

**IN THE COURT OF APPEALS OF IOWA**

No. 9-513 / 09-0731

Filed July 22, 2009

**IN THE INTEREST OF K.P.,  
Minor Child,**

**C.M.L., Mother,**  
Appellant,

**S.L.P., Grandmother,**  
Appellant,

**R.J.P., Grandfather,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Carol S. Egly, District Associate Judge.

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

Jason Huffman of Qualley & Bleyhl, P.L.C., Des Moines, for appellant mother.

Jeffery A. Wright of Carr & Wright, Des Moines, for appellant S.L.P.

Eric Anderson, West Des Moines, for appellant R.J.P.

Nancy Pietz, Des Moines, for appellee father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, John P. Sarcone, County Attorney, and Jon Anderson, Assistant County Attorney, for appellee State.

Michelle Saveraid of Youth Law Center, Des Moines, for minor child.

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

**VAITHESWARAN, P.J.**

Crystal gave birth to a child in 1999, when she was a teenager. She allowed her mother and step-father to care for the child and consented to a guardianship in their names. Her mother, who had a history of cocaine use, relapsed. In late 2007, the child was removed from the guardians and placed in foster care.

The district court ultimately concluded that the child could not safely be returned to the home of her guardians. For that reason, the court granted the probate court concurrent jurisdiction to terminate the guardianship. The court also terminated Crystal's parental rights. She appealed.

Crystal contends (1) termination was not in the child's best interests, (2) the statutory grounds for termination were not satisfied, and (3) the State failed to provide adequate reunification services.

*I.* The ultimate consideration in a termination proceeding is the child's best interests. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). On this question, the record discloses that Crystal entrusted the child to her mother despite overwhelming evidence of the grandmother's abuse of the child. At the termination hearing, even after hearing the evidence, Crystal testified that she felt her mother and step-father provided a safe home for the child. While she also stated she would keep the child away from her mother if ordered to do so, there is scant evidence that she voluntarily took steps to protect her child in the years preceding the child's removal from her guardians. As a Department of Human Services employee reported, "[B]ecause Crystal has not agreed that [the guardian] is not appropriate to be around [the child] this worker would have

concerns that she would allow unauthorized contact out of loyalty to her mother.” On our de novo review of the record, we agree with this assessment. Because Crystal did not intervene to assist her child even after it became apparent that her mother was an inappropriate caretaker, we conclude termination of her parental rights was in the child’s best interests.

*II.* The district court cited Iowa Code section 232.116(1)(f) (2007) as one of the grounds supporting termination. That provision requires the State to prove several elements including removal of the child “from the physical custody of the child’s parents for at least twelve of the last eighteen months.” Iowa Code § 232.116(1)(f)(3). Crystal contends this element was not satisfied because she did not have physical custody of the child.

Section 232.116(1)(f)(3) simply requires proof that the child “has been removed from the physical custody of the child’s parents for at least twelve of the last eighteen months.” The child was de facto “removed” from Crystal’s physical custody at birth and was legally “removed” when she was two years old, pursuant to a guardianship order. Therefore, this requirement was satisfied.

*III.* Crystal finally contends that the department did not provide adequate reunification services. The record discloses that the department afforded Crystal supervised and semi-supervised visits for approximately seven months, as well as in-home services. We conclude these services satisfied its reasonable efforts mandate.

We affirm the termination of Crystal’s parental rights to her child, born in 1999.

**AFFIRMED.**