

IN THE COURT OF APPEALS OF IOWA

No. 8-849 / 08-1218
Filed October 15, 2008

**IN THE INTEREST OF T.R.G.,
Minor Child,**

C.K., Mother,
Appellant.

Appeal from the Iowa District Court for Jefferson County, William S. Owens, Associate Juvenile Judge.

A mother appeals the termination of her parental rights to her child.

AFFIRMED.

William C. Glass, Keosauqua, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Tim W. Dille, County Attorney, and Patrick J. McAvan, Assistant County Attorney, for appellee State.

Stephen Small, Fairfield, for minor child.

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

VAITHESWARAN, J.

Charlet appeals the termination of her parental rights to T.G., born in 2006. She contends termination was not in the child's best interests. She also suggests that the Department of Human Services did not make reasonable efforts to reunify her with the child. On our de novo review, we disagree with these assertions.

Charlet had a history of illegal drug use dating back a decade. Her drug of choice was marijuana, but she also used methamphetamine. Based on this drug use, the State filed a petition to have T.G. adjudicated a child in need of assistance. After the petition was filed, Charlet agreed to participate in services to address her addictions. The juvenile court withheld adjudication and ordered that T.G. remain with her mother in a home provided by Charlet's parents. T.G. was four months old at the time.

Approximately one month after this reprieve, the department notified the juvenile court that Charlet tested positive for the presence of marijuana in her system and T.G. tested positive for exposure to marijuana. The juvenile court ordered T.G. removed from Charlet's care and placed with Charlet's mother.

In the ensuing months, Charlet regularly tested positive for drugs in her system. After a positive test on November 15, 2007, the department stopped further testing. A social worker reasoned that the costly tests were unwarranted because Charlet was not successful in completing a long-term inpatient drug treatment program and she continued to use drugs. The social worker did not believe "that the prospects of Charlet making drastic changes to improve her situation is going to happen very soon."

The social worker's testimony concerning Charlet's lack of progress was seconded by Charlet herself. In an evidentiary deposition taken in April 2008, she admitted that the department provided services to address her addictions, including an inpatient drug treatment program. Charlet stated she did not complete the program because an accident prevented her from doing so, but as of the date of her deposition, she had not returned to the program or other inpatient treatment. Charlet also admitted that she did not regularly attend outpatient meetings to address her addictions. These admissions outweigh evidence that Charlet and her child got along well during their weekly two-hour supervised visits. The paramount concern was the child's safety and that safety was compromised.

Based on this record, we conclude termination of Charlet's parental rights to T.G. was in the child's best interests. See *In re C. B.*, 611 N.W.2d 489, 492 (Iowa 2000).

AFFIRMED.