

IN THE COURT OF APPEALS OF IOWA

No. 8-377 / 08-0489

Filed May 29, 2008

**IN THE INTEREST OF N.H.,
Minor Child,**

**K.L.N., Mother,
Appellant,**

**J.A.H., Father,
Appellant.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
District Associate Judge.

A mother and father appeal the termination of their parental rights to their
child. **AFFIRMED.**

Timothy J. Tupper of Tupper Law Firm, Davenport, for appellant mother.

Derek G. Jones, Davenport, for appellant father.

Thomas J. Miller, Attorney General, Kanthrine S. Miller-Todd, Assistant
Attorney General, Michael Walton, County Attorney, and Gerda Lane, Assistant
County Attorney, for appellee.

Benjamin Yeggy, Davenport, guardian ad litem for minor child.

Considered by Miller, P.J., and Vaitheswaran and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence. The father conditionally appeals, seeking reversal of the order terminating his parental rights if it is reversed as to the mother. We review these claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(e) and (f) (2007). We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Termination is appropriate under section 232.116(1)(f) where:

- (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.
- (2) The parent has a severe, chronic substance abuse problem, and presents a danger to self or others as evidenced by prior acts.
- (3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

The mother disputes the State has proved the second and third elements by clear and convincing evidence. We disagree.

The child was born in February 2007 with drugs and alcohol in her system and required physical therapy as a result of her exposure to drugs in utero. Removed from her mother's custody within days of her birth, the child currently lives with her paternal grandmother. The mother has a history of substance abuse and her parental rights to another child were terminated. Despite the services offered to her, the mother failed to complete substance abuse treatment and has been unable to achieve sobriety for any notable length of time. She

lives with her boyfriend who also is a substance abuser. We, like the trial court, are unconvinced the mother's care for a niece has any bearing on her ability to safely care for the child in interest.

The mother's substance abuse problems remain unaddressed. She has not been able to demonstrate she can maintain sobriety despite the fact that her child was born drug-affected and her parental rights to another child have been terminated. We have long recognized parents with chronic, unresolved substance abuse problems present a danger to their children. *In re J.K.*, 495 N.W.2d 108, 113 (Iowa 1993). Her past actions are evidence of the future quality of her care. See *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000). We conclude the child cannot be safely returned to the mother's care now or within any reasonable period of time. The child is now fifteen months old, has been out of her mother's care all her life, and deserves a permanent home. Accordingly, termination was appropriate under section 232.116(1)(f).

Because termination of the mother's parental rights has been affirmed, it is unnecessary to address the father's conditional appeal.

AFFIRMED.