

**IN THE COURT OF APPEALS OF IOWA**

No. 8-169 / 08-0042  
Filed March 14, 2008

**IN THE INTEREST OF T.C., K.T., and A.R.,  
Minor Children,**

**R.S.C., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Linn County, Barbara Liesveld,  
District Associate Judge.

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

Ellen Ramsey-Kacena, Iowa City, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, Harold Denton, County Attorney, and Rebecca Belcher,  
Assistant County Attorney, for appellee State.

David Mitchell, North Liberty, and Melissa Petersen of Petersen Law Firm,  
L.L.C., Hager City, Wisconsin, for appellee father.

Robert Davison, Cedar Rapids, guardian ad litem for minor children.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

**BAKER, J.**

Rhonda is the mother of Tavius, who was born in 2001, Kerina, who was born in 2003, and Alexis, who was born in 2006.<sup>1</sup> Tavius first came to the attention of the Iowa Department of Human Services (DHS) in 2004, and he was later adjudicated to be a child in need of assistance (CINA), due to his exposure to illegal drugs and his lack of supervision. Rhonda's admitted use of cocaine while pregnant with Kerina led to further DHS involvement. The children were both adjudicated CINA for a second time in May 2006 after further drug concerns arose. After Alexis tested positive for cocaine following her birth, she was adjudicated CINA as well. All three children were removed from Rhonda's care in June of 2006. On June 27, 2007, the State filed a petition seeking to terminate Rhonda's parental rights to the three children. Following a hearing, the court granted the State's request and terminated Rhonda's parental rights under Iowa Code sections 232.116(1)(f) (Tavius and Kerina), 232.116(1)(h) (Alexis), and 232.116(1)(l) (2007) (all three). Rhonda 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). Although the district court terminated the parental rights on more than one statutory ground in this case, we will affirm if at least one ground has been proven by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995).

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<sup>1</sup> The children each have a different father. Their rights are not at issue in this appeal.

On appeal, Rhonda first claims the court erred in refusing to extend the permanency goal to allow her additional time to pursue mental health treatment and other services. Upon our de novo review, we disagree. The State provided Rhonda with a wide variety of services geared toward reunification, including foster care, parenting skill services, mental health assessment and treatment, drug testing and treatment, therapy for the children, and family therapy. In addition, she was provided with a number of services during previous CINA cases. She was largely inconsistent with these services, and had not progressed beyond fully supervised visits with the children. Moreover, despite these offerings, Rhonda was not in any position to resume care of the children in the immediate future, and allowing additional time was not warranted. For similar reasons, we also reject Rhonda's claim that she was not offered reasonable reunification services.

We next conclude termination was appropriate under sections 232.116(1)(f) and (h), both of which require clear and convincing proof that the children cannot be returned to the custody of their parents without placing them in danger of adjudicatory harm. Even Rhonda admits the children cannot be returned to her custody at the present time, as at trial she requested an extension of three months in which to show that she can safely parent the children. Furthermore, Rhonda has unresolved mental health issues, an extensive criminal history, and a long history of using illegal substances, including exposing her children to that use<sup>2</sup> and lifestyle. Despite a variety of

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<sup>2</sup> All three children have tested positive for cocaine.

treatments, she has been inconsistent with drug testing and continues to relapse. These ongoing issues preclude the immediate return of her children.

Finally, we reject Rhonda's contention that termination of her parental rights was not in the children's best interests. As noted before, Rhonda's substance abuse has significantly affected all three of her children. She has five founded child abuse assessments with regard to the children, four of which were for the presence of illegal drugs in the children. Nothing in the record convinces us that Rhonda fully appreciates the danger in which she has placed the children, nor that she has taken seriously and fully the goals and requirements imposed by the juvenile court. See *In re J.E.*, 723 N.W.2d 793, 798 (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."). Given her history of repeated relapses, it would not be in the children's best interests to reunify them with Rhonda. We have reached the point where "the rights and needs of the child[ren have] rise[n] above the rights and needs of the parents." *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). We therefore affirm the termination of her parental rights.

**AFFIRMED.**