstances continue despite receipt of services) or (e) (child in need of assistance, child removed for six months, parent has not maintained significant and meaningful contact with the child). It only tangentially addresses the grounds in sections 232.116(1)(f) and (h) because subsection (4) of each mentions the time for returning the children to the parent. However, both sections require a finding the child cannot be returned to the parent's custody "at the present time," not "in a reasonable amount of time."

At the time of the termination hearing in June of 2007, the mother had not had visitation with the children since about August of 2006. Although she was in residential substance abuse treatment, she had not progressed to the point the children could be returned to her care, even on a trial basis. She admitted using drugs as recently as November of 2006, but her child born in February of 2007 tested positive for cocaine. The youngest of the five children at issue here tested positive for cocaine, marijuana, and PCP at birth in 2003. We find clear and convincing evidence supports termination on each statutory ground cited by the court.

The mother also contends termination is inappropriate "because they are attached and bonded" to her. Under section 232.116(3)(c) the court has discretion not to terminate parental rights if it finds termination "would be detrimental to the child at the time due to the closeness of the parent-child relationship." The State contends error was not preserved because the court did not address this issue.

At the hearing, the mother was asked to describe her relationship with the children. She said, "Oh, right now, I don't know. I know they love me, . . ." The court found the current custodians acknowledge that "the children still love their mother." We do not find clear and convincing evidence that termination would be detrimental to the children because of the closeness of the parent-child bond. The court did not abuse its discretion in not declining to terminate the mother's parental rights on this ground.

When considering the children's best interest, we "give primary consideration to the child's safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional needs of the child." Iowa Code § 232.116(2). The five children are placed together in the home of relatives who want to adopt them. The relatives can and do see to medical and psychological needs. They care for and nurture the children. They encourage the children in their education. The record demonstrates the mother has not done these things. See *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993) ("Case history records are entitled to much probative force when a parent's record is being examined.") We find termination of her parental rights is in the children's best interest.

AFFIRMED.