

IN THE COURT OF APPEALS OF IOWA

No. 1-689 / 11-1197
Filed September 21, 2011

**IN THE INTEREST OF O.A.,
Minor Child,**

J.O., Mother,
Appellant.

Appeal from the Iowa District Court for Linn County, Susan A. Flaherty,
Associate Juvenile Judge.

A mother appeals the district court's ruling terminating her parental rights.

AFFIRMED.

Katrina A. Nystrom of Scheldrup, Blades, Schrock, Smith & Aranza, P.C.,
Cedar Rapids, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Jerry Vander Sanden, County Attorney, and Lance Heeren,
Assistant County Attorney, for appellee State.

Deborah M. Skelton, Walford, attorney and guardian ad litem for minor
child.

Considered by Sackett, C.J., and Vaitheswaran and Tabor, JJ.

VAITHESWARAN, J.

A mother appeals the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination cited by the juvenile court and termination was not in the child's best interests.

I. Grounds for Termination

The juvenile court terminated the mother's parental rights pursuant to Iowa Code sections 232.116(1)(e) (2011) (requiring proof of several elements, including proof of the absence of significant and meaningful contact), (h) (requiring proof of several elements including proof that child cannot be returned to parent's custody), and (l) (requiring proof of several elements including proof of severe, chronic substance abuse by the parent). We may affirm if we find clear and convincing evidence to support any of these grounds. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). On our de novo review, we are convinced the State proved ground (h). See *id.* (setting forth standard of review).

The mother began using methamphetamine when she was sixteen years old. Over the years, five of her children were deemed in need of assistance based, at least partially, on her drug use. At the time of the termination hearing involving this child, the mother was just shy of thirty-two years old.

The child in this proceeding was born with methamphetamine and amphetamine in his system. He was removed from the mother's care two days after his birth and remained out of her care through the termination hearing ten months later. At the hearing, the mother admitted she was discharged from a drug treatment program six months earlier, before completion of treatment, and

admitted she had not completed a drug treatment program since the birth of this child.

The mother only sporadically visited her son. While she was slated to receive two supervised visits per week, she only attended seven out of the forty available to her between March 2011 and mid-July 2011. Her infrequent attendance was not for lack of transportation assistance, as the mother now contends. A service provider testified that the mother declined her offer to pick her up and missed several visits even after the service provider arranged to have them moved to within walking distance of her residence. She stated that the child “did not appear to know [the mother] very well.”

We conclude the mother was in no position to have the child returned to her custody.

II. Best Interests

The mother argues that the juvenile court should not have terminated her parental rights given her strong desire to care for the child. That desire did not translate into changed behavior. The mother had ample opportunity to complete treatment and more than ample opportunity to develop and maintain a relationship with her young son. She did neither. Given her unaddressed substance abuse and the absence of a close bond with the child, we conclude the child’s physical and emotional health and safety would have been compromised by his return to her custody. See *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010) (citing the best interests standard set forth in Iowa Code section 232.116(2)).

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

AFFIRMED.