

IN THE COURT OF APPEALS OF IOWA

No. 8-384 / 08-0141

Filed June 11, 2008

**IN THE INTEREST OF D.C.F.,
Minor Child,**

L.F., Mother,
Appellant,

T.D., Father,
Appellant.

Appeal from the Iowa District Court for Scott County, Christine Dalton,
District Associate Judge.

A mother and father appeal the termination of their parental rights.

AFFIRMED.

Sharon Sinnard, Bettendorf, for appellant mother.

Timothy Tupper, Davenport, for appellant father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, Michael J. Walton, Acting County Attorney, and Gerda C.
Lane, Assistant County Attorney, for appellee State.

Stephen Newport of Newport & Newport, P.L.C., Davenport for minor
child.

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

VAITHESWARAN, J.

A mother and father appeal the termination of their parental rights to D.F., born in 1999. The mother argues termination of her parental rights was not in the child's best interests because (1) the child was "firmly bonded" with her and (2) her rights to another child were not terminated. The father asserts that the record lacks clear and convincing evidence to support the grounds for termination cited by the district court. On our de novo review of the record, we are not persuaded by these arguments.

I. Mother

When D.F. was almost seven years old, her mother, Lesley, placed her in the custody of the Department of Human Services. This placement followed an investigator's discovery of marijuana odors coming from Lesley's home. D.F. remained in homes other than her mother's from October 2006 through the termination hearing in January 2008.

Lesley initially visited D.F. on a regular basis but, as time passed, her "attendance and her co-operation became very sporadic." A Department social worker who made this observation also testified that Lesley "had difficulty parenting in an appropriate manner" during visits. She noted,

[D.F.] and Lesley would engage in verbal bantering, arguing, they would argue over toys, they would argue over colors. And at some visits, Lesley was in one corner coloring, [D.F.] was doing her own thing. There did not appear to be a parent-child relationship.

Lesley's last visit with D.F. was in March 2007.

Lesley acknowledged that she had not visited her daughter since approximately April 2007. She also acknowledged her lack of cooperation with

the Department and service providers. Her only explanation for this noncompliance was her reluctance to deal with the documentation that was required by the Department. When asked about her relationship with D.F. she stated, "I haven't seen her in a while."

Lesley's lack of contact with her daughter and her non-cooperation with reunification services made it difficult for her to learn appropriate parenting skills.

On this issue, the Department social worker testified as follows:

[D.F.] is probably one of the most serious behavioral problem children I have ever dealt with, and it will take a very, very capable, special person that is willing to dedicate a lot of time in working with her.

She noted that D.F. "would throw tantrums, she would steal, she would bite, she would be defiant, she would not sleep at night." Lesley did not show the Department that she could adequately address this type of behavior. Even Lesley's mother expressed concern about Lesley's ability to care for [D.F.]. She stated, "I'm not sure if Lesley can handle her." She supported the termination of Lesley's parental rights, stating "I don't think Lesley can take care of herself. All I'm worried about is [D.F.]"

Based on this record, we conclude termination of Lesley's parental rights to D.F. was in the child's best interests. See *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000) (stating ultimate consideration in termination of parental rights proceeding is best interests of the child). While we do not doubt that mother and child once shared a bond, Lesley allowed that bond to deteriorate.

We turn to Lesley's argument that the district court should have considered her care of another child. We agree with the State that the focus of this proceeding was on D.F.

II. Father

The juvenile court terminated the father's parental rights pursuant to several provisions. We find it necessary to address only one of them: whether the State proved that D.F. could not be returned to the custody of her father. See Iowa Code § 232.116(1)(f); *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (stating we may affirm if we find clear and convincing evidence to support any of the grounds cited by the juvenile court).

The father was in and out of prison during D.F.'s lifetime. He conceded he did not see the child for the first fifteen months of her life. He also conceded that his visits with D.F. in 2007 were curtailed after he violated the terms of his probation and was returned to prison. At the time of the termination proceedings, the father had been in prison for six months. He testified he was going to ask his counselor to investigate the possibility of parole in March or April of 2008. It was clear, however, that he was not in a position to have D.F. immediately placed in his care.

AFFIRMED.