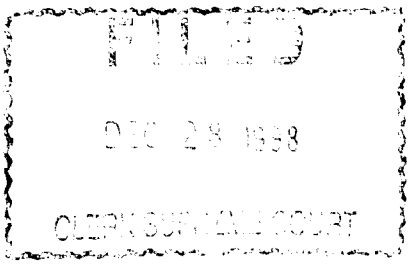
**IN THE COURT OF APPEALS OF IOWA**

No. 1998-5 (8-676) / 98-1261
Filed December 28, 1998




**IN THE INTEREST OF C.Z.**, Minor Child,

**J.Z.**, Mother,
Appellant.

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Appeal from the Iowa District Court for Polk County, Karen A. Romano, District Associate Judge.

The mother of a minor child appeals a district court order terminating her parental rights. **AFFIRMED.**

Timothy M. Duffy of Duffy, Spellman, Ryan, Thomas & Clark, Des Moines, and Jeanne K. Johnson, Des Moines, for appellant.

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

Nancy L. Pietz of Cook & Brown, P.L.C., Clive, guardian ad litem for minor child.

Considered by Sackett, C.J., and Huitink, Streit, Vogel, and Mahan, JJ.

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**HUITINK, J.**

Jana and Kenny are the parents of Carson, who was born in March 1996. Jana appeals the decision of the juvenile court terminating her parental rights. We affirm on appeal.

Jana was involved with the Department of Human Services (DHS) before Carson's birth. Jana has a history of substance abuse. In January 1997, Carson was adjudicated to be a child in need of assistance, pursuant to Iowa Code section 232.2(6)(n). Jana was ordered to participate in aftercare, attend individual therapy, and provide random drug tests.

In April 1997, Jana's drug tests showed positive for methamphetamine. She was admitted to an outpatient substance abuse program, but was discharged after she had a relapse in June 1997. Jana then entered another outpatient program. Due to concerns about Jana's ongoing drug usage, Carson was removed from her care in June 1997. He was placed with Jana's sister, Julie.

Jana initially made great progress. She successfully completed outpatient treatment in August 1997. She participated in aftercare. Jana had one supervised visit per week, and these went well. She was also permitted unsupervised visits and by December 1997, these were increased to a full weekend. In January 1998, Carson was returned to Jana's care.

In February 1998, Carson had a drug test which showed positive for marijuana. Later in the month, despite DHS advice to avoid Kenny, Jana went to Kenny's home,

where they got into an argument. Jana broke the windows of Kenny's truck. Kenny's nose was broken. Carson was present in Jana's car during the altercation. Jana was charged with second-degree criminal mischief and domestic abuse with injury. Carson was removed from Jana's care and was again placed in the care of Julie.

In February 1998, the State filed a petition to terminate the parental rights of Jana and Kenny. Jana has since made a renewed commitment to individual therapy, where she is attempting to deal with the issues of anger management and co-dependency. She is taking medication for depression. Jana is attending a community college.

Carson has done very well in the care of Julie. He has had no problems, other than chronic ear infections, and now has tubes in his ears. Carson's brother also lives with Julie. He is bonded in this home. Julie and her husband have expressed an interest in adopting Carson.

The juvenile court terminated Jana's parental rights under sections 232.116(1)(f) and (g). Kenny's parental rights were also terminated. The court found Carson should not be forced to wait any longer for a permanent, stable home. Jana has appealed.

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 E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our

primary concern is the best interests of the child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

Jana contends the State did not present sufficient evidence to show Carson could not be returned to her care, which is an element of section 232.116(1)(g). The juvenile court concluded Carson could not be returned to her care because she had not fully committed to therapy. She states that prior to February 1998, there was no requirement she participate in therapy. Furthermore, Jana asserts she is fully committed to the therapeutic process.

We find the State presented clear and convincing evidence to show Carson could not be returned to Jana's care at the present time. While Jana has made substantial progress in dealing with her prior problem with substance abuse, there are still other issues she needs to address before Carson could be safely placed in her care. The February 1998 incident involving Kenny highlighted Jana's need for help in dealing with depression, co-dependency, and anger management. Jana has not made sufficient progress in dealing with these issues to allow her to safely parent Carson. We conclude Jana's parental rights were properly terminated under section 232.116(1)(g).

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 Jana's parental rights were properly terminated under section

232.116(1)(g) and, therefore, need not address her claims regarding section 232.116(1)(f).

We affirm the decision of the juvenile court terminating Jana's parental rights to Carson.

**AFFIRMED.**