

IN THE COURT OF APPEALS OF IOWA

No. 08-044 / 07-2130
Filed February 13, 2008

**IN THE INTEREST OF S.T. and D.C., JR.,
Minor Children,**

**S.A.C., Mother,
Appellant.**

Appeal from the Iowa District Court for Polk County, Louise M. Jacobs,
District Associate Judge.

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

Marc A. Elcock of Elcock Law Firm, P.L.C., West Des Moines, for
appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Chris Gonzales,
Assistant County Attorney, for appellee.

Thomas Crabb, Des Moines, for father of D.C. Jr.

Linda Morphy, Des Moines, guardian ad litem for minor children.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

SACKETT, C.J.

Sonya, the mother of Shyanne, born in 1998, and Daniel, born in 2003, appeals from the juvenile court order terminating her parental rights to the children.¹ On appeal she contends clear and convincing evidence does not support the statutory grounds for termination cited by the court, termination is not in the children's best interest, and her parental rights "should be restored" under Iowa Code section 232.116(3)(c) (2007). We affirm the termination of Sonya's parental rights.

Sonya has substance abuse and mental health issues. The children were removed from Sonya's care on September 14, 2005. Daniel was returned to Sonya's care on September 6, 2006, but removed again on February 27, 2007. Following contested proceedings, the court terminated Sonya's parental rights in December of 2007 under sections 232.116(1)(d), (f) (both children), and (e) (Shyanne).

Our review is *de novo*. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). The grounds for termination must be supported by clear and convincing evidence. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). When the juvenile court terminates a parent's rights on more than one statutory ground, we may affirm if any of the grounds are supported by substantial evidence. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

For the reasons that follow, we find termination of Sonya's parental rights to Shyanne proper under section 232.116(1)(f) and to Daniel under section 232.116(1)(d). Shyanne suffers from posttraumatic stress disorder, likely

¹ The order also terminated the parental rights of all known and putative fathers. Their parental rights are not at issue in this appeal.

stemming from when Daniel's father tried to drown her in the bathtub. Sonya admitted knowing of the incident, but blames service providers for not educating her about posttraumatic stress disorder issues and how her actions could be harmful to Shyanne. Sonya involved Shyanne in making a threat against Daniel's father. She also told Shyanne not to talk to anyone about what happened at home or Shyanne wouldn't be able to come home again. Shyanne's therapist opined that Sonya's "mental health, personality disorder, decision making, self-control, and thinking process has remained tenuous at best. The drastic fluctuations in her personality functioning are a serious concern." Sonya has not been compliant with drug testing, substance abuse treatment, or mental health care. Although she completed a psychosocial evaluation, she failed to comply with all the recommendations. She participated in therapy with five different therapists, but after initial progress, would either regress or change therapists. Sonya did not consistently provide samples for drug testing. Despite the services offered, the circumstances that led to the children's removal continue to exist. Sonya was given an additional six months to achieve reunification, but was unsuccessful. Sonya's continued choice to associate with violent, drug abusing people would place Shyanne at risk if returned to Sonya's care. We find Shyanne could not be returned to Sonya's care at the time of the termination. Shyanne is doing well in her father's care. Despite a no contact order between Daniel and his father, Sonya allowed contact. We find Daniel could not be returned to Sonya's care at the time of the termination. We agree with the juvenile court that the children's best interest is served by terminating Sonya's parental rights.

Sonya also raises a general claim her parental rights “should be restored,” citing Iowa Code section 232.116(3)(c). A claim based on the closeness of the parent-child relationship was not raised in or decided by the juvenile court. The record does not reveal any motion to amend or enlarge in order to obtain a ruling from the court. We conclude this issue is not preserved for our review. See *In re C.D.*, 508 N.W.2d 97, 100 (Iowa Ct. App. 1993) (“Matters not raised in the trial court, including constitutional questions, cannot be asserted for the first time on appeal.”).

AFFIRMED.