

IN THE COURT OF APPEALS OF IOWA

No. 8-388 / 08-0609

Filed May 29, 2008

**IN THE INTEREST OF R.S. and G.S.,
Minor Children,**

**G.M.S., Mother,
Appellant.**

Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clarke, Judge.

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

Linda A. Hall of Gallagher, Langlas & Gallagher, P.C., for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steven J. Halbach, Assistant County Attorney, for appellee State.

Tammy Banning, Waterloo, guardian ad litem for minor child.

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

VOGEL, J.

Gina is the mother of R.S., who was born in 2004, and G.S., who was born in 2005.¹ Several child protective assessments from 2004 through 2006 resulted in findings of denial of critical care for the presence of drugs in the children. The children were eventually removed from Gina's care in September 2006 due to concerns about Gina's relationships with abusive men, her lack of supervision of the children,² and her use of crack cocaine. The children were adjudicated to be in need of assistance on October 24, 2006, under Iowa Code sections 232.2(6)(c)(2), (n), and (o) (2005). On October 3, 2007, a petition seeking to terminate Gina's parental rights was filed. Following a hearing, the juvenile court granted the request and terminated Gina's parental rights pursuant to sections 232.116(1)(h), (k), and (l) (2007). Gina 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).

We first address Gina's contention that there is insufficient evidence to support a finding that the children could not be returned to her home within a reasonable period of time. Upon our de novo review, we conclude that the return

¹ Neither of the children's fathers have been involved in their lives and their parental rights are not at issue in this appeal.

² While Gina was passed out, the children wandered down the street clothed only in diapers.

of either child's custody to Gina within any foreseeable time frame would subject them to adjudicatory harm. Gina has a history of severe substance abuse, having started using marijuana at the age of eighteen and progressing to crack cocaine as her drug of choice. She has significant mental health issues that are unresolved, as she has not taken advantage of the mental health treatment provider recommendations. She has made suicide attempts and continues to talk about not wanting to live. Additionally she has disregarded recommendations with regard to contact with an abusive boyfriend and she has violated the no-contact order she sought against him. She has not demonstrated stability in either sobriety or mental health. She continues to make poor choices that would place the children at risk of harm were they to be in her care.

Next, Gina maintains the State failed to provide reasonable services to preserve her family unit. See *In re A.A.G.*, 708 N.W.2d 85, 91 (Iowa Ct. App. 2005). In particular, she believes the State should have provided her with grief counseling, allowed the children to stay with her while in treatment, referred her to "relationship issue" counseling, and evaluated the parent/child bond. The record establishes that a wide variety of services were, in fact, provided to Gina and the family over an eighteen-month period. Many of the services offered did touch on the areas Gina believes would have assisted her in reunification with the children. Despite these services, the need for removal remained as Gina's successful strides were usually followed by her devastating retreat to drugs or dangerous behaviors. It was not the lack of services that prevented the return of the children, but Gina's own conduct. We therefore reject this contention.

Finally, Gina claims the record fails to establish that termination of her parental rights is in the best interests of the children. A child's safety and the need for a permanent home are the primary concerns in determining a child's best interests. *In re J.E.*, 723 N.W.2d 793, 801 (Iowa 2006) (Cady, J., concurring specially). In consideration of these facts, termination is fully warranted. The concerns expressed above support the finding that termination is in the children's best interests. We therefore affirm.

AFFIRMED.