

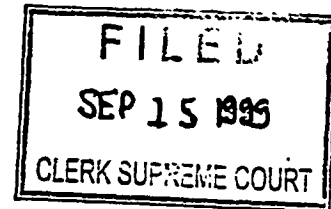
IN THE COURT OF APPEALS OF IOWA

No. 1999-236 (9-460) / 98-1900
Filed September 15, 1999

IN THE INTEREST OF

**T.G. AND J.G.,
Minor Children,**

**C.G., Mother,
Appellant.**



Appeal from the Iowa District Court for Johnson County, Sylvia A. Lewis,
District Associate Judge.

Mother appeals the termination of her parental rights to her two children.

AFFIRMED.

Ronald A. Baybayan, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General,
and Deborah Minor, Assistant County Attorney, for appellee-State.

James McCarragher of Meardon, Sueppel, Downer & Hayes, P.L.C., Iowa City
for minor children.

Considered by Streit, P.J., Vogel, J., and Hayden, S.J.*

*Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1999).

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HAYDEN, S.J.

Coreana and Johnnie are the parents of Tyler, born in July 1993, and Janei, born in September 1995. The mother appeals the decision of the juvenile court which terminated her parental rights. She claims termination is not in the children's best interests, she should have more time, and the State did not provide reasonable services.

Coreana and Johnnie have a volatile relationship. They have separated and reunited many times. The relationship involved incidents of domestic violence. Johnnie has been charged with serious domestic assault for an incident involving Coreana. Coreana has lower intellectual functioning. She was previously diagnosed with a conduct disorder.

In 1994 Coreana waited about forty-eight hours after Tyler broke his leg to take him to the doctor. The fracture was considered accidental. The Department of Human Services (DHS) issued a founded report of denial of critical care against her. Coreana agreed to receive services, but did not follow through.

In March 1997, DHS issued a founded report of sexual abuse concerning Tyler. The perpetrator was unknown. The parents were not cooperating with services and failed to appear for a hearing. In April 1997, the children were removed from the home and placed in foster care. The children were adjudicated to be in need of assistance pursuant to Iowa Code sections 232.2(6)(c)(2).

Tyler has reported many incidents of physical abuse by his parents. He told social workers, "I don't want to see Mommy, she's mean to me." He asked Coreana,

"Is he still hitting you? Daddy hits me." Coreana admitted she sought control over Tyler by intimidation and abuse. Her moods changed very quickly. She expected the children to adjust their behavior to her moods.

Coreana participated in supervised visitation. She engaged in rough play with Tyler. She seemed to favor Janei. During a visit in May 1997, Coreana screamed at a social worker and threatened to take the children. The police were called to defuse the situation. During visitation, social workers demonstrated positive parenting techniques. Coreana was resistant to suggestions. In July 1997, Coreana's visitation with Tyler was reduced because of his aggressive behavior during and after visits.

Coreana also participated in parenting skills sessions. Social workers read materials to her. A nurturing program intended for those with learning problems was used. Coreana claimed she understood the material, but denied she needed to learn new skills. She often displayed oppositional behavior.

In August 1997, Coreana moved to Des Moines. She attended parenting sessions there for a few weeks. She continued to have an inconsistent relationship with Johnnie. In November 1997, Coreana scratched Johnnie on the face. Beginning in December 1997, some visits were held in Des Moines. These visits were very traumatic for Tyler and he began to lose a sense of reality. On the advice of Tyler's therapist, the visits in Des Moines were discontinued.

Coreana moved back to Iowa City in March 1998. In May 1998, she told social workers she was overwhelmed and mentioned suicide. She stated she was not ready to care for her children. She began to participate in individual counseling. A

psychological evaluation showed Coreana had low self-esteem and was withdrawn and angry. She suffers from depression. In June 1998, all visitation with Tyler was suspended. By August 1998, Coreana had moved back to Des Moines.

Tyler has been diagnosed with post-traumatic stress disorder and reactive attachment disorder of infancy or early childhood. He was placed on medication to assist in the management of anxious and disruptive behaviors. Tyler also received play therapy. Janei sometimes displayed aggressive behavior, such as biting and yelling. The children have done well in foster care. They are considered to be adoptable.

The State filed a petition to terminate the parental rights of Coreana and Johnnie. During the termination hearing Coreana became emotionally distraught and was placed in a hospital for psychological care for three days. Coreana admitted her present home was not safe for the children. She asked to have the children placed with her in a treatment center. The juvenile court found Coreana had not made any substantial improvement in managing her life or in improving her parenting skills. The court terminated the parents' rights under section 232.116(1)(e). Coreana appealed.

I. 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).

II. Coreana contends termination is not in the best interests of the children. She states she had received therapy and had a stable home. Coreana wanted the children placed back in her care.

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 children. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). In determining the best interests of children, a court looks to the children'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 children in deciding whether to terminate parental rights. *In re C.W.*, 554 N.W.2d 279, 282 (Iowa App. 1996).

We hold it is in the children's best interests to terminate Coreana's parental rights. For Tyler in particular, exposure to his mother creates emotional distress. Both children, however, engaged in aggressive behavior during and after visits with Coreana. Due to Coreana's oppositional behavior, her parenting skills have not improved. She does not have a stable lifestyle. She continues to have problems with anger management and domestic violence. The children would be at risk of serious physical and emotional harm if returned to the mother's care.

III. Coreana seeks more time to engage in individual counseling. She claims she has recently been making progress in counseling sessions. Coreana believes she should have more time to address her problems.

We 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 App. 1996). A child should not be forced to endlessly suffer the parentless limbo of foster care. *In re J.P.*, 499 N.W.2d 334, 339 (Iowa App. 1993). 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 App. 1993). Children simply cannot wait for responsible parenting. *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990). We determine Coreana was given adequate time to address her personal problems.

IV. Coreana asserts she did not receive reasonable services. She claims service providers did not take into account her limited cognitive skills or her ethnic background.

Reasonable services must be provided to attempt to reunite a family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994). While the State has an obligation to make reasonable efforts, it is a parent's responsibility to demand services if they are not offered prior to the termination hearing. *In re H.L.B.R.*, 567 N.W.2d 675, 679 (Iowa App. 1997). We find no evidence Coreana requested additional or different services prior to the termination hearing. Thus, she has not preserved this issue for our review.

We affirm the decision of the juvenile court terminating Coreana's parental rights to Tyler and Janei.

AFFIRMED.

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