

**IN THE COURT OF APPEALS OF IOWA**

No. 8-795 / 08-0529  
Filed October 29, 2008

**IN THE INTEREST OF K.S.J.,  
Minor Child,**

**T.P.J., Father,**  
Petitioner,

**S.M.D., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Des Moines County, Michael Dieterich, District Associate Judge.

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

Andrew Hoth of Hoth Law Offices, Burlington, for appellant mother.

Scott Schroeder, Burlington, for appellee father.

Marlis Robberts, Burlington, for minor child.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

**VOGEL, J.**

Sarra appeals from the district court's order terminating her parental rights to her daughter, K.S.J., pursuant to Iowa Code sections 600A.8(3) and (4) (2007). Sarra asserts that there was not clear and convincing evidence to support termination of her parental rights. We review her claim de novo. *In re R.S.N.*, 706 N.W.2d 705, 707 (Iowa 2005).

Tyler and Sarra were never married, but are the parents of K.S.J. who was born in February 2004. Following K.S.J.'s birth, Tyler and Sarra lived together for nearly two years. In February 2006, shortly before K.S.J.'s second birthday, Tyler and Sarra ended their relationship and Sarra moved out of the family home. At this time, Tyler became aware of Sarra's alcohol and drug addiction.

In March 2006, a temporary custody order granted Sarra and Tyler joint legal custody, with Tyler having physical care and Sarra visitation. Sarra was also ordered to pay child support in the amount of thirty-six dollars per week. However, in the two-and-one-half months following the entry of the temporary order, Sarra chose to visit with K.S.J. fewer than ten times and did not pay any child support. Sarra then moved to Michigan, reporting that she could not handle visitation any longer. She also declined to participate in the district court hearing to establish permanent custody and visitation. As a result, in June 2006, the district court entered an order awarding Tyler sole legal and physical custody of K.S.J. and awarding Sarra visitation at Tyler's discretion. Sarra was also ordered to pay thirty-six dollars per week in child support, as previously ordered.

Sarra did not request visitation with K.S.J. until October 2006, when she had three visits with K.S.J. However, Sarra testified that the visits stopped

because she had been drinking a lot, was really depressed, and had just moved back from Michigan and had no place to live. Sarra never again asked for visitation with K.S.J. and her only contact with K.S.J. was sending her a few holiday cards in 2006 and a Halloween card in 2007. Sarra made four child support payments of ninety-two dollars each in December 2006 and January 2007.

On October 10, 2007, Tyler filed a petition to terminate Sarra's parental rights. In December 2007, a hearing was held, during which Tyler, Sarra, and K.S.J.'s maternal grandmother testified. The testimony revealed that since her birth, K.S.J. has lived with Tyler, who provided K.S.J. a "safe, stable, secure environment with love and affection." Tyler and K.S.J.'s maternal grandmother have a good relationship and have been working in concert to parent K.S.J. Unfortunately, Sarra has struggled with alcohol and drug addiction and failed to seek treatment despite her mother's support to do so. Although Sarra was under a child support order since March 2006, she only made four payments of \$92.00 each. Since October 2006, Sarra had not requested visitation with K.S.J. and her only attempt at communication was sending a few holiday cards.

On March 7, 2008, the district court terminated Sarra's parental rights finding that Sarra had "rejected her parental duties in making only a marginal effort to communicate with [K.S.J.]," that Tyler did not prevent Sarra from communicating or visiting with K.S.J., and that Sara was ordered to support K.S.J. but failed to do so without good cause. The district court concluded that termination of Sarra's parental rights was in K.S.J.'s best interests.

On appeal, Sarra does not challenge the district court's finding that she failed to maintain "substantial and continuous or repeated contact" with K.S.J. Iowa Code § 600A.8(3)(b). Rather, she contends that Tyler interfered with her visitation with K.S.J. The district court specifically found that Tyler "did not prevent [Sarra] from visiting with [K.S.J.] and did not prevent [Sarra] from having regular communication with the child as [Sarra] did not initiate" visitation or communication with K.S.J. There is scant evidence to the contrary. Furthermore, Sarra does not challenge the termination of her parental rights pursuant to Iowa Code section 600A.8(4). Upon our review of the record, we agree with the district court and find that the termination of Sarra's parental rights is supported by clear and convincing evidence and in K.S.J.'s best interests. Thus, we affirm.

**AFFIRMED.**