

IN THE COURT OF APPEALS OF IOWA

No. 9-175 / 09-0048
Filed March 26, 2009

**IN THE INTEREST OF D.T., J.R., and E.R.,
Minor Children,**

A.T., Mother,
Appellant,

M.C., Father,
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 children.

AFFIRMED.

Stephen Small, Fairfield, for appellant mother.

William Glass, Keosauqua, for appellant father.

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

Patricia Lipski, Fairfield, for minor children.

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

VAITHESWARAN, J.

Amber appeals the termination of her parental rights to three children, born in 1997, 2000, and 2006. She contends

clear and convincing evidence does not exist in the record to support termination of parental rights where the mother was making progress in her treatment, the children were in relative placement, and a strong emotional bond exists between the mother and her children. Termination would be against the best interests of the children.

On our de novo review, we are not persuaded by these contentions.

Amber was twenty-eight years old at the time of the termination hearing. She began using illegal drugs in her teens and continued to abuse drugs in the ensuing years. The Department of Human Services became involved with the two older children as early as 2004. Because Amber had a criminal record, the Department of Corrections also was involved.

In 2007, Amber relapsed. The two older children were placed with Amber's mother and the youngest child remained with Amber at an inpatient drug treatment facility that allowed children. Amber relapsed twice, declined additional recommended services, and abruptly left the facility. At that point, the youngest child was also placed with Amber's mother.

In mid-2008, Amber attended a supervised visit with her children while apparently under the influence of drugs. Her probation on a criminal conviction was revoked and she was admitted to another treatment facility. On the date of the termination hearing, she was to be admitted to a halfway house.

It is clear from this history that Amber was in no position to have the children returned to her custody. See Iowa Code § 232.116(1)(f), (h) (requiring

proof of several elements including ages of children and proof that children could not be returned to parent's custody). Given Amber's long and largely unsuccessful battle with drug addiction, it is also clear that termination was in the children's best interests. See *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). We reach this conclusion notwithstanding the bond between Amber and her children. See Iowa Code § 232.116(3)(c).

We turn to Amber's contention that termination should have been deferred in light of the children's placement with a relative. See *id.* § 232.116(3)(a). On this issue, we concur with the juvenile court's determination that a long-term guardianship was untenable given the absence of a "real prospect of returning to a parental home either now, or in the reasonably foreseeable future."

We affirm the termination of Amber's parental rights to her three children.

AFFIRMED.