

IN THE COURT OF APPEALS OF IOWA

No. 9-406 / 09-0626
Filed June 17, 2009

**IN THE INTEREST OF M.L.B.,
Minor Child,**

**M.A.W., Mother,
Appellant.**

Appeal from the Iowa District Court for Woodbury County, Mary Jane Sokolovske, Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Molly Vakulskas Joly, Sioux City, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Patrick Jennings, County Attorney, and David Dawson, Assistant County Attorney, for appellee State.

Robert Pierson, Sioux City, for intervenor.

Lesley Rynell of Juvenile Law Center, Sioux City, for minor child.

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

POTTERFIELD, J.

M.L.B. was born in October 2002 to M.W., who has a history of significant drug abuse and legal problems. In December 2003, M.W. placed M.L.B. with M.W.'s mother. The child was cared for by her maternal grandmother (her "factual custodian") for most of her life. M.W. visited M.L.B. one or two times per year when the child was one to five years old. More recently and since M.W.'s release from incarceration, M.W. has seen M.L.B. "a couple times per month." However, there is no mother/daughter bond. M.W. has provided no support for M.L.B.

M.L.B.'s grandmother sought adjudication of M.L.B. as a child in need of assistance (CINA) because M.L.B. has many special needs and her grandmother felt unable to care for her without help. She voluntarily placed M.L.B. in foster care in December 2008. M.L.B. was adjudicated CINA in January 2009. At the adjudicatory hearing, M.W. agreed that it was best for M.L.B. to be adopted, indicating that she could not handle M.L.B.'s behaviors. A petition to terminate M.W.'s parental rights¹ was filed in February 2009, alleging termination was proper under Iowa Code sections 232.116(1)(a) (consent) and (1)(b) (2009) (abandonment).

The matter came on for hearing on April 8, 2009. M.W. appeared with counsel and offered into evidence exhibit 101, her "Consent to Termination of Parental Rights." She offered no additional evidence. The consent form was signed on March 23, 2009, and states in part:

¹ The father's rights were also terminated by consent, and he has not appealed.

4. I understand that the purpose of this Consent to Termination of Parental Rights is to provide written evidence of my desire to consent to the termination of my parental rights to the above-named child.

. . . .
7. I understand that my consent to the termination of parental rights to the above-named child may be withdrawn at any time until the Juvenile Court issues an order terminating my parental rights . . . [and] if I withdraw this Consent to Termination of Parental Rights, the State may continue to pursue termination of my parental rights involuntarily and this document may be used as evidence in such a proceeding.

The court entered an order terminating M.W.'s parental rights, finding clear and convincing evidence supported both consent and abandonment, the statutory grounds asserted. The court specifically found that M.W. had not revoked her consent to the termination of her parental rights. The court did not address the absence of a witness's signature on the consent form, as that issue was not raised. The court also found that termination was in the best interests of the child as M.L.B. "deserves an opportunity for permanency and stability in her life."

M.W. now appeals contending her consent document did not meet the statutory criteria because her signature was not witnessed and neither the document nor the record contained the mother's reasons supporting "good cause" for her consent. See Iowa Code § 232.116(a) (2009). She further contends that there was not clear and convincing evidence of abandonment. We affirm.

The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). "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.” *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). The grounds for termination must be proved by clear and convincing evidence. *In re T.P.*, 757 N.W.2d 267, 269 (Iowa Ct. App. 2008). Evidence is clear and convincing when it leaves no serious or substantial doubt about the correctness of the conclusion drawn from it. *In re D.D.*, 653 N.W.2d 359, 361 (Iowa 2002). Our primary concern in termination cases is the best interests of the child. *In re A.S.*, 743 N.W.2d 865, 867 (Iowa Ct. App. 2007).

From our de novo review of the record, we conclude that the juvenile court correctly determined there was clear and convincing evidence that M.W. abandoned her parental responsibilities of M.L.B., see *In re A.B.*, 554 N.W.2d 291, 293 (Iowa Ct. App. 1996) (“Abandonment is characterized as a giving up of parental rights and responsibilities accompanied by an intent to forego them.”), and that termination was in M.L.B.’s best interests. We therefore affirm.

AFFIRMED.