

IN THE COURT OF APPEALS OF IOWA

No. 9-570 / 09-0777
Filed July 22, 2009

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

A.L.V., a/k/a A.L.H., Mother,
Appellant.

Appeal from the Iowa District Court for Osceola County, David C. Larson,
District Associate Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Shawna L. Ditsworth, Spirit Lake, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Robert Hansen, County Attorney, for appellee.

Shannon Sandy of Sandy Law Firm, P.C., Spirit Lake, attorney and
guardian ad litem for minor child.

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

PER CURIAM

A mother appeals from the juvenile court order terminating her parental rights to one of her children. She contends termination is not in the child's best interests. We affirm.

The child was removed from the mother's care in 2007. The mother struggles with mental health issues, including depression, anger management, and co-dependency. She has been inconsistent in her use of prescribed medications. She also struggles with substance abuse, including methamphetamine and marijuana. Until shortly before the termination hearing in 2009, she had not been successful in substance abuse treatment. By the time of the termination, the mother had maintained sobriety for a brief period, but not long enough to be considered stable in her sobriety. The record shows the child has a bond with the mother, but also a strong bond with the foster mother. The child has integrated well with the foster family. The foster family is interested in adoption if the mother's parental rights are terminated. The paternal grandmother of the child's half-sibling, who currently is guardian for that child, also is interested in adopting this child.

Our review is de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). If the juvenile court terminates parental rights on multiple statutory grounds, we may affirm if any ground is supported by clear and convincing evidence. See *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Our primary concern is always the best interests of the children. *J.E.*, 723 N.W.2d at 798.

In seeking out those best interests, we look to the child's long-range as well as immediate interests. This requires considering

what the future holds for the child if returned to the parents. When making this decision, we look to the parents' past performance because it may indicate the quality of care the parent is capable of providing in the future.

Id. (quoting *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997) (citations omitted)).

The juvenile court terminated the mother's parental rights under Iowa Code sections 232.116(1)(d), (f), and (j) (2009). The mother does not challenge any of the statutory grounds for termination. We affirm the termination on the statutory grounds cited by the juvenile court.

The mother contends termination is not in the child's best interests. She argues there is a parent-child bond and also a strong bond between the child and the mother's family. This argument implicates Iowa Code section 232.116(3)(c), but is not properly before us on appeal because it was not addressed in the termination order and no motion to amend or enlarge appears in the record. "Even issues implicating constitutional rights must be presented to and ruled upon by the district court in order to preserve error for appeal." *In re K.C.*, 660 N.W.2d 29, 38 (Iowa 2003).

The mother further contends generally that termination is not in the child's best interests. Considering what the future would hold for this child if returned to the mother, the length of time the child has been out of the mother's care, the child's age, and the child's need for safety and for a permanent home, we agree with the juvenile court that terminating the mother's parental rights are in this child's best interests. See *J.E.*, 723 N.W.2d at 802 (Cady, J. concurring specially).

AFFIRMED.