

**IN THE COURT OF APPEALS OF IOWA**

No. 1-479 / 11-0271

Filed July 13, 2011

**IN THE INTEREST OF C.R. and S.R.,  
Minor Children,**

**A.R., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Carol S. Egly, District Associate Judge.

A mother appeals the termination of her rights to her two children.

**AFFIRMED.**

Jeffery A. Wright of Carr & Wright, P.L.C., Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Bruce Kempkes and Kathrine S. Miller-Todd, Assistant Attorneys General, John P. Sarcone, County Attorney, and Jon E. Anderson, Assistant County Attorney, for appellee State.

Andrea M. Flanagan of Sporer & Flanagan, P.L.L.C., Des Moines, for appellees-intervenors.

M. Kathryn Miller of Juvenile Public Defender Office, Des Moines, attorney and guardian ad litem for minor children.

Considered by Vogel, P.J., Vaitheswaran, J., and Miller, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

**VAITHESWARAN, J.**

A mother appeals the termination of her parental rights to her children, born in 2002 and 2005. She contends (1) the record lacks clear and convincing evidence to support the grounds for termination cited by the juvenile court, and (2) the juvenile court should have found that termination would be detrimental to the children due to the closeness of the parent-child relationship.

***I. Grounds for Termination***

We may affirm if we find clear and convincing evidence to support any of the grounds cited by the juvenile court. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). On our de novo review, we agree with the juvenile court that the children could not be returned to the mother's custody. See Iowa Code § 232.116(1)(f) (2009) (requiring proof of several elements including proof the child cannot be returned to the parent's custody).

The mother had a history of drug use that began at the age of seventeen and continued for approximately eight years. When the mother became pregnant with her first child, she stated she discontinued all drug use and remained sober until 2008. During most of that period, she lived with her parents in Colorado and they assisted her with the children's care.

In 2007, the mother returned to Iowa and began living in a mobile home purchased for her by her parents. A year later, she was fraternizing with drug-users and had returned to daily methamphetamine use. Meanwhile, her parents also returned to Iowa.

In July 2009, the Department of Human Services learned of the mother's drug use. The children were removed from her custody and were placed with their maternal grandparents, where they remained.

The mother participated in and completed a drug-treatment program and began a continuing care program. She left that program over disagreements with one of the counselors. While she enrolled in another treatment program, she had only been participating in that program for two months at the time of the termination hearing. According to the department, she led the counselor in the new program to believe that her intravenous methamphetamine use had occurred "a long time ago." The department concluded the mother was more concerned with "making a good impression with providers" than with addressing her substance abuse issues.

The department's conclusion was bolstered by the mother's decision to reconnect with a man who was also a recovering methamphetamine addict and whom her older child feared. While the mother characterized him as a source of support in her recovery efforts, she admitted he had been one of the triggers for her drug use. She stated, "I did choose him over the kids out of my own fears and my own doubts, and it was honestly a mistake, and it was a path I shouldn't have taken." Nonetheless, she acknowledged she was again living with him, despite the fact he was on probation for a drug charge and had relapsed on methamphetamine use in December 2009.

Notably, the mother did not disclose her relationship until it was accidentally discovered by a department employee. Another employee who oversaw the mother's case cited her dishonesty as a major barrier to treatment

and reunification. She testified, “[O]ne of the big issues and probably one of the most important things with regard to substance abuse treatment is honesty and being forthcoming to be able to adequately address the issues.”

The mother also was less than forthcoming about her alcohol usage. Shortly before the termination hearing, a urine sample tested positive for alcohol. The mother initially lied about her usage, then made excuses. A service provider testified that the mother’s reactions raised concerns. Even the mother’s individual therapist, who testified that the mother was doing “remarkably well” in therapy sessions and was “on the right track,” admitted “we have a long road ahead.”

On our de novo review, we agree with the juvenile court that the children could not be returned to the mother’s custody.

## ***II. Parent-Child Bond***

Even if a ground for termination is met, the juvenile court need not terminate if one of the “exceptions” to termination applies. See *id.* § 232.116(3); *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010). The mother contends her parental rights should not have been terminated, as she shared a close bond with her children. See Iowa Code § 232.116(3)(c). The record supports her assertion of a close bond. A service provider noted that the mother’s “interactions with her kids [were] great.” She also stated that the children “would love to be back with their mother.” At the same time, this service provider testified that the mother’s “behavior ha[d] become erratic” and the mother “reported on several occasions that the daily care of her children is one of her relapse triggers.”

The mother corroborated this statement, testifying that one of her stressors was the daily job of parenting her children and this was the stressor that caused her to return to methamphetamine use in 2008. While she also testified to other stressors, including her relationship with her mother, her admission that parenting led to her relapse leads us to conclude that the juvenile court acted appropriately in declining to apply the exception to termination.

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

**AFFIRMED.**