

IN THE COURT OF APPEALS OF IOWA

No. 8-503 / 08-0675
Filed June 25, 2008

**IN THE INTEREST OF C.T. and D.T.,
Minor Children,**

**D.S.T., Mother,
Appellant.**

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

A mother appeals from the district court's order terminating her parental
rights to her children. **AFFIRMED.**

Angela Reyes, Davenport, for appellant mother.

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

Charles Elles, Bettendorf, for minor children.

Considered by Vogel, P.J., and Mahan and Zimmer, JJ.

VOGEL, P.J.

Dominique appeals from the district court's order terminating her parental rights to C.T. (born in April 2001) and D.T. (born in September 2002) pursuant to Iowa Code sections 232.116(1)(e), (f), (l) (2007). She claims that termination of her parental rights is not in the children's best interests. We affirm.

Upon our de novo review of the record, we conclude that Dominique's argument is without merit and termination is clearly in the children's best interests. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). Both C.T. and D.T. were born drug-affected due to Dominique's daily drug use throughout her pregnancies, which ultimately led to C.T. and D.T. being removed from Dominique's care in 2002. Over several years, Dominique was offered services in order to achieve reunification. However, her participation was sparse and she failed to address her mental health issues and substance abuse addiction. In the December 2007 permanency order, the district court found Dominique's "efforts to establish and maintain a sober and responsible lifestyle have been superficial, limited, and ineffectual." The very next month, Dominique was unsuccessfully discharged from an outpatient substance abuse treatment program for failing to attend and participate. At the termination hearing, a case worker testified "[s]ubstance abuse has been a problem since the initial DHS involvement in '02 It continues to be a problem five years later." The district court noted that since the children were removed from her care in 2002, Dominique "has continued to demonstrate a consistent pattern of behavior and problems associated with substance abuse, criminal law violations, and an unstable . . . lifestyle." Additionally, the record repeatedly notes the prevalence of drug use

throughout Dominique's family, including her parents, who have had guardianship over the children. Dominique's argument that the guardianship should be reinstated was not even a serious consideration for the district court, as they too exposed the children to drugs and have "an extensive history of substance abuse" and refuse to participate in treatment. Clearly this is not an option that would promote the children's best interests.

C.T. and D.T. have been out of Dominique's care for nearly six years and have not had stability in their lives throughout this time. It is in C.T. and D.T.'s best interests that Dominique's parental rights are terminated. *In re J.E.*, 723 N.W.2d at 802 (Cady, J., concurring specially) (stating children's safety and their need for a permanent home are the defining elements in a child's best interests). They deserve a safe and stable environment and have been waiting years for Dominique to become a responsible parent. They should not be forced to wait any longer. "At some point, the rights and needs of the children rise above the rights and needs of the parents." *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997).

AFFIRMED.