

IN THE COURT OF APPEALS OF IOWA

No. 8-961 / 08-1654
Filed December 17, 2008

**IN THE INTEREST OF S.E.-K., T.E., AND E.E.-K.,
Minor Children,**

**C.L.E., Mother,
Appellant.**

Appeal from the Iowa District Court for Scott County, John G. Mullen,
Associate Juvenile Judge.

A mother appeals from the district court's order terminating her parental
rights to her three children. **AFFIRMED.**

Martha Cox, Davenport, for appellant mother.

Robert Phelps, Bettendorf, for appellee father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Michael J. Walton, County Attorney, and Gerda Lane,
Assistant County Attorney, for appellee State.

John Moeller, Davenport, for minor child.

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

VOGEL, P.J.

Camera appeals from the district court's order terminating her parental rights to T.E. (born March 1999), S.E.-K. (born February 2005), and E.E.-K. (born July 2006) pursuant to Iowa Code sections 232.116(1)(d), (e), (f), (h), (i), and (l) (2007).¹ Camera challenges the sufficiency of the evidence. We affirm.

We review termination of parental rights cases de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). "When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm." *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Camera's parental rights to T.E. were terminated pursuant to section 232.116(1)(f) (child is four years or older, has been adjudicated in need of assistance, removed from the home for at least twelve of the last eighteen months, and cannot be returned home) and to S.E.-K. and E.E.-K. pursuant to section 232.116(1)(h) (child is three years or younger, has been adjudicated in need of assistance, removed from the home for at least six of the last twelve months, and cannot be returned home). The only dispute regarding termination under these subsections is whether the children could have been returned to Camera's care at the time of the termination hearing.

Camera had a prior history with the Illinois Department of Children and Family Services. In June 2006, the Iowa Department of Human Services (DHS) became involved with Camera and her children due to physical abuse of T.E. by Camera's live-in boyfriend and domestic abuse in the home, which resulted in

¹ The district court also terminated the parental rights of the children's legal and putative fathers, which are not at issue in this appeal.

founded abuse reports. A subsequent founded abuse report resulted from Camera and her live-in boyfriend manufacturing crack cocaine in the family home, which they reportedly gave to T.E. in June 2006. Camera's drug use continued to be an issue throughout the case, as she was convicted of delivery of crack cocaine in July 2007 and possession of cocaine in May 2008, tested positive for marijuana use in February 2008, and violated parole and was sent to a work release center in March 2008. Camera also has mental health issues, including a diagnosis of personality disorder.

Throughout her involvement with DHS, Camera has not followed through with services and several reports indicated she has been "very combative with DHS, her probation officers, sentencing officers, and providers." She has been offered numerous services, and although she completed a substance abuse program while at the work release center, Camera continually denied or minimized the critical issues that needed to be resolved for reunification. Thus, she did not progress such that she could safely parent the children. At the time of the termination hearing in September 2008, visitation remained supervised and Camera was "sporadic" in attending visitation, often cancelling the day of visitation. She had not maintained consistent employment or housing, and her current residence was unsuitable for children. When asked what she would do if the children were returned to her care, Camera responded: "I would locate appropriate housing right away." The most recent report stated that Camera had "not made the children a priority. None of the children can be returned to [Camera], now or in the near future." We agree with the district court that the children could not be safely returned to Camera's care.

S.E.-K. and E.E.-K. have done well in foster care and are in need of permanent placement. T.E., who is a special needs child, has been placed with an out-of-state aunt who is able to attend to his behavioral issues and provide a safe and stable home. See *J.E.*, 723 N.W.2d at 801 (Cady, J., concurring specially) (stating children's safety and their need for a permanent home are the defining elements in determining a child's best interests). At the time of the termination hearing, DHS had been involved with the family for over two years and the children had been out of Camera's care for over a year-and-a-half. "At some point, the rights and needs of the children rise above the rights and needs of the parents." *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997).

Upon our de novo review of the record, we conclude that the grounds for termination under Iowa code section 232.116(1)(f) as to T.E. and 232.116(1)(h) as to S.E.-K and E.E.-K were proved by clear and convincing evidence and termination is in the children's best interests. Thus, we affirm the district court.

AFFIRMED.