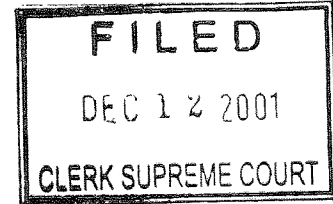


IN THE COURT OF APPEALS OF IOWA

No. 1-726 / 01-1031
Filed December 12, 2001

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

C.H., Mother,
Appellant.



Appeal from the Iowa District Court for Cerro Gordo County, Gerald W. Magee, Associate Juvenile Judge.

A mother appeals an order terminating her parental rights. **AFFIRMED.**

W. Alex Reiter, Forest City, for appellant.

Thomas J. Miller, Attorney General, and Elise Pippin, Assistant Attorney General, for appellee-State.

Amy D. Van Es, of the Young Law Office, Mason City, guardian ad litem for the minor child.

Considered by Huitink, P.J., and Zimmer and Vaitheswaran, JJ.

VAITHESWARAN, J.

Christy appeals a juvenile court order terminating her parental relationship with her son Damion. We affirm.

I. Background Facts and Proceedings

Damion, born in December 1998, is the child of Christy and James. At the time of these proceedings, Christy and James were not living together, in light of a domestic abuse restraining order entered against James. Damion was in Christy's care.

When Damion was sixteen months old, an emergency room physician who was treating him for flu-like symptoms also noted multiple bruises on the child's body. The Department of Human Services became involved and, following an investigation, issued a founded child abuse report against Christy.

Less than a month later, health care professionals examining Damion discovered and surgically repaired a ruptured colon. Although physicians could not determine how the injury occurred, they confirmed this type of injury was rare in children. A hospital social worker stated the injury raised suspicions of physical or sexual abuse. The department issued a second founded child abuse report against Christy.

The department sought and obtained an order temporarily removing Damion from his mother's home. Christy subsequently agreed to have Damion adjudicated a child in need of assistance. Damion was placed in foster care, where he remained for the balance of the proceedings.

Pursuant to the department's recommendation, the State applied to terminate the parental rights of Christy and James vis-a-vis Damion. The State

alleged Christy failed to comply with a prior court order requiring her to obtain a psychological and substance abuse evaluation and engaged in only sporadic visitation with Damion. The State further claimed James had effectively abandoned the child. The juvenile court agreed with the State and granted the termination petition, relying on Iowa Code sections 232.116(1)(d)(1999) (absence of meaningful and significant contact) and 232.116(1)(g) (child cannot be returned to custody of parent), with respect to Christy.

Only Christy appeals. We review her appeal de novo. *In re K.R.*, 537 N.W.2d 774, 776 (Iowa 1995). We need only find one statutory termination ground satisfied in order to affirm. See *In re A.J.*, 553 N.W.2d 909, 911 (Iowa Ct. App. 1996). As we find sufficient evidence to support termination under Iowa Code section 232.116(1)(d), we will not address the second ground on which the juvenile court relied.

II. Absence of "Meaningful and Significant Contact"

Iowa Code section 232.116(1)(d)(3) authorizes termination of parental rights where the court finds

clear and convincing evidence that the parents have not maintained significant and meaningful contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so.

According to that provision, "significant and meaningful contact":

requires continued interest in the child, a genuine effort to complete the responsibilities prescribed in the case permanency plan, a genuine effort to maintain communication with the child, and requires that the parents establish and maintain a place of importance in the child's life.

Christy agrees with the department that her contacts with Damion were sporadic, but argues the juvenile court should have considered extenuating circumstances, including the department's asserted failure to accommodate her transportation needs. We are not persuaded by her argument.

Even before Damion was removed from Christy's care, Christy evinced a lack of commitment toward her son. For example, when Damion was hospitalized for colon surgery just prior to his removal, Christy declined to remain with him, despite a social worker's offer to pay for a motel and despite being told this was a life-threatening injury.

After Damion was removed from Christy's care, Christy retained her cavalier attitude regarding contact with her son. For approximately four months following the removal, the department afforded Christy unlimited opportunities to visit Damion, as long as she first made arrangements with the foster care provider. In addition, the department scheduled weekly supervised visits between Christy and Damion. On average, Christy saw Damion less than once a week during this four-month period.

The department next contracted with a therapist to provide weekly supervised visitation between Christy and Damion. Christy was to contact the therapist to schedule times for the visitations. Over the following six months, Christy met with Damion seven times and, on one or more of those occasions, did not avail herself of the full time allotted to her. Although she claimed a lack of transportation prevented her from visiting her son more often, a department social worker testified Christy could have received transportation assistance from the department had she requested it. Indeed, the case manager testified Christy

was informed of the availability of this service at case staffings and at court hearings but "vehemently indicated that she did not need the Department's assistance with getting transportation."

We recognize Christy was dealing with a number of issues during this period, including the absence of stable housing or employment, drug use, and legal problems involving charges of forgery and theft to which she eventually pled guilty. We also recognize that Christy did not abdicate her parental role as James did and, when she did have contact with Damion, acted appropriately. However, given the limited time she had to recover Damion,¹ Christy needed to place him at the top of her priority list. She did not do so. Accordingly, we conclude the State satisfied its burden of proving that Christy failed to maintain significant and meaningful contact with Damion, justifying termination of her parental relationship with him.

AFFIRMED.

¹ Under Iowa Code section 232.116(1)(d)(2), a child need only be out of the parent's physical custody for six consecutive months before an order terminating parental rights may be entered.