IN THE COURT OF APPEALS OF IOWA

FILED
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CLERK SUPREME COURT

No. 8-056 / 97-0689
Filed February 25, 1998

IN THE INTEREST OF M.W. and S.W., Minor Children,

B.W., Mother,
Appellant.

Appeal from the Iowa District Court for Fayette County, Alan D. Allbee, Associate Juvenile Judge.

Mother appeals the juvenile court's order terminating her parental rights over her two minor children. **AFFIRMED.**

Jeffrey E. Clements, West Union, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General, and Karl Moorman, Assistant County Attorney, for appellee-State.

T. David Katsumes, Elgin, guardian ad litem, and Charles Hallberg, Oelwein, attorney, for minor children.

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

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STREIT, J.

Barbara and Rodney are the parents of Matthew, born in December 1985, and Shawna, born in February 1987. The juvenile court terminated the parental rights of Barbara and Rodney. Rodney did not contest the termination. Barbara appeals the decision of the juvenile court terminating her parental rights.

The Department of Human Services (DHS) became involved with the family in May 1987 due to a report the parents had left the children unsupervised for an hour. DHS issued a founded report of denial of critical care. Barbara voluntarily agreed to place the children in foster care.

Matthew and Shawna were adjudicated to be children in need of assistance. In June 1987, the children were returned to Barbara's care. Barbara was ordered to abstain from using alcoholic beverages. Due to incidents of domestic violence, Barbara separated from Rodney in February 1988. Rodney has had little contact with the children since this time.

The children were again removed from Barbara's care in April 1988 because she had been drinking alcohol, and not properly supervising the children. Barbara completed residential substance abuse treatment, and the children were returned to her care in June 1988.

In August 1988, the children were removed from Barbara's care because she became intoxicated and was placed in jail for assault. Barbara participated in

services, and in December 1988, the children were returned to her care. The juvenile case was closed in June 1989.

Matthew and Shawna came to the attention of DHS again in August 1992 when Barbara became intoxicated and left the children at a police station. The children were placed in foster care. DHS issued a founded report of denial of critical care.

The children were adjudicated to be children in need of assistance. Barbara completed residential substance abuse treatment and met the terms of her outpatient commitment, including attendance at AA meetings. In November 1992, the children were returned to her care.

In March 1993, Barbara became intoxicated and attempted to attack her paramour, Kenneth, with two kitchen knives. Shawna witnessed this incident. In July 1993, Barbara was charged with public intoxication. In August 1993, DHS issued a founded report of denial of critical care because Barbara became intoxicated and threatened to kill herself and Shawna. The children were removed from the home after this incident.

Barbara made an effort to maintain sobriety. She attended individual counseling, a treatment group, and AA meetings. In January 1994, the children were returned to Barbara's care. In April 1994, Barbara had a relapse from sobriety. The children were placed in foster care.

Shawna informed the foster parents she had been sexually abused by Kenneth. DHS issued a founded report of sexual abuse against Kenneth. He subsequently pled guilty to lascivious acts with a child.

Barbara again participated in services and was able to maintain sobriety for a significant period of time. She no longer lived with Kenneth. In December 1994, the children were returned to her care. Barbara obtained employment, but relied on Kenneth for transportation. In August 1995, Barbara became intoxicated and threatened to commit suicide. The children were placed in foster care.

Barbara was inconsistent in attending individual counseling, substance abuse group meetings, and AA meetings. She lost her employment. She continued to associate with Kenneth. In October 1996, Barbara went to the foster home in an intoxicated condition. After this incident she had only supervised visitation.

Matthew has been diagnosed with attention deficit hyperactivity disorder and a conduct disorder. He needs stability and a strong male role model. Both children attend individual counseling. Both children engaged in problematic behavior after visits with Barbara. Relatives of the foster family have expressed interest in adopting the children.

In November 1996, the State filed a petition for termination of parental rights. The juvenile court terminated Barbara's parental rights pursuant to Iowa Code sections 232.116(1)(e) and (k). The court found termination was in the best interests of the children. Barbara has appealed.

I. The scope of review in termination hearings 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 E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Barbara contends the State failed to present clear and convincing evidence the children could not be returned to her care, which is a requirement of section 232.116(1)(e)(4). She states she is now committed to sobriety. Barbara points out she had only one relapse in approximately one year prior to the termination hearing.

We find the State presented clear and convincing evidence the children could not be returned to Barbara's care. Barbara has a long history of chronic alcohol abuse. Barbara has been given many chances to show she can care for the children, and each time she put alcohol above the children's welfare. In addition, Barbara has not severed her relationship with Kenneth, even though she admits he sexually abused Shawna. We determine Barbara's parental rights were properly terminated under section 232.116(1)(e).

III. When the juvenile court terminated 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 Barbara's parental rights were properly terminated

under section 232.116(1)(e) and, therefore, need not address her claims regarding section 232.116(1)(k).

IV. Barbara claims termination is not in the best interests of the children. Both children have expressed a desire to live with Barbara. Barbara asserts termination would be detrimental to the children due to the closeness of the parent-child relationship.

We find termination is in the children's best interests. Both children have some behavioral problems, and tend to have more difficulties after visits with Barbara. The children's counselor testified the children need more stability than Barbara can provide.

We affirm the decision of the juvenile court terminating Barbara's parental rights to Matthew and Shawna.

AFFIRMED.