

IN THE COURT OF APPEALS OF IOWA

No. 7-720 / 07-0964
Filed October 12, 2007

IN THE INTEREST OF N.H., Minor Child,

K.G.H., Father,
Appellant,

E.V.K., Mother,
Appellant.

Appeal from the Iowa District Court for Scott County, Bobbi M. Alpers, Judge.

A mother and father appeal from the order terminating their parental rights to their child. **AFFIRMED.**

Martha McCall Whitmer, Davenport, for appellant-mother.

Angela Reyes, Davenport, for appellant-father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Michael J. Walton, Acting County Attorney, and Gerda C. Lane, Assistant County Attorney, for appellee.

Patricia Rolfstad of Zamora & Taylor Law Firm, Davenport, guardian ad litem for minor child.

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

SACKETT, C.J.

A mother and father¹ appeal from the order terminating their parental rights to their child. The mother contends clear and convincing evidence does not support the statutory grounds for termination and termination is not in the child's best interest. We affirm.

The child was removed from the home when nine days old because of exposure to drug use. The child has been in the care of the maternal grandparents throughout this case. By the time of the termination hearing, the child had been out of the home for fourteen months. The district court found:

The mother cannot demonstrate a healthy awareness of what is best for herself or her child. She continues to do what she wants to do and demonstrates poor judgment about her associates. The mother has anxiety, attention deficit disorder, and is histrionic. She has not addressed these mental health issues by remaining in a highly structured program to help her with her living skills. Finally, the mother never got beyond two supervised visits per week. While the mother has done a good job at the visits, she has not demonstrated that she can be unsupervised when caring for her child.

....

[The mother] has had visitation with her son, but she has not affirmatively assumed the duties encompassed by the role of being a parent, which requires continued interest in the child, genuine effort to complete the responsibilities in the case permanency plan, and establishing and maintaining a place of importance in the child's life.

....

[The mother has refused to comply with opportunities afforded to her to change her personal circumstances and obtain housing, work, counseling, and safety for herself and a child who might be within her care.

The court also found termination was in the child's best interest. The court terminated the mother's parental rights under Iowa Code sections 232.116(1)(e) and (h) (2007).

¹ The supreme court dismissed the father's appeal as untimely on September 12, 2007.

Although the mother is correct that she exercised visitation and was nurturing and attentive to her child during visitation, she had not advanced beyond two supervised visits per week. The continued instability in her life and her inability or unwillingness to address the concerns of the case permanency plan belie her claims she made the necessary changes in her life to be able to resume her child's care and the child could be returned to her care at the time of the termination. We find clear and convincing evidence supports both statutory grounds for termination of the mother's parental rights.

The mother also contends termination is not in the child's best interest because of the strong parent-child bond "due to the mother's consistency in attending visitation with her son since his removal and her attentive, nurturing nature when she is with him." See Iowa Code § 232.116(3)(c). The State asserts error was not preserved on this issue because it was not raised in and addressed by the district court. The court specifically gave "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 condition and needs of the child" in concluding termination was in the child's best interest. See *id.* § 232.116(2). We conclude the specific issue that the strength of the parent-child bond indicates termination would be detrimental to the child was not preserved for our review. See *In re K.C.*, 660 N.W.2d 29, 38 (Iowa 2003). We find clear and convincing evidence this child's safety and need for a permanent home are best served by termination of the mother's parental rights. See *In re K.M.*, 653 N.W.2d 602, 608 (Iowa 2002).

AFFIRMED.