

**IN THE COURT OF APPEALS OF IOWA**

No. 9-465 / 09-0643  
Filed July 2, 2009

**IN THE INTEREST OF M.T., H.T. and C.T.,  
Minor Children,**

**D.A.T., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Linn County, Barbara H. Liesveld,  
Associate Juvenile Judge.

A mother appeals the juvenile court order terminating her parental rights.

**AFFIRMED.**

John D. Jacobsen of Hallberg, Jacobsen, Johnson & Viner, Cedar Rapids,  
for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Harold Denton, County Attorney, and Rebecca Belcher,  
Assistant County Attorney, for appellee State.

Kara McFadden, Cedar Rapids, for the father.

Robert Davison, Cedar Rapids, guardian ad litem for minor child.

Considered by Vaitheswaran, P.J., and Potterfield, J., and Huitink, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

**HUITINK, S.J.****I. Background Facts & Proceedings**

Debra and Scott are the parents of Makala, born in 1999, Haley, born in 2003, and Carley, born in 2005. Debra has a history of mental health problems, drug and alcohol abuse, and criminal behavior. She also has a history of relationships involving domestic violence. The family came to the attention of the Department of Human Services in May 2007, when Makala and Haley were sexually abused by a family friend. The children were removed from the parents' care on November 2, 2007, when Debra's mental health was unstable and she was homeless.

The children were adjudicated to be in need of assistance under Iowa Code sections 232.2(6)(c) (2007) (child is likely to suffer harm due to mental injury or parent's failure to supervise), (f) (parent fails to provide treatment for mental illness), (g) (parent fails to provide adequate food, clothing, and shelter), and (n) (parent's drug or alcohol abuse results in child not receiving adequate care). Debra attended treatment for substance abuse, but had several relapses.<sup>1</sup> Debra lacked parenting skills. She entered a series of relationships with men who were violent. Debra was not consistent in attending counseling for her mental health problems. Debra did not have stable employment or housing.

On October 23, 2008, the State filed a petition seeking termination of the parents' rights. Debra relapsed in December 2008, and was charged with public

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<sup>1</sup> Debra had a drug test in April 2008 that was positive for cocaine. In July 2008, Debra became intoxicated, passed out, and hit her head, necessitating a trip to the hospital. In August 2008, Debra was arrested for a drug offense involving prescription medication. In October 2008, there were concerns that Debra was abusing pain pills she had been prescribed.

intoxication and interference with official acts. The termination hearing was held on January 22, 2009. The juvenile court terminated Debra's parental rights under section 232.116(1)(f) (child is four or older, CINA, removed for at least twelve months, and cannot be returned home) (Makala and Hayley), (h) (child three or younger, CINA, removed for at least six months, and cannot be returned home) (Carley), and (l) (child CINA, parent has substance abuse problem, child cannot be returned within a reasonable time) (all children). The court determined it was in the children's best interests to terminate their parental rights "so that they can have permanency and the chance to grow in a stable and secure environment." Debra appeals the juvenile court order terminating her parental rights.<sup>2</sup>

## **II. Standard of Review**

The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2000). The grounds for termination must be proven 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 is the best interests of the children. *In re A.S.*, 743 N.W.2d 865, 867 (Iowa Ct. App. 2007).

## **III. Merits**

**A.** Debra contends there is not clear and convincing evidence in the record to support termination of her parental rights. She claims the children

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<sup>2</sup> Scott consented to termination of his parental rights. Debra's parental rights to an older child who has been placed at a Pediatric Medical Institute for Children (PMIC) were not terminated.

should have been returned to her care. We limit our review on the issue of the sufficiency of the evidence to the issues she raises on appeal.

Our review of the record shows the children could not be safely returned to Debra's care. Debra continued to have problems maintaining sobriety. She continued to have relationships with violent and abusive men. Additionally, she had not adequately improved her parenting skills; she often involved the children in inappropriate issues. We conclude Debra's parental rights were properly terminated under sections 232.116(1)(f), (h), and (l).

**B.** Debra asserts that termination of her parental rights was not in the children's best interests. The juvenile court carefully considered this issue, and determined that termination was in the children's best interests. We concur in the juvenile court's conclusion on this issue. The evidence clearly shows that Debra was not able to meet the children's needs, or adequately care for them. We conclude that it is in the best interests of the children to terminate Debra's parental rights.

We affirm the decision of the juvenile court.

**AFFIRMED.**