

**IN THE COURT OF APPEALS OF IOWA**

No. 7-793 / 07-1556  
Filed October 24, 2007

**IN RE E.S. and D.S.,  
Minor Children,**

**L.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 termination of her parental rights to two children. **AFFIRMED.**

Alexandra Nelissen of Nelissen & Juckette, P.C., Des Moines, for appellant mother.

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

Victoria Meade, West Des Moines, for appellee father.

Michelle Saveraid of Youth Law Center, Des Moines, for minor child.

Considered by Vogel, P.J., and Mahan and Zimmer, JJ.

**VOGEL, P.J.**

L.S. is the mother of E.S., who was born in 2004, and D.S., who was born in 2006. E.S. was removed from her mother's custody in August of 2006 after L.S. ingested numerous prenatal vitamins, drank bleach, and smoked crack cocaine while pregnant with D.S. D.S. was removed from his mother's custody shortly after his birth. Both children were subsequently adjudicated to be in need of assistance. After L.S. failed to cooperate with the many services she was offered and continued her drug use, the State filed a petition seeking to terminate her parental rights. Following a hearing on that petition, the court terminated L.S.'s rights pursuant to Iowa Code sections 232.116(1)(d), (e), and (h) (2007). L.S. appeals from this order.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). Our primary concern is the best interests of the children. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). The grounds for termination must be proved by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). 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, L.S. first asserts the State failed to provide clear and convincing evidence supporting termination under any of the provisions cited by the juvenile court in its termination order. Upon our de novo review of the record, we conclude the court properly terminated L.S.'s parental rights under section 232.116(1)(d), in that subsequent to the children's adjudication, L.S. was

provided with services aimed at correcting the circumstances that lead to the adjudication, but that those circumstances continue to exist. The primary reason for the children's removal from L.S.'s custody was her substance abuse. The record reflects that she has taken virtually no steps to overcome this obstacle, which prevents her from safely parenting her children. L.S. was unsuccessfully discharged from substance abuse treatment and failed to attend two scheduled intake appointments at the House of Mercy. She failed to provide a single drug screen for testing.

L.S. next alleges the court erred in finding termination of her parental rights would be in the best interests of the children. At the time of the hearing in this matter, L.S. was incarcerated for a probation violation. She has not had visitation with the children since May of 2007, and those visits that she did attend never progressed past supervised. On at least two of the visits, L.S. was either intoxicated or high on drugs. E.S. and D.S. have no true mother-child relationship with L.S., and they are currently in the care of their paternal grandmother, who has provided them with a secure, drug-free environment, and who intends to adopt them. We find termination is in the best interests of E.S. and D.S. We therefore affirm the termination of L.S.'s parental rights.

**AFFIRMED.**