

**IN THE COURT OF APPEALS OF IOWA**

No. 2-1102 / 12-1613  
Filed December 12, 2012

**IN THE INTEREST OF T.M.,  
Minor Child,**

**L.M., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Johnson County, Deborah Minot,  
District Associate Judge.

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

**AFFIRMED.**

Rachel Antonuccio of Antonuccio Law & Mediation, L.L.C., Iowa City, for  
appellant mother.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant  
Attorney General, Janet M. Lyness, County Attorney, and Emily Voss, Assistant  
County Attorney, for appellee State.

Noelle Murray of Moore & Egerton, Iowa City, for appellee father.

Maurine Braddock of Honohan, Epley, Braddock & Brenneman, Iowa City,  
attorney and guardian ad litem for minor child.

Considered by Eisenhauer, C.J., and Vogel and Vaitheswaran, JJ.

**VOGEL, J.**

A mother, LaTonya, appeals the district court's order terminating her parental rights to her child, T.M. (born 2008), claiming the State has not proved by clear and convincing evidence the statutory elements existed as to two of the three grounds her rights were terminated under. She also claims her close relationship to T.M. should prevent termination.<sup>1</sup>

We review termination of parental rights actions de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010). If the juvenile court terminates parental rights on more than one statutory ground, we need only find that the evidence supports termination on one of the grounds cited by the juvenile court to affirm. *In re R.K.*, 649 N.W.2d 18, 19 (Iowa Ct. App. 2000).

LaTonya's parental rights were terminated pursuant to Iowa Code sections 232.116(1) (h) (child three or younger, adjudicated child in need of assistance (CINA), removed from home for six of last twelve months, and child cannot be returned home); (i) (child CINA, child was in imminent danger, services would not correct conditions); (n) (child CINA, parent convicted of three or more acts of child endangerment involving the child, and parent's conviction for child endangerment would result in a finding of imminent danger to the child). LaTonya concedes on appeal that the requirements of subsection (n) were proved. Because LaTonya does not appeal this ground and we only need to find one statutory ground existed to affirm, we accordingly do so.

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<sup>1</sup> The juvenile court also terminated parental rights to both T.M.'s "legal father" as well as biological father.

LaTonya argues the considerations found in Iowa Code section 232.116(3)<sup>2</sup> should apply to weigh against termination. However, those factors are permissive. *In re D.S.*, 806 N.W.2d 458, 474-75 (Iowa Ct. App. 2011). The court has discretion, based on the unique circumstances of each case and the best interests of the child, whether to apply the factors in this section to save the parent-child relationship. *In re C.L.H.*, 500 N.W.2d 449, 454 (Iowa Ct. App. 1993). T.M. has been involved with the Department of Human Services (DHS) for all but one month of her life and has been the subject of six founded child protective assessments with a parent as the identified perpetrator for each one. As noted by the juvenile court, at the time of termination hearing, T.M. had been removed from LaTonya's care for more than thirty months, more than one-half of her life. Additionally, LaTonya chose to move to Chicago while her daughter remained in Iowa City, making scheduling visits difficult. While T.M. is a young child and has expressed some excitement over visits with her mother, she has also reported to a service provider that she did not want her mother involved in her life.

The juvenile court observed that LaTonya loves T.M. but physical abuse and neglect has likely damaged the parent-child bond to the point that any detriment in severing it would be outweighed by the opportunity for T.M. to be in a safe, secure, and permanent home if parental rights are terminated. T.M. has been removed from LaTonya's care three times with two unsuccessful trial home placements. She was removed the last time on January 12, 2012, after an

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<sup>2</sup> LaTonya cites Iowa Code § 232.116(2)(c) in her brief but no such subsection exists. The substance of her argument is based on Iowa Code §232.116(3)(c) and we will address it as such.

incident in which LaTonya was arrested for child endangerment resulting in bodily injury for striking T.M., knocking her to the ground, as witnessed by a police officer. T.M. has not been returned home since that time. We agree with the district court that the record indicates any bond between mother and child is “fragile”. Terminating LaTonya’s parental rights to provide T.M. the opportunity to be adopted and enjoy the safety and stability she deserves is in her best interests.

**AFFIRMED.**