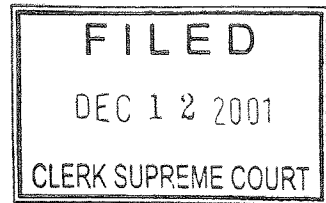


IN THE COURT OF APPEALS OF IOWA

No. 1-720 / 01-0217
Filed December 12, 2001



IN THE INTEREST OF D.B., E.B., and I.B., Minor Children,
T.B., Mother,
Appellant.

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

The mother appeals from a juvenile court order terminating her parental
rights. **AFFIRMED.**

Robert J. Phelps, Davenport, for appellant.

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

Patricia Zamora, Davenport, for the minor children.

Considered by Sackett, C.J., and Mahan and Hecht, JJ.

MAHAN, J.

A mother appeals from a juvenile court order terminating her parental rights to her three minor children. She claims the juvenile court erred in concluding there was clear and convincing evidence to terminate her parental rights. We affirm.

Background Facts and Proceedings. Tonya is the mother of Isis, born on March 29, 1991; Devonte, born on August 9, 1992; and Elysia, born on November 16, 1994. Emmett is the known father of Devonte and has been the only actively involved father. It is unclear whom the biological fathers are of the other children. The children's fathers are not involved in this appeal.

Tonya has a history with the Iowa Department of Human Services (DHS) beginning in 1996 with two confirmed reports she denied critical care and failed to provide adequate supervision to her children. In December 1996 DHS filed petitions to have all three children adjudicated in need of assistance, but the children were never adjudicated. As a result, protective services were provided to the family with the involvement of the juvenile court.

In 1999 Tonya and her three children were living with Emmett and his seventeen-year-old nephew in a mobile home in Cedar Rapids. Tonya, who was unemployed at the time, was often gone from the home. Emmett, who was also unemployed, appeared to be the primary caretaker of the children. During this time there were several reports made to DHS that the children were being left alone by both Tonya and Emmett. In June 1999 the three children began to live with their maternal aunt, Amanda, and maternal grandmother, Deborah, because

Tonya left the home to go to California. In a letter signed June 6, 1999, Tonya stated Amanda had full care of the children, including authorization to seek medical treatment for the children. However, Amanda and Deborah were unable to continue to provide care for the children. The children reported to DHS that while living with Amanda and Deborah they were physically disciplined with belts and hangers on various occasions. A paternal aunt and uncle assumed care of the children on December 9, 1999.

A CINA petition was filed in February 2000. At the same time, the children were removed from their aunt and uncle's home and placed in foster care because they no longer could handle the children's behaviors. The children were adjudicated to be children in need of assistance under Iowa Code sections 232.116(1)(a), (b), (c)(2), (g), and (n) (1999). In June 2000 the court issued an order finding aggravated circumstances and waived reunification services for the parents given their absence and failure to participate.

In September 2000 the court issued a permanency order, which directed the State to initiate termination proceedings regarding all the parents. In October 2000 the State filed a petition to terminate Tonya's parental rights to Isis, Devonte, and Elysia. In November 2000 the children were placed again with their aunt and uncle, who expressed a desire to adopt the children. After the hearing in January 2001, the juvenile court terminated Tonya's parental rights under sections 232.116(1)(b) and (d). Tonya appeals.

Standard of Review. We review termination proceedings de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). Accordingly, we review both the facts

and the law, and adjudicate rights anew. *In re T.A.L.*, 505 N.W.2d 480, 482 (Iowa 1993). Although we are not bound by them, we give weight to the district court's findings of fact, especially when considering credibility of witnesses. *C.B.*, 611 N.W.2d at 492. Our primary concern in termination proceedings is the best interests of the child. *Id.* To support the termination of parental rights, the State must establish the grounds for termination by clear and convincing evidence. *Id.* Clear and convincing evidence means there are no serious or substantial doubts as to the correctness or conclusions of law drawn from the evidence. *Id.*

Iowa Code section 232.116(1)(d). This section requires parents to maintain "significant and meaningful contact" with the child. Iowa Code § 232.116(1)(d)(3). Tonya claims the State did not present sufficient evidence to warrant termination of her parental rights. We disagree. We find there is clear and convincing evidence to terminate her parental rights pursuant to this section.

There is no dispute the first two elements of section 232.116(1)(d) were met: Isis, Devonte, and Elysia were adjudicated CINA on April 24, 2000, and had been removed from Tonya's physical custody for a period of at least six consecutive months. Our review of the record also finds Tonya did not maintain "significant and meaningful contact," as defined by section 232.116(1)(d)(3), with the children during the previous six months and made no reasonable efforts to do so despite the opportunity for such contact. From the outset of this case, Tonya has been living in Los Angeles, California, reportedly in a "crack house." The children have not seen their mother since June 2, 1999. Her last contact with the DHS was June 26, 2000. In fact, she was not present for any of the hearings.

She stated several times she was coming back to Iowa to be with her children, and she never followed through. Tonya has failed to provide the children with financial support. She also did not make reasonable efforts to comply with the requirements of the case permanency plan. Tonya has rejected the role of parenting these children, has shown no interest in them, and has not attempted to establish or maintain a place of importance in the children's lives. We therefore affirm the termination of her parental rights under 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 S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Having found termination appropriate under section 232.116(1)(d), we need not reach Tonya's argument the juvenile court erred in terminating her parental rights pursuant to Iowa Code section 232.116(1)(b).

AFFIRMED.

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