

**IN THE COURT OF APPEALS OF IOWA**

No. 2-410 / 12-0708  
Filed May 23, 2012

**IN THE INTEREST OF S.B.,  
Minor Child,**

**A.B., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Muscatine County, Gary P. Strausser, District Associate Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Mark J. Neary of Neary Law Office, Muscatine, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Alan Ostergren, County Attorney, and Korie L. Shippee, Assistant County Attorney, for appellee State.

Douglas E. Johnston, Muscatine, for appellee father.

Joan M. Black, Iowa City, attorney and guardian ad litem for minor child.

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

**VAITHESWARAN, P.J.**

A mother appeals the termination of her parental rights to her son, S.B., born in 2006.

***I. Background Facts and Proceedings***

The Iowa Department of Human Services (DHS) first became involved with the mother in 2008 based on her exposure to domestic violence and her mental health and substance abuse issues. For several months, DHS provided voluntary services to address these issues.

DHS again became involved with the family in 2010 following an incident of domestic violence between the mother and her boyfriend, Cody. A no-contact order was issued and the child remained with his mother.

The mother violated the no-contact order and abused drugs. In October 2010, the child was removed from the mother's care and was placed in foster care. The child's half-sibling, fathered by Cody, was also removed and placed with a relative. Later, this half-sibling was placed in the foster home where S.B. resided.

In November 2010, authorities arrested the mother for again violating the no-contact order. Following her release from jail, she failed to schedule visits with S.B. immediately.

In the ensuing months, the mother participated in several supervised visits with the child but failed to attend at least as many. She continued to violate the no-contact order and continued to use drugs. She was found with someone else's prescription medication and tested positive for the presence of methamphetamine and marijuana in her system. Eventually, she was arrested

on drug charges and pleaded guilty to conspiracy to manufacture methamphetamine.

The Iowa Department of Corrections placed the mother in a residential care facility. After two-and-a-half months, the mother escaped from the facility. She was apprehended and imprisoned at the Mount Pleasant Correctional Facility, where she remained at the time of the termination hearing in March 2012. She testified she would be ineligible for parole until at least January 2013.

The district court terminated the mother's parental rights to S.B. pursuant to Iowa Code sections 232.116(1)(e) (2011) (requiring proof of several elements including proof that the parent lacked significant and meaningful contact with the child) and 232.116(1)(f) (requiring proof of several elements, including proof that the child could not be returned to the parent's custody).

## ***II. Analysis***

On appeal, the mother contends (A) one of the grounds for termination cited by the district court is not supported by clear and convincing evidence and (B) termination is not in the child's best interests.

**A.** The mother challenges the evidence supporting termination under subsection 232.116(1)(e) but concedes that clear and convincing evidence supports termination under subsection 232.116(1)(f). That concession resolves the mother's challenge to the grounds for termination. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa 1999) (we may affirm if there is clear and convincing evidence to support any of the grounds for termination cited by the district court).

**B.** The mother next contends termination of her parental rights was not in S.B.'s best interests because the child shared a close bond with his half-sister,

the foster home in which the siblings resided was not a pre-adoptive home, and Cody was a reasonable placement option. See *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010) (setting forth the best interests standard). On our de novo review, we are not persuaded by these contentions. See *id.* at 40 (setting forth standard of review).

Cody, who also struggled with substance abuse and spent time in prison, commendably made efforts to reunify with his child (S.B.'s half-sibling) following his release. He began caring for her in late 2011. Meanwhile, S.B. remained in foster care.

By the time of the termination hearing, the children had been separated from each other for five months. While they shared a bond, which DHS recognized and attempted to maintain with weekly visits, they could not both live with Cody. A DHS case manager testified that Cody struggled with his single parenting role and was in no position to take on another child. She also noted that Cody "was a large part of the domestic violence and the problems that were going on in the home" prior to the children's removal. Finally, S.B.'s mother, who advocated for S.B.'s placement with Cody, admitted Cody may have returned to drug use. Based on this record, we agree with the district court that "[p]lacement with [Cody] [was] not appropriate."

Even if Cody were an appropriate placement, there was scant reason to believe the mother could reunite safely and imminently with that family unit; in addition to her lengthy history of domestic abuse at Cody's hands, she had a lengthy history of drug abuse, failed to respond to corrective services, and would

be behind bars until at least 2013. We conclude termination of the mother's parental rights was in S.B.'s best interests.

**AFFIRMED.**