

IN THE COURT OF APPEALS OF IOWA

No. 7-388 / 07-0650
Filed June 27, 2007

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

D.H., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen,
Associate Juvenile Judge.

A mother appeals the termination of her parental rights to her child.

AFFIRMED.

Christine A. Bisignano, West Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Andrea Vitzthum,
Assistant County Attorney, for appellee.

Christine Milligan-Ciha, Clive, for the minor child.

Considered by Huitink, P.J., and Zimmer and Vaitheswaran, JJ.

VAITHESWARAN, J.

Dana appeals the termination of her parental rights to Taylor, born in 1994. She contends (1) the record lacks clear and convincing evidence to support termination under the grounds cited by the juvenile court and (2) termination was not in the child's best interests.

I. The district court cited several grounds for termination. We may affirm if we find evidentiary support for any one of the grounds. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). On our de novo review, we find clear and convincing evidence to support termination under Iowa Code section 232.116(1)(f) (2007) (requiring proof of several elements including proof that child “cannot be returned to the custody of the child’s parents”).

Taylor was initially removed from Dana after she left the child with a known sex abuser who subsequently assaulted her. Taylor was later reunified with Dana but was again removed due to Dana’s “substance abuse, criminal activity, and again allowing inappropriate men into her home.” Dana stipulated to the removal and the adjudication of Taylor as a child in need of assistance.

In the ensuing months, Dana was forced to deal with pending criminal charges and her history of substance abuse. By the time of the termination hearing, she was on probation for six counts of forgery and one count of third-degree theft. Her probation officer acknowledged Dana had secured employment but noted she “struggled with other rules of probation.” In particular, she left the county without notifying her probation officer, admitted to being in a bar, and tested positive for the presence of cocaine in her system.

At the termination hearing, Dana acknowledged the positive cocaine test less than two months before the termination hearing, denied this was a relapse, but admitted she had a history of minimizing her substance abuse. She also acknowledged that Taylor did not want to return to Dana's home. When asked if she believed that Taylor was ready to come home with her immediately, she responded, "I'm not sure if she'd be ready. Being told, give her a little time to transition to get it thought through that she knows it's where she's going, yes, she could adjust."

Dana's testimony alone is sufficient to support termination under Iowa Code section 232.116(1)(f). In addition, the record includes the testimony of a licensed independent social worker who counseled Taylor. Although she recommended against termination at a prior hearing, she had changed her opinion by the time of the termination hearing. She opined that if Taylor were returned to Dana's home, Taylor "would continue to view herself as totally in charge of herself and needing to take care of herself and needing to make decisions for herself." She stated, "that concerns me, what road she would travel down if that were the case."

We recognize that Dana made some progress towards meeting Iowa Department of Human Services expectations. She rented a two-bedroom house approximately one month before the termination hearing and, as noted, secured employment. These positive moves, however, must be weighed against the recent positive drug screen. Dana's history of drug use and her attendant failure to supervise Taylor resulted in two removals and several foster care placements over a period of years. In light of this history, her progress came too late. See *In*

re C.B., 611 N.W.2d 489, 495 (Iowa 2000) (“A parent cannot wait until the eve of termination, after the statutory time periods for reunification have expired, to begin to express an interest in parenting.”).

//. The ultimate consideration in a termination proceeding is the best interests of the child. *Id.* at 492. The Department stated “Taylor was firm in her stance that she wants to be adopted by [her foster parents] and move on with her life.” This view is supported by a letter Taylor wrote to her mother in late 2006. In that letter, Taylor stated:

I am so sick of being in the middle of all your bad choices in life Living with [my foster parents] has been the best thing that ever happened to me. I feel safer and more loved than I have my entire life. It feels good to be taken care of this way and loved for who I am. I don't want to ever go back and I don't trust that you have really changed your ways.

While the record is clear that mother and child shared an abiding bond, we agree with the juvenile court that Dana’s “repetitious cycle of disappointing Taylor has caused irreparable damage to their relationship.” Accordingly, we conclude termination of Dana’s parental rights to Taylor was in Taylor’s best interests.

AFFIRMED.