

**IN THE COURT OF APPEALS OF IOWA**

No. 0-199 / 10-0274  
Filed April 8, 2010

**IN THE INTEREST OF E.C., J.D.C., J.C., and M.C.,  
Minor Children,**

**D.L.C., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Louise M. Jacobs,  
District Associate Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Joey T. Hoover of Kragnes & Associates, P.C., Des Moines, for appellant  
mother.

Victoria Meade, West Des Moines, for father of J.D.C.

Edward Bull of Bull Law Office, P.C., Des Moines, for father of E.C., M.C.,  
and J.C.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Christina M. Gonzalez,  
Assistant County Attorney, for appellee State.

Nicole Garbis Nolan of Youth Law Center, Des Moines, for minor children.

Considered by Vaitheswaran, P.J., and Potterfield and Mansfield, JJ.

**POTTERFIELD, J.**

Deborah is the mother of E.C., J.D.C., J.C., and M.C, born in 2008, 2007, 2005, and 2003, respectively. The juvenile court terminated Deborah's parental rights on February 3, 2010, pursuant to Iowa Code sections 232.116(1)(b), (d), (e), (f), (g), (h), and (l) (2009). She does not contest that the statutory requirements have been proved, but she argues it is not in the children's best interests that her rights be terminated. With respect to J.D.C., who has a different father than the other children, Deborah also argues that her rights need not be terminated because the father's rights have not been terminated.<sup>1</sup>

In December 2008 Deborah struck M.C. and J.C. in the head with a broom handle and then cut herself with a large knife in the presence of the children. She was arrested for child endangerment and the children were removed from her care. Deborah remained in jail, and a no-contact order prohibited contact with the children. The four children were placed in the care of M.M., who is the father of E.C., J.C. and M.C., but were removed in February 2009 due to Deborah's contact with them in violation of a no-contact order upon her release from jail. Deborah was arrested again in March 2009. She is currently serving prison sentences for convictions of child endangerment and failing to report contraband in the jail.

Deborah has an extensive history with the Department of Human Services, having previously lost her parental rights with respect to several other children.

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<sup>1</sup> M.M. is the father of E.C., J.C., and M.C. He consented to the termination of his parental rights. Paternity testing indicated that J.D.C. was not M.M.'s child, and J.D.C. was placed in his biological father's care in June 2009, where he remains.

E.C., J.C., and M.C. are in pre-adoptive foster homes and the foster families have expressed a desire and willingness to adopt. J.D.C. is in his father's care. The children have experienced serious trauma in their lives, but are doing well in their current placements. They are in need of permanency.

Upon our de novo review, see *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010), we determine that terminating the mother's parental rights so the children can be permanently placed gives primary consideration to the children's safety, to the best placement for furthering the long-term nurturing and growth of the children, and to the physical, mental, and emotional needs of the children under section 232.116(2). Our analysis is not swayed by the mother's reliance upon the exception under section 232.116(3)(a) ("The court need not terminate the relationship between the parent and child if . . . [a] relative has legal custody of the child.").

We conclude that termination of the mother's parental rights is in the children's best interests and we therefore affirm.

**AFFIRMED.**