

**IN THE COURT OF APPEALS OF IOWA**

No. 8-588 / 08-0971

Filed July 16, 2008

**IN THE INTEREST OF A.L.,  
Minor Child,**

**K.G., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Polk County, Carol Egly, District Associate Judge.

A mother appeals from the order terminating her parental rights.

**AFFIRMED.**

Lynn Poschner of Borseth Law Offices, Altoona, for appellant mother.

Daniel Northfield, Clive, for father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, John P. Sarcone, County Attorney, and Kevin Brownell, Assistant County Attorney, for appellee State.

Kimberly Ayotte of the Youth Law Center, Des Moines, for minor child.

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

**ZIMMER, J.**

A mother appeals from the juvenile court order terminating her parental rights to her child. We affirm.

***I. Background Facts and Proceedings.***

Kristine and Jose<sup>1</sup> are the parents of Angel, born in September 2007. In January 2008 Angel came to the attention of the Iowa Department of Human Services (Department) after it was reported that Angel was ill and Kristine was not providing for Angel's medical needs. Additionally, it was reported that there was marijuana in Kristine and Angel's bedroom. At that time, Kristine was living in a two-bedroom apartment with five men, some of whom she did not know. Although the report stating Kristine was not providing for Angel's medical needs was unconfirmed, marijuana cigarettes were found in the home during a welfare check. Angel was then removed from the parental home and placed in the temporary custody of the Department on January 3, 2008.

Kristine received or was offered services after Angel's removal in January including a child protective assessment, an attachment assessment, referrals to domestic violence and mental health services, foster care, bus tokens, and paternity tests. Thereafter, on February 8, 2008, Angel was adjudicated a child in need of assistance (CINA). Following adjudication, the State filed an application for waiver of reasonable efforts pursuant to Iowa Code section 232.102(12)(c) (2007) contending Angel had been found to be a CINA and that Kristine's parental rights had previously been terminated pursuant to section 232.116 with respect to five other children who were members of the same

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<sup>1</sup> Jose did not appeal from the termination of his parental rights.

family. The State further asserted that the offer or receipt of services would not within a reasonable period of time be likely to correct the conditions that led to the removal of this child from his Kristine's care. Kristine resisted the application, asserting that she had scheduled an appointment for individual therapy with a clinical therapist and had participated in the following services: domestic violence awareness classes at Children and Families of Iowa, supervised visits with Angel three times per week, and a family team meeting. Additionally, Kristine noted she had been approved for Section 8 housing assistance and had moved into an apartment and was living alone. She contended she believed that with services she would be able to correct the conditions that led to Angel's removal within a reasonable amount of time.

The juvenile court waived reasonable efforts on March 5, 2008, finding that this was the sixth child born to Kristine and that Kristine had lost permanent custody of the other five older children in previous termination of parental rights cases. The court then set out the extensive services the Department had offered Kristine since 2002. The court found clear and convincing evidence that Kristine's parental rights had been terminated under section 232.116 with respect to the other five children, and that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions that led to Angel's removal.

The State then filed a petition to terminate Kristine's parental rights on March 21, 2008. The juvenile court terminated Kristine's parental rights pursuant to sections 232.116(1)(d) (child CINA, circumstances continue despite receipt of services), (g) (child CINA, parent's rights to another child in the same family were

terminated, parent does not respond to services, additional period of rehabilitation would not correct situation), and (i) (child meets definition of CINA, was in imminent danger, services would not correct conditions). The court found that Kristine was offered and received services to correct the circumstances that led to her other five children being adjudicated as CINA, but despite that offer or receipt of services, the circumstances which led to each of the earlier adjudications still existed. Additionally, the court found clear and convincing evidence existed that Kristine continued to lack the ability or willingness to respond to services that would correct the situation and an additional period of rehabilitation would not correct the situation.

Kristine now appeals the termination of her parental rights.

## ***II. Scope and Standards of Review.***

We review termination proceedings de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be supported by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). We are primarily concerned with the child's best interests in termination proceedings. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). Even when the statutory grounds for termination are met, the decision to terminate parental rights must reflect the child's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). When we consider the child's best interests, we look to his long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

## ***III. Claims on Appeal.***

In this appeal, Kristine first contends the State's application for waiving reasonable grounds was not supported by clear and convincing evidence.

Additionally, Kristine maintains the grounds for termination were not supported by clear and convincing evidence. For the reasons which follow, we find no merit in either argument.

***A. Waiver of Reasonable Efforts.***

Reasonable efforts may be waived when aggravated circumstances are found to exist. *In re C.B.*, 611 N.W.2d 489, 493 (Iowa 2000). The evidence in the present case shows Kristine received extensive services with regard to her other five children from at least 2002 until 2007. Also, Kristine received services regarding Angel after he was removed in January. Despite the receipt of services for many years, Kristine has not adequately addressed the concerns regarding her ability to safely parent her child. Although Kristine has begun therapy, the record shows she attends infrequently and does not utilize therapy to manage stressful situations in her life. Similarly, the record shows Kristine does not attend the domestic violence awareness classes regularly. Additionally, though Kristine had moved into her own apartment, the evidence established she was only staying there occasionally. Moreover, Kristine has a lengthy history of involvement with abusive men, and questions about Kristine's involvement in unhealthy relationships continue to exist. The evidence clearly shows additional services would not correct Kristine's parenting deficiencies within a reasonable period of time, particularly given her past performance. We conclude the juvenile court correctly determined reasonable efforts should be waived under the facts of this case.

***B. Grounds for Termination.***

When the juvenile court terminates parental rights on more than one statutory ground, we only need to find grounds to terminate under one of the sections cited by the court in order to affirm the court's ruling. *In re S.R.*, 600 N.W. 2d 63, 64 (Iowa Ct. App. 1999). Upon our de novo review of the record, we concur in the juvenile court's determination that Kristine's parental rights should be terminated under Iowa Code section 232.116(1)(g), which requires proof the child has been adjudicated a CINA, the court has terminated parental rights pursuant to section 232.117 with respect to another child who is a member of the same family, and there is clear and convincing evidence the parent continues to lack the ability or willingness to respond to services that would correct the situation.

As stated above, it is apparent serious concerns still exist regarding Kristine's stability and her ability to provide adequate care for her child. The record makes clear that, despite the offer or receipt of extensive services, Kristine has not adequately addressed the concerns regarding her ability to safely parent her child. Consequently, we agree with the juvenile court's finding that Kristine's parental rights should be terminated under Iowa Code section 232.116(1)(g).

***IV. Conclusion.***

We affirm the juvenile court's decision to terminate Kristine's parental rights.

**AFFIRMED.**