

IN THE COURT OF APPEALS OF IOWA

No. 9-199 / 09-0203
Filed March 26, 2009

**IN THE INTEREST OF J.N.,
Minor Child,**

**T.N., Mother,
Appellant.**

Appeal from the Iowa District Court for Scott County, Nancy S. Tabor,
Judge.

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

AFFIRMED.

Patricia Zamora of Zamora, Taylor, Clark, Alexander & Woods, Davenport,
for appellant mother.

Marsha Arnold, Davenport, for appellee father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Michael J. Walton, County Attorney, and Gerda C. Lane,
Assistant County Attorney, for appellee State.

Barbara Wallace of Cartee & Clausen Law Firm, Davenport, for minor
child.

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

VAITHESWARAN, J.

Tina appeals the termination of her parental rights to her child, born in 2005. She contends that the State failed to prove one of the grounds for termination cited by the district court. While we could affirm on the unchallenged grounds, we elect to proceed to the merits of the single challenged ground. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999) (“When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm.”).

The district court concluded that the child could not be returned to Tina’s custody. See Iowa Code § 232.116(1)(h) (2007). On our de novo review, we agree.

The Department of Human Services had a long history of contacts with Tina. This proceeding began when the department was apprised that Tina and her child were living in unsanitary conditions. Her child was placed with a family friend. When Tina secured sanitary housing, the child was returned to Tina’s care. However, a month later, the department learned that a registered sex offender was sharing a home with Tina and was caring for the child. Additionally, the home housed thirteen dogs that were allowed to defecate inside. In January 2008, the child was removed from the home and placed in foster care. She remained there through the termination hearing a year later.

During 2008, Tina made some efforts to improve her circumstances. She took prescribed medications to treat her bipolar and personality disorders and attended several therapy sessions to address these disorders. She also

stabilized her living situation and acted appropriately during the supervised visits she attended.

Despite this progress, Tina fell short of meeting the department's expectations in several areas. She did not attend all the scheduled therapy sessions, missed a large number of supervised visits with her child, was charged with domestic abuse assault for which she served time, and failed to complete a batterer's education program.

Based on this record, we agree with the district court that Tina was not in a position to have her child returned to her custody. Accordingly, we affirm the termination of her parental rights to this child.

AFFIRMED.