

**IN THE COURT OF APPEALS OF IOWA**

No. 3-954 / 13-1303  
Filed October 23, 2013

**IN THE INTEREST OF K.W. AND I.W.,  
Minor Children,**

**M.G., Mother,  
Appellant.**

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

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

**AFFIRMED.**

Deborah M. Skelton, Walford, for appellant mother.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney  
General, Jerry Vander Sanden, County Attorney, and Kelly Kaufman, Assistant  
County Attorney, for appellee State.

Julie Trachta of Linn County Advocates, Cedar Rapids, attorney and  
guardian ad litem for minor children.

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

**VAITHESWARAN, P.J.**

A mother appeals the termination of her parental rights to her two children, born in 2009 and 2011. She contends (1) the State failed to prove the ground for termination cited by the district court and (2) termination was not in the children's best interests.

I. The district court terminated the mother's parental rights pursuant to Iowa Code section 232.116(1)(h) (2013), requiring proof of several elements, including proof that the children could not be returned to the parent's custody. On our de novo review, we agree with the court that this ground was proven by clear and convincing evidence. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010) (setting forth the standard of review).

The mother began a rocky relationship with the children's father when she was seventeen years old. In time, the father pled guilty to domestic abuse assault, and a no-contact order was issued.

Shortly after the first child's birth, the mother was found to have violated the no-contact order. The district court ordered the child removed from her care and placed in the custody of the department of human services. The child was adjudicated in need of assistance, and the maternal grandfather became his caretaker. Eventually, the child was reunited with the mother and the child-in-need-of-assistance proceeding was dismissed.

Meanwhile, the mother had a second child. In 2012, the department reinitiated its involvement with the family after discovering that the mother and father were living together in an unsafe and unsanitary apartment.

The mother only sporadically engaged in reunification services. Despite a psychologist's recommendation that she participate in individual mental health therapy to address her major depressive disorder and generalized anxiety disorder, the mother curtailed that therapy two months before the termination hearing. She also elected to discontinue her prescribed depression and anxiety medication. Finally, she stopped recommended substance abuse treatment, notwithstanding evidence that she used un-prescribed medications and alcohol to cope with stress.

In addition to the mother's non-compliance with these recommended services, the mother only belatedly internalized the domestic violence counseling she received. While she testified at the termination hearing that she had ended her five-year relationship with her violent boyfriend, her willingness to abide by a no-contact order had not been seriously tested because the boyfriend was in jail for a period of time before the hearing. In addition, the mother admitted she had more to accomplish, despite her recent willingness to acknowledge her boyfriend's abusive conduct and make attempts to escape the cycle of domestic violence.

Most tellingly, the mother admitted that the older child had been out of her care for twelve of his thirty-two months of life and the younger child had been out of her care for ten of his twenty-four months of life. She also admitted she did not know how much additional time she would need until she was ready to reunify. The department social worker overseeing the case summarized the sad truth as follows:

I have never doubted how much [the mother] cares for her children and wants to be there . . . but I think her acceptance of her own struggles and the changes that she needs to make, you know, I hope that she would move forward without any relapse, you know . . . kind of backslide, but I cannot say based on history that she would.

On this record, we agree with the district court that the children could not be returned to the mother's custody.

II. Termination must also be in the children's best interests. *Id.* at 39. The mother argues it was not in the children's best interests to terminate her parental rights, given the "extremely strong bond" she shared with them. As noted, the record contains evidence of that bond, but also contains evidence that the mother did not ensure the children's safety following the close of the first child-in-need-of-assistance proceeding and chose not to participate in key reunification services after the second proceeding was initiated. Under these circumstances, we conclude termination was in the children's best interests.

**AFFIRMED.**