IN THE COURT OF APPEALS OF IOWA

No. 7-797 / 07-1609
Filed October 24, 2007

IN THE INTEREST OF K.C.,
Minor Child,

S.R.F., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Louise M. Jacobs, District Associate Judge.

A mother appeals from the order terminating her parental rights. **AFFIRMED.**

David Erickson, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, John P. Sarcone, County Attorney, and Chris Gonzales, Assistant County Attorney, for appellee State.

Charles Fuson of the Youth Law Center, Des Moines, for minor child.

Considered by Vogel, P.J., and Mahan and Zimmer, JJ.

ZIMMER, J.

A mother appeals from a juvenile court order terminating her parental rights to her daughter. We affirm.

S.F. is the mother of K.C., who was born in 2003. K.C. was removed from her mother's custody during January 2007 after a search warrant was executed at S.F.'s home. Law officers found methamphetamine in the home, and the mother admitted she had been using methamphetamine almost daily since December 2005. K.C. was subsequently adjudicated to be in need of assistance.

In May 2007 S.F. pled guilty to possession of a controlled substance with the intent to deliver and child endangerment. The State filed a petition seeking to terminate S.F.'s parental rights on May 24, 2007. Following a hearing on that petition, the court terminated S.F.'s rights pursuant to Iowa Code sections 232.116(1)(d), (e), and (*l*) (2007). S.F. appeals from this order.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). Our primary concern is the best interests of the child. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). The grounds for termination must be proved by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000).

On appeal, S.F. does not contend the State failed to offer clear and convincing evidence supporting termination under any of the provisions cited by the juvenile court in its termination order. Instead, the mother simply asserts, without elaboration, that her parental rights "should be reinstated." The only legal authority cited by the mother is Iowa Code section 232.116(3)(c). That section provides that the juvenile court need not terminate the relationship between parent and child if the court finds "[t]here is clear and convincing evidence that

the termination would be detrimental to the child at the time due to the closeness of the parent-child relationship." However, the juvenile court did not address section 232.116(3)(c) in its termination order.[1] Accordingly, we agree with the State that the mother has not preserved any alleged error for our review.

Even if error had been preserved, we would conclude the court properly terminated S.F.'s parental rights. S.F. has a chronic and severe substance abuse problem. The mother was using and selling drugs when her daughter was removed from her care. K.C. tested positive for methamphetamine when the child in need of assistance proceeding began. S.F. has been sentenced to serve twenty-five years in prison. Her earliest parole date is March 2009. Because of her criminal acts and incarceration, S.F. has not been able to maintain significant and meaningful contact with her daughter. S.F. has been using methamphetamine for about twelve years. The juvenile court correctly found the mother's prognosis indicates that her child could not be returned to her care within a reasonable period of time. K.C. has been placed in her current foster home since February 2007. She is thriving in a secure, drug-free environment. The child is in a pre-adoptive placement and needs permanency in her life.

Upon our de novo review, we conclude the State presented clear and convincing evidence supporting the statutory grounds for termination relied on by the juvenile court. We also conclude termination is in the best interests of K.C. We therefore affirm the termination of S.F.'s parental rights.

AFFIRMED.

[1] An issue not presented to and passed on by the juvenile court may not be raised for the first time on appeal. *In re K.C.*, 660 N.W.2d 29, 38 (Iowa 2003).