IN THE COURT OF APPEALS OF IOWA

No. 7-670 / 07-1291
Filed September 19, 2007

IN THE INTEREST OF R.W.,
Minor Child,

D.W., Mother,
Appellant.

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

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

Barbara A. Connolly, Cedar Rapids, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Harold Denton, County Attorney, and Kelly Kaufman, Assistant County Attorney, for appellee State.

H. Nick Gloe of Gloe & Quint, Cedar Rapids, for minor child.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

VAITHESWARAN, J.

Dianna appeals the termination of her parental rights to R.W., born in 2006. She contends the record lacks clear and convincing evidence to support termination under the grounds cited by the juvenile court. *See* Iowa Code § 232.116(1)(g), (h) (2005).

Where more than one statutory ground for termination is cited, we may affirm if we find clear and convincing evidence to support any of those grounds. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). On our de novo review of the record, we conclude that the State proved termination was warranted under Iowa Code section 232.116(1)(h) (requiring proof of several elements including proof that child cannot be returned to the parent's custody).

R.W. was removed from Dianna's care shortly after birth, based on hospital personnel's concerns that Dianna was not properly caring for the child. In a report to the court shortly after the child was removed, Department of Human Services (Department) social workers stated:

> Dianna's home is not recommended at this time due to the ongoing concerns with her mental and physical health as well as her limited parental capacity to safely parent this child. Dianna will need to continue cooperating with family centered services and make consistent improvements in her parenting abilities to care for this child.

The social workers also noted that two of Dianna's other children had been removed from her care based on similar concerns.

As a result of those previous removals, Dianna began receiving services to address her parenting deficiencies as early as the fall of 2003. Dianna cooperated with the Department and with service providers. Before R.W. was

removed, she found an apartment that met with the Department's approval, maintained regular employment,[1] engaged a payee to assist her with finances, and obtained treatment for depression and anxiety.

After R.W. was removed, Dianna continued her efforts to maintain her apartment. Although she curtailed services with one provider who was assisting with home services, she immediately engaged another provider, albeit for less time per week. When the new service provider expressed concern about the cleanliness of the carpets in her apartment, she created a cleaning schedule for herself.

Dianna also participated in supervised visits with R.W. She regularly attended two scheduled visits per week and eventually graduated to semi-supervised visits.[2] At the termination hearing, she testified she was able to care for R.W. She stated that she had obtained a block grant to pay for child care while she worked and she would continue her participation in a young parents' network.

These steps met with the service provider's approval. Within a few months of R.W.'s removal, home health care workers commented that Dianna was moving forward on most, if not all, of the Department's objectives. For example, they characterized her apartment as "clean and appropriate for visits" and stated Dianna was "able to provide for [R.W.'s] basic physical needs."

[1] Dianna only worked eight hours per week but she also received $550 per month from the Social Security Administration as well as $50-100 per month in food stamps.
[2] The social worker stayed in the upstairs of Dianna's apartment for a portion of the visit, while Dianna attended to R.W. downstairs.

Although they later were more circumspect in their comments, the problems they pointed to were minor.[3]

These positive developments might have militated in favor of returning R.W. to Dianna. However, the record contains two countervailing considerations.

First, the professionals involved with Dianna expressed reservations about Dianna's ability to care for her child on a regular, unsupervised basis. For example, one service provider testified that Dianna "can do whatever is asked of her, but I don't think if she were given time without that supervision that she would be able to maintain." Another social worker testified that Dianna showed "more effort" than she had in the past, but it was unclear whether Dianna could care for R.W. on a full-time basis without her assistance. A Department social worker testified along the same lines, stating that Dianna had "difficulty recognizing and predicting potential safety concerns," and needed "consistent reminding and prompting." She opined that an additional six months of services would likely not benefit Dianna.

There was also concern expressed about Dianna's choice of companions and her history of exposing her children to people who could harm them. For example, the Department's social worker testified that two men under the supervision of the Department of Adult Correctional Services had listed Dianna's address "as an address that [they] could furlough to." Additionally, a service provider found correspondence between Dianna and a prisoner. Although Dianna testified she stopped corresponding with the man, the Department cited

[3] In December 2006, shortly before the termination hearing, they noted that Dianna had trouble getting the vacuum cleaner up and down the stairs and had pop cans and tape dispensers on her coffee table, as well as a long telephone cord in reach of R.W.

this factor as further evidence of Dianna's lack of judgment in the friends she kept.

Based on these two considerations, we conclude the State established that R.W. could not be returned to Dianna's custody.

AFFIRMED.