IN THE COURT OF APPEALS OF IOWA

No. 1-490 / 00-1728
Filed September 26, 2001

FILED
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CLERK SUPREME COURT

IN THE INTEREST OF E.J. and R.H., Minor Children,

V.J., Mother,
Appellant.

Appeal from the Iowa District Court for Scott County, John G. Mullen, District Associate Judge.

The mother of two minor children appeals a juvenile court order terminating her parental rights. **AFFIRMED.**

Patrick J. Kelly, Bettendorf, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney General, and Gerda C. Lane, Assistant County Attorney, for appellee State.

Robert J. Phelps of Phelps & Phelps, Davenport, guardian ad litem for minor children.

Christine Frederick, Davenport, for father G.H.

Considered by Vogel, P.J., and Zimmer and Hecht, JJ.

HECHT, J.

A mother appeals the decision of the juvenile court which terminated her parental rights to her two minor children. She claims the State did not present sufficient evidence to warrant termination of her parental rights and termination was not in the best interests of the children. We affirm on appeal.

Valerie is the mother of Elizabeth, born in October 1993, and Reba, born in February 1997. Matthew is the father of Elizabeth, and Gale is the father of Reba.

Valerie began to receive services in August 1998. At that time Valerie and the children were living in an extremely filthy trailer with Gale. Valerie subsequently moved several times, living with different relatives. Valerie was unemployed, depressed, and seemed to be overwhelmed by life.

The children were removed from Valerie's care in July of 1999. At that time Valerie was homeless and did not have sufficient food for the children. Elizabeth had been roaming the neighborhood unsupervised. Reba was seriously underweight, and her front teeth were decayed. Valerie was not voluntarily complying with services. The children were placed in the home of Matthew's mother. The children were adjudicated to be children in need of assistance pursuant to Iowa Code sections 232.2(6)(c)(2) and (g) (1999).

Valerie has been diagnosed with major depression. She was prescribed medication for her condition, but still showed signs of depression. She showed little motivation to work with service providers. Several times she told social workers she did not know if she would ever be able to take care of her children.

Valerie was inconsistent in attending mental health appointments, parenting sessions, and supervised visitation. During visits she attended, Valerie struggled with disciplining the children. She was more reliable in meeting with a homemaker once a week, working on issues regarding employment and housing.

In December 1999 Valerie moved into a trailer her father was buying. Later that month, a social worker found the trailer was very dirty, with dog feces on the floor. By February 2000 Valerie was evicted from the trailer. Her sole income was from a part-time paper route. She began to move from place to place, living with different people.

In January 2000 the children were placed in foster care due to the grandmother's failure to cooperate with the Iowa Department of Human Services (DHS). Elizabeth attends individual therapy to help her deal with behavioral problems. She wants to be in charge and has problems accepting direction from adults. Reba has made great strides in foster care, but is delayed in her speech.

In a review order filed on May 25, 2000, the juvenile court ordered the county attorney or guardian ad litem to file a termination petition within thirty days. The guardian ad litem filed a termination petition that same day. The termination hearing was held in August 2000, and the termination order was filed on September 14, 2000. The juvenile court terminated Valerie's parental rights pursuant to sections 232.116(1)(c), (d), (e) (Elizabeth), and (g) (Reba). The court concluded the children could not be returned to the care of the parents.[1] The

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[1] The juvenile court also terminated Matthew's parental rights to Elizabeth and Gale's parental rights to Reba. This case involves only Valerie's appeal of the termination decision.

court also stated, "That based on the mother's lack of progress and cooperation with services the Court concludes that no further services would be of any benefit to resolve the adjudicatory harm." Valerie appeals.

I. **Scope of Review.** The scope of review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). The grounds for termination must be proven by clear and convincing evidence. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Our primary concern is the best interests of the child. *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000).

II. **Sufficiency of the Evidence.** Valerie contends the State did not present sufficient evidence to justify termination of her parental rights. She asserts she was dedicated to her children, and was able to care for them despite her mental health problems. She testified she would be willing to work with service providers in the future.

A court must reasonably limit the time for parents to be in a position to assume care of their children because patience with parents can soon translate into intolerable hardship for the children. *In re A.Y.H.*, 508 N.W.2d 92, 96 (Iowa Ct. App. 1996). The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems. *In re D.A.*, 506 N.W.2d 478, 479 (Iowa Ct. App. 1993). At some point, the rights and needs of the child rise above the rights and needs of the parents. *J.L.W.*, 570 N.W.2d at 781.

We find the State presented clear and convincing evidence to support termination of Valerie's parental rights. Section 232.116(1)(c)(2) requires a finding:

> Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

Iowa Code § 232.116(1)(c)(2). The evidence in this case showed Valerie's circumstances had not improved since the time the children were adjudicated to be children in need of assistance. Valerie still did not show stability in housing or employment, and was still suffering from depression to the extent she was not able to adequately supervise the children. Based on these factors, we conclude Valerie's parental rights were properly terminated under section 232.116(1)(c).

III. Other Code Sections. 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 Ct. App. 1996). Because we have determined Valerie's parental rights were properly terminated under section 232.116(1)(c), we need not address her claims regarding sections 232.116(1)(d), (e) and (g).

IV. Best Interests. Valerie claims termination is not in the children's best interests. She states she wants to care for her children and should be able to do so. She states circumstances have been against her.

Even if the statutory requirements for termination of parental rights are met, the decision to terminate must still be in the best interests of the child. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1984). In determining the best interests of a

child, the court looks to the child's long-range and immediate interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). The court must consider the physical, mental, and emotional condition and needs of the child in deciding to terminate parental rights. *In re C.W.*, 554 N.W.2d 279, 282 (Iowa Ct. App. 1996).

We determine termination of Valerie's parental rights is in the best interests of Elizabeth and Reba. Valerie was struggling to meet her own needs, and was not able to meet the needs of the children. Valerie's inconsistent attendance at visitation and parenting sessions showed a lack of interest in her children.

We affirm the decision of the juvenile court.

AFFIRMED.