

IN THE COURT OF APPEALS OF IOWA

No. 6-889 / 06-1509
Filed November 16, 2006

**IN THE INTEREST OF L.D. and Z.B.,
Minor Children,**

**M.R.B., Mother,
Appellant.**

Appeal from the Iowa District Court for Tama County, Michael J. Newmeister, District Associate Judge.

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

John L. Thompson, Tama, for appellant mother.

Fred Stiefel, Victor, for father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Brent D. Hereen, County Attorney, and Richard R. VanderMey, Assistant County Attorney, for appellee State.

Daniel Rathjen, Tama, for minor children.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

HUITINK, P.J.

A mother appeals from the termination of her parental rights to her children. She raises the following issues on appeal: (1) the State “failed to present proper proof of tribal custom by a qualified expert as required by the Indian Child Welfare Act” (ICWA)¹ and (2) “On a de novo review of the facts and law the court of appeals should enter a finding that parental rights of appellant should not be terminated.” Our review is de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

The mother does not cite to any portion of the record where she raised the issue of “proper proof of tribal custom by a qualified expert” before the juvenile court. Furthermore, she provides no argument to support this assignment of error. Therefore, we deem the issue waived on appeal. See Iowa R. App. P. 6.14(1)(c); *In re W.R.C.*, 489 N.W.2d 40, 41 (Iowa Ct. App. 1992).

As for the mother’s second assignment of error, the mother waives any claims of error concerning the statutory grounds for termination by failing to raise such claims in her appeal.² See Iowa R. App. P. 6.14(1)(c). Therefore, we affirm the termination of her parental rights on statutory grounds. To the extent she argues termination was not in the children’s best interests, we disagree. Due to

¹ See *In re S.M.*, 508 N.W.2d 732, 735 (Iowa Ct. App. 1993) (explaining that pursuant to the ICWA, the juvenile court must consider the testimony of a qualified expert witness prior to the termination of the parental rights of the child’s parent or Indian custodian); see also Iowa Code § 232B.10 (2005). The children’s maternal grandmother is an enrolled member of the Sac and Fox Tribe of the Mississippi in Iowa, and the mother and children were living with her on the settlement when the children first came to the attention of the Iowa Department of Human Services. Neither the children nor their mother are enrolled members of the tribe, or eligible for enrollment.

² The mother’s parental rights were terminated pursuant to Iowa Code sections 232.116(1)(e), (f), and (i).

the mother's ongoing substance abuse problems, her continued association with registered sex offenders, and her failure to adequately address these and other problems, termination was in the children's best interests.

AFFIRMED.