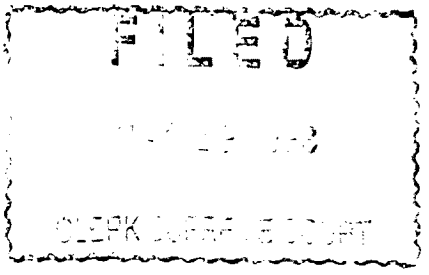
IN THE COURT OF APPEALS OF IOWA

No. 8-240 / 97-1847



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

J.A., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen, Associate Juvenile Judge.

The mother of minor child R.A. appeals a juvenile court ruling terminating her parental rights. **AFFIRMED.**

Jacqueline Stetson Rypma, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Jaki L. Livingston, Assistant County Attorney, for appellee State.

Faye A. Jenkins, Des Moines, guardian ad litem for minor child.

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

MAHAN, J.

Diane is the mother of Robert, who was born in January 1996. The father of Robert is unknown. Diane appeals the decision of the juvenile court terminating her parental rights. We affirm.

The Department of Human Services (DHS) became involved because Robert tested positive for the presence of cocaine when he was born. DHS issued a founded report of denial of critical care against Diane. Diane adamantly denied drug use during her pregnancy. She voluntarily agreed to accept family preservation services.

In July 1996, DHS received a report Diane had been leaving Robert alone in her apartment while she went to a store to buy cigarettes. DHS issued a second founded report of denial of critical care. Diane was not cooperative with services and her whereabouts were unknown for a period of time.

Robert was removed from Diane's care on September 23, 1996. At that time he was developmentally delayed. He was unable to sit or crawl, and did not express emotions. Robert was adjudicated to be a child in need of assistance. Diane was required to submit two clean urinary analysis reports before she could begin visitation.

Diane had several drug tests which tested positive for cocaine in October 1996. She began visitation with Robert in November 1996. Diane had a substance abuse evaluation, but was not truthful and was required to have a second evaluation. Diane

did not appear for a second evaluation until March 1997. She continued to deny drug use, but still had drug tests showing positive for cocaine.

On March 4, 1997, Diane became verbally abusive to a social worker during visitation with Robert. Diane was asked to leave the visit, but refused. DHS informed Diane she needed to show clean drug tests for thirty days before visits would resume. Diane was never able to resume visitation because of continued drug tests which showed positive for cocaine use.

Diane believed she was unable to obtain employment because she was missing her lower teeth. DHS set up an appointment for Diane with a dentist. Diane failed to show for this appointment. Diane often complained she had no transportation or telephone. DHS provided Diane with bus tokens, pre-stamped envelopes, and the opportunity to call the agency collect. Diane seldom took advantage of these services. She did complete a psycho-social evaluation in April 1997. The evaluation showed Diane suffered from depression. Diane did not follow through with recommended individual therapy.

Robert has progressed very well in foster care. He has overcome his initial developmental delays and is now considered to be age-appropriate. In April 1997, he was placed with a family interested in adopting him.

In July 1997, the State filed a petition to terminate Diane's parental rights. In August 1997, Diane obtained part-time employment.

A hearing on the petition to terminate parental rights was held in September 1997. The juvenile court found Diane was battling a cocaine addiction and was no more ready to care for Robert than she was on the date he was removed. The court concluded Diane's parental rights should be terminated under Iowa Code sections 232.116(1)(c), (g), and (k). The court determined termination was in Robert's best interests. Diane 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 children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

Diane claims the State did not prove, by clear and convincing evidence, her parental rights should be terminated. She states she now has a job and is financially stable. Diane asserts she can provide food and adequate housing for herself and Robert. Diane also believes she has adequate parenting skills. Diane alleges she was unable to attend substance abuse treatment because she did not have a regular means of transportation.

We determine there is clear and convincing evidence Robert cannot be returned to Diane's care at the present time. Diane has never admitted her substance abuse problem and has taken no steps to address it. In addition, she has taken no

steps to address her depression. As the juvenile court found, Diane is no more ready to care for Robert now than she was on the date he was removed from her care. For these reasons, we conclude Diane'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 ground 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 Diane's parental rights were properly terminated under section 232.116(1)(g), and need not address her claims regarding sections 232.116(1)(c) and (k).

We affirm the juvenile court decision terminating Diane's parental rights to Robert. We determine termination is in Robert's best interests.

AFFIRMED.

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