

IN THE COURT OF APPEALS OF IOWA

No. 9-001 / 08-1273
Filed January 22, 2009

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

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

Appeal from the Iowa District Court for Linn County, Susan Flaherty,
Associate Juvenile Judge.

A mother appeals from the district court's permanency order regarding her
two daughters. **AFFIRMED.**

John Broz, Oakdale, for appellant mother.

Edward Crowell, Mt. Vernon, for appellee father.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney
General, Harold Denton, County Attorney, and Rebecca Belcher, Assistant
County Attorney, for appellee State.

Robert Davison, Cedar Rapids, for minor child B.D.

Judy Goldberg, Cedar Rapids, for minor child C.D.

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

VOGEL, P.J.

Susan is the mother of C.D. (born in 1991) and B.D. (born in 1992). In March 2007, C.D. and B.D. came to the attention of the Iowa Department of Human Services (DHS) due to drug abuse, domestic violence, and unsafe and unsanitary conditions of the home. At that time, Susan was in jail for domestic abuse charges and C.D. and B.D. were living with family friends. Susan was offered numerous services, including drug testing, parenting instruction, substance abuse evaluation and treatment, and supervised visitation. However, she was unable to progress such that she could provide a drug-free and safe home for her children.

In July 2008, following a hearing, the district court found that C.D. and B.D. could not be returned to Susan's care either now or in the foreseeable future. However, termination of Susan's parental rights was not in the girls' best interests because C.D., age seventeen, and B.D., age fifteen, wanted to maintain a relationship with their mother. C.D., who was placed with her step-mother, and B.D., who was placed with a family friend, were in homes that were willing to provide long-term care. Thus, the district court ordered that the permanency goal be changed from parental reunification to maintaining placement with a suitable adult. Susan appeals and argues that she was making reasonable progress in achieving the permanency goals that the district court "ignored" and that the State failed to prove the permanency goal should be changed.

Upon our de novo review, we find Susan's arguments are not convincing. See *In re K.C.*, 660 N.W.2d 29, 32 (Iowa 2003) (stating we review a permanency order de novo). As the district court found, Susan's "ongoing struggle with her

addictions and the general instability of her lifestyle and adult relationships” prevented her from being able to parent C.D. and B.D. adequately. In addition, her conduct has jeopardized C.D.’s sobriety. At the time of the permanency hearing, Susan had been unable to progress past supervised visitation and did not have a suitable home for C.D. and B.D. We conclude the State proved by clear and convincing evidence that the permanency goal should be changed and that maintaining their current placement is in the best interests of C.D. and B.D. Because we agree with the district court’s fact findings and application of the law, we affirm pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), and (e).

AFFIRMED.