

IN THE COURT OF APPEALS OF IOWA

No. 8-262 / 08-0333
Filed April 30, 2008

**IN THE INTEREST OF E.R.,
Minor Child,**

**J.V.-G., Mother,
Appellant.**

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

A mother appeals the juvenile court order terminating her parental rights.

AFFIRMED.

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

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

Kayla Stratton, Juvenile Public Defender, Des Moines, guardian ad litem
for minor child.

Considered by Vogel, P.J., and Zimmer, J., and Beeghly, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

BEEGHLY, S.J.**I. Background Facts & Proceedings**

Jamie is the mother of Emilio, who was born in June 2007.¹ Emilio was removed from Jamie's care at the time of his birth because Jamie's parental rights to an older child were terminated, and a second child had been adjudicated to be in need of assistance (CINA).² Jamie has a history of mental health problems, substance abuse, and being in relationships involving domestic violence. Emilio was placed in foster care.

In August 2007, Emilio was adjudicated to be CINA under Iowa Code sections 232.2(6)(c)(2) (2007) (child is likely to suffer harm due to parent's failure to exercise care in supervising child) and (n) (parent's mental condition or drug or alcohol abuse results in child not receiving adequate care). Jamie agreed she was not able to take care of Emilio at that time. Jamie began outpatient treatment, but was unsuccessfully discharged. She told a social worker she drank alcohol due to being stressed about her children. Jamie participated in services, but continued to struggle with improving her parenting skills.

In December 2007, the State filed a petition seeking termination of Jamie's parental rights. The juvenile court noted Jamie had received many services through the years. The court found Jamie had not adequately addressed her substance abuse or mental health issues. Jamie's parental rights were terminated pursuant to sections 232.116(1)(d) (child CINA for neglect, circumstances continue despite the receipt of services), (g) (child CINA, parent's

¹ Emilio's legal father is Jose, but his biological father is unknown. The parental rights of Jose and any putative fathers have been terminated.

² Jamie's parental rights to the second child were terminated in September 2007.

rights to another child were terminated, parent does not respond to services), and (h) (child is three or younger, CINA, removed for at least six months, and cannot be returned home). The court concluded termination of Jamie's parental rights was in Emilio's best interests. Jamie appeals the juvenile court decision.

II. Standard of Review

The scope of review in termination cases is de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be proven by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). Our primary concern is the best interests of the children. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

III. Sufficiency of the Evidence

Jamie contends there is insufficient evidence in the record to support termination of her parental rights under sections 232.116(1)(d), (g), and (h). "When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm." *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

On our de novo review, we find there is clear and convincing evidence in the record to support termination of Jamie's parental rights under section 232.116(1)(d). Jamie received services to correct the circumstances which led to the adjudication of Emilio as a child in need of assistance. Those circumstances continued to exist, however, despite the services offered to her. Jamie did not adequately address her mental health or substance abuse problems. Jamie

remained unable to provide the care Emilio needed. Furthermore, we conclude there is sufficient evidence in the record to support the termination of Jamie's parental rights under sections 232.116(1)(g) and (h).

IV. Best Interests

Jamie claims termination of her parental rights is not in Emilio's best interests. In considering a child's best interests, we consider a child's long-range, as well as immediate, interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). A parent does not have an unlimited amount of time in which to correct his or her deficiencies. *In re H.L.B.R.*, 567 N.W.2d 675, 677 (Iowa Ct. App. 1997). Under the facts of this case, it is in Emilio's best interests to terminate Jamie's parental rights. Jamie has been unable to make the changes necessary so that she could successfully parent her child. It would not be in Emilio's best interests to make him wait longer for a permanent, stable home.

We affirm the decision of the juvenile court terminating Jamie's parental rights.

AFFIRMED.