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IN THE COURT OF APPEALS OF IOWA

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CLERK SUPREME COURT

No. 7-496 / 97-0342
Filed September 24, 1997

IN THE INTEREST OF T.R., Minor Child,

P.R., Mother,
Appellant.

Appeal from the Iowa District Court for Woodbury County, Patrick H. Tott, Associate Juvenile Judge.

A mother appeals from the termination of her parental rights to her minor child. **AFFIRMED.**

John S. Moeller of O'Brien, Galvin & Moeller, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Dewey Sloan, Assistant County Attorney, for appellee State.

Marchelle M. Roberts, Sioux City, for minor child.

Considered by Sackett, P.J., and Streit and Vogel, JJ.

STREIT, J.

The mother in this case appeals the decision of the juvenile court terminating her parental rights to her minor child. We affirm the juvenile court's decision.

Patty and Michael were married in 1990. They are the parents of Timothy, who was born on July 16, 1992. There are three founded reports against Michael for sexual abuse of children. Although she was aware of one of these reports, in September 1993, Patty left Timothy in Michael's care and moved to Florida. A default dissolution decree was entered in January 1994, giving Michael custody of Timothy.

Patty has three other children. She does not have custody of these children, preferring to leave them in the care of others. Patty has pursued a nomadic lifestyle, changing residences and male companions with some frequency. Patty contacted Timothy only sporadically. Timothy was placed in foster care on April 24, 1995, because Michael left Timothy with inappropriate caretakers. Patty learned of Timothy's removal in July 1995.

Timothy was adjudicated a child in need of assistance on January 17, 1996. The juvenile court ordered Patty to cooperate with any service recommendations made by the Department of Human Services (DHS). The case permanency plan required Patty to accept parent skill development sessions, obtain work, and obtain a permanent residence.

Patty moved back to Iowa in February 1996. On March 28, 1996, she began supervised visitation with Timothy, which was her first contact with Timothy since March 1995. Patty completed a psycho-social evaluation, which showed she lacked empathy and placed the needs of her children secondary to her own. The evaluation recommended that Patty address male dependency issues to deter the likelihood of unstable and frequent relationships with men. Patty attended a nurturing program with Timothy.

In August 1996, Patty obtained employment, and in September 1996, she moved to an apartment. Due to this progress, her visitation with Timothy was increased. Following the increase in visits, Timothy's behavior began changing dramatically. He began to exhibit defiant and extremely active behavior. Patty was unable to use positive statements with Timothy, and admitted she felt uncomfortable using praise to encourage good behavior. Patty's visitation time was decreased, and Timothy's negative behavior ceased.

Timothy is developmentally delayed. He receives special education services and attends preschool classes. Because of his developmental delays, Timothy needs a stable and nurturing environment. The foster parents have expressed an interest in adopting Timothy.

On November 1, 1996, the State filed a petition to terminate the parental rights of Patty and Michael. The juvenile court found Patty was unable to significantly

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change her lifestyle or to improve her parenting qualities. The court terminated her parental rights pursuant to Iowa Code sections 232.116(1)(d) and (e). Michael's parental rights were also terminated. Only Patty has appealed.

I. The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). The grounds for termination must be proven by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995). Our primary concern is the best interests of the child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Patty contends the juvenile court should not have terminated her parental rights. She claims the State failed to show, by clear and convincing evidence, Timothy could not be returned to her care, as required by section 232.116(1)(e)(4). She believes the issue of male dependency is the only thing which prevented reunification with Timothy. Patty asserts this is an insufficient reason to prevent reunification because service workers failed to address this issue with her.

There are many reasons why Timothy cannot be returned to Patty's care. Patty has not yet shown the stability which is necessary to meet Timothy's needs. She is unable to give him the encouragement to overcome his developmental delays. Patty has shown only limited progress in her parenting skills. Her inconsistent approach to parenting caused Timothy to exhibit negative behaviors when visitation time was increased. She has been absent most of Timothy's life. For these reasons, in addition

to Patty's failure to address the issue of male dependency, we determine Patty's parental rights were properly terminated under section 232.116(1)(e).

III. Patty claims the juvenile court should not have terminated her parental rights pursuant to section 232.116(1)(d). 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 A.J.,* 553 N.W.2d 909, 911 (Iowa App. 1996). We have already found Patty's parental rights were properly terminated under section 232.116(1)(e), and therefore, need not address this issue.

We affirm the decision of the juvenile court terminating Patty's parental rights to Timothy.

AFFIRMED.

Vogel, J., concurs; Sackett, P.J., specially concurs without opinion.