IN THE COURT OF APPEALS OF IOWA

No. 1-056 / 00-1504
Filed April 27, 2001

FILED
APR 27 2001
CLERK SUPREME COURT

IN THE INTEREST OF

H.G.,
Minor Child,

D.G., n/k/a D.W., Mother,
Appellant.

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

A mother appeals from the juvenile court order terminating her parental rights to her minor child. **AFFIRMED.**

Carrie E. Coyle of Carrie E. Coyle, P.C., Davenport, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney General, and Gerda Lane, Assistant County Attorney, for appellee-State.

Terri Willits, Camanche, guardian ad litem for minor child.

Considered by Streit, P.J., and Hecht and Vaitheswaran, JJ.

PER CURIAM

Dorann, the mother of Haleakala, appeals from the juvenile court order terminating her parental rights. She claims the court erred in finding grounds existed for terminating her rights under Iowa Code section 232.116(1)(a)(1999). We affirm.

Background facts and proceedings. Dorann is the mother of Haleakala, (Hale) born in April 1992. Hale's putative father has had no contact with her or involvement in the proceedings. Dorann previously had given up two children for adoption. Hale's maternal grandparents provided much of her care during the first four years of her life, have a good relationship with her, and desire to adopt her.

Hale was adjudicated in need of assistance by stipulation in April 1998 after a determination she had been sexually abused by Dorann's paramour. Hale remained in Dorann's care under DHS supervision because the perpetrator was hospitalized, but Dorann and Hale were not to have any contact with him.

In March 1999 Dorann moved to Arizona with Hale without DHS permission. They eventually were located there. When authorities learned Dorann had married a man with an outstanding warrant for indecent contact with a child, Hale was returned to Iowa and placed in foster care. Caseworkers noted she had developed a number of behavioral problems. Dorann returned several months later and attempts were made at reunification, including visitation. Dorann indicated she would consent to termination of her rights if her parents

could adopt Hale. Dorann moved back to Arizona in July 2000, again without informing DHS.

DHS and Hale's guardian ad litem recommended termination. The guardian ad litem filed a petition to terminate Dorann's parental rights based on Iowa Code section 232.116(1)(a) (1999) (voluntary consent). Hale was placed with her grandparents, and a termination hearing was held. Dorann was not present at the hearing but was represented by counsel. Dorann's attorney indicated that as of July, Dorann intended to consent to the termination but had not been able to review the termination petition before she moved out of state because it had not been prepared before her departure. Dorann's counsel, DHS, and Dorann's parents all were unable to contact Dorann at the time of the hearing because she left no address and did not provide one in her correspondence. Following the hearing, the juvenile court terminated Dorann's parental rights under sections 232.116(1)(a) and 232.117. The court also terminated the putative father's rights. Only Dorann appeals.

Appellate claims. Dorann claims termination under section 232.116(1)(a) was improper because the State did not establish she had voluntarily and intelligently consented to the termination of her parental rights, or that she articulated good cause for doing so. She argues she never signed a consent to termination and never had a chance to review the termination petition. The guardian ad litem joined the State's brief.

Analysis. Our review is de novo. Iowa R. App. P. 4. We find Dorann's actions and verbal communications throughout this case demonstrate she

voluntarily and intelligently consented to termination of her parental rights. After her decision to consent to termination of her parental rights in May 2000, she never wavered from that decision. She initiated the discussion about termination by instructing her attorney to inform DHS she was interested in terminating her parental rights to Hale. She never retracted statements made to caseworkers that she was planning to consent to the termination. Dorann indicated she did not need to participate in any more services aimed at reunification because she was going to have her parental rights terminated. She moved out of state and did not attend the termination hearing despite being aware of the proceeding. She prevented all parties from future contact with her, including her own parents who had custody of her child, by refusing to disclose her address. Iowa Code section 232.116(1)(a) requires consent to be voluntary, intelligent, and for good cause. There is no requirement that a parent execute a release or consent form. *See In re T.N.M.*, 542 N.W.2d 574, 576-77 (Iowa Ct. App. 1995). There is no requirement a parent read the petition for termination. Here, Dorann expressed her voluntary and intelligent consent to the termination and did not contest that decision before her parental rights were terminated.

The statute also requires the parent to have good cause to desire the termination. Iowa Code § 232.116(1)(a). Dorann already had given up two children for adoption. She was unable or unwilling to put her relationships with abusive men ahead of her relationship with and protection of her daughter. Hale was sexually abused by Dorann's paramour. When Dorann moved to Arizona with Hale, she married a man wanted in Iowa for indecent contact with a child.

Dorann recognized her inability to deal with Hale's psychological problems caused by the abuse. She indicated her consent to termination of her parental rights so Hale could be placed with Dorann's parents. Good cause supports her voluntary consent to termination.

Dorann's actions and words indicate her voluntary and intelligent consent to termination of her parental rights to Hale. Dorann recognized her own inability to protect Hale from abuse or to deal with Hale's resulting psychological problems. We find Dorann had good cause to desire termination. Her desire to have Hale placed with Hale's maternal grandparents was being fulfilled.

AFFIRMED.