

IN THE COURT OF APPEALS OF IOWA

No. 8-111 / 07-1557
Filed February 27, 2008

**IN THE INTEREST OF C.R. and C.W.,
Minor Children,**

**T.R.R., 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.**

Francis Hurley, Des Moines, for appellant mother.

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

Roscoe Ries of Ries Law Firm, Des Moines, for appellee father.

Kayla Stratton, Des Moines, for minor children.

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

VOGEL, J.

Tasha is the mother of C.W., who was born in 2003, and C.R., who was born in 1991. This family came to the attention of the Department of Human Services after it was reported that Tasha had a serious alcohol problem and was unable to properly or safely care for the children. After a fire that broke out in the family home while Tasha was intoxicated and asleep, the State filed a petition alleging the children to be in need of assistance (CINA). The children were removed and placed with family members, where they remained at the time of the termination hearing. On July 31, 2006, they were adjudicated CINA.

As Tasha's alcohol and drug use continued and the services provided her proved unproductive, the State filed a petition seeking to terminate Tasha's parental rights to the two children. Following a hearing on the petition, the court granted the State's request and terminated Tasha's parental rights under Iowa Code section 232.116(1)(f) and (l) (2007). Tasha appeals from this order.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). 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). Our primary concern in termination proceedings is the best interests of the children. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981).

Tasha's sole contention on appeal is that the termination of her parental rights is not in the children's best interests. She claims that although admittedly she struggled with services and did have an alcohol problem, at the time of the termination hearing she had finally "gained full acceptance of her alcohol

problem” and taken responsibility for communicating with service providers and family members. She requests additional time in order to fully rehabilitate herself.

Upon our de novo review of the record, we conclude the juvenile court properly found that termination was in the best interests of the children and that an additional period of time was not warranted. First, there is no question that Tasha has a substantial problem with alcohol and is a regular user of marijuana. Most significantly, however, is how that drug and alcohol use has impacted her children and placed them in dangerous situations. C.W. and C.R. were repeatedly placed in harm’s way as a result of Tasha’s poor judgment. *See In re J.E.*, 723 N.W.2d 793, 801 (Iowa 2006) (Cady J., concurring specially) (“A child’s safety and the need for a permanent home are now the primary concerns when determining a child’s best interests.”). Tasha exhibited troubling behavior in front of not only her children, but also service providers and court personnel. In fact, Tasha attended a court hearing on May 22, 2007, while intoxicated. Mental health issues provide further obstacles to reunification.

Tasha has failed to demonstrate her ability to provide a safe, drug and alcohol free home, and emotional maturity and stability for her children despite the services offered to her. She has not been able to stabilize her emotional and mental health. It is apparent that an additional period of services would be unlikely to improve her situation, and her two children cannot wait for Tasha to confront her own issues. They deserve a permanency she cannot provide. We therefore affirm the termination of her parental rights.

AFFIRMED.