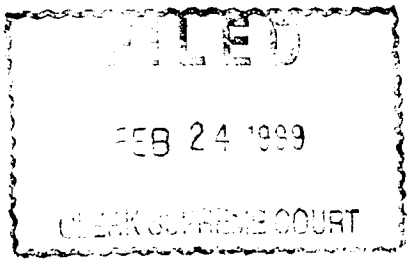
IN THE COURT OF APPEALS OF IOWA

No. 9-058 / 98-1715
Filed February 24, 1999



IN THE INTEREST OF
R.G., J.G., and S.G.,

M.L.G., Mother,
Appellant.

Appeal from the Iowa District Court for Woodbury County, Mary Timko, Associate Juvenile Judge.

The mother appeals the termination of her parental rights to her three children.

AFFIRMED.

Thomas A. Vakulskas of Vakulskas & Hoffmeyer, Sioux City, for appellant.

Thomas J. Miller, Attorney General, and Charles K. Phillips, Assistant Attorney General, for appellee.

John Polifka, Sioux City, guardian ad litem for minor children.

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

PER CURIAM

M[redacted]e, the mother of Rheannon, Jordan, and Sianne, appeals the termination of her parental rights to her three children. She contends the court erred in failing to grant a continuance when she failed to appear for the termination hearing. She also contends, if given the opportunity, she can prove she can care for her children. We affirm.

Rheannon, born in 1987, Jordan, born in 1990, and Sianne, born in 1991, were removed from Melonie's care in August 1996 and adjudicated in need of assistance in September 1996 because of Melonie's long-term substance abuse and her failure to provide the children with food and safe shelter. Melonie resisted treatment initially, then accepted services, but relapsed shortly after completing treatment. Her visitation was restricted because of her noncompliance with services. She did not maintain contact with the Department of Human Services (DHS) case worker. She failed to provide for her children or to maintain meaningful contact with them.

When Melonie failed to appear for the termination hearing, her attorney orally moved for a continuance. The court denied the motion finding the mother had been notified of [redacted] hearing and had failed to attend other hearings.[1] At the close of the hearing, the juvenile court terminated Melonie's rights to her three children from the

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[1] She did not attend a scheduled dispositional hearing in November 1997 because she was in the Woodbury County jail following her arrest for second-degree theft. The court granted her request for a continuance, rescheduling the hearing for February 1998. She elected not to attend the February 1998 hearing because of her involvement in inpatient chemical dependency treatment.

bench. It found evidence beyond a reasonable doubt supported termination under Iowa Code sections 232.116(1)(b), (c), (d), (e), and (k).

Melonie does not challenge any of the grounds upon which the court terminated her parental rights. Rather, she contends the court erred in denying her motion to continue the hearing. She also asserts she would have shown she was able to care for her children had she been allowed to testify.

We review the trial court's ruling on motions to continue for an abuse of discretion. *In re C.W.*, 554 N.W.2d 279 (Iowa App. 1996). We will only reverse if injustice will result to the party desiring the continuance. *In re Estate of Lovell*, 344 N.W.2d 576, 578 (Iowa App. 1983). Denial of the motion must be unreasonable under the circumstances before we will reverse. *Michael v. Harrison County Rural Elec. Coop.*, 292 N.W.2d 417, 419 (Iowa 1980) (citing *State v. Cott*, 283 N.W.2d 324, 329 (Iowa 1979)). Melonie only states, "the Juvenile Court should have continued the trial." She offers no reason for her absence nor any good cause why the court should have granted the continuance. Her attorney was sent notice of the August hearing in late February. He stated he notified Melonie by ordinary mail at her last known address. The court recited at length the notification made to all other parties and interested persons. We conclude the court did not abuse its discretion in denying the motion to continue.

Review of terminations of parental rights is de novo. Iowa R. App. P. 4; *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). Even if the statutory requirements for

termination are met, the decision to terminate must still be in the best interests of the children. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). Iowa Code section 232.116(3) gives the trial court discretion not to terminate a parent's rights in certain circumstances, even when grounds exist. Melonie does not claim any of the circumstances in section 232.116(3) apply. She only argues she should be given a chance to present her case and show she can care for her children. She had an opportunity to present her case at the hearing. Even in her absence, her attorney presented no evidence which would give the court a basis for determining termination was not in the best interests of the children.

AFFIRMED.