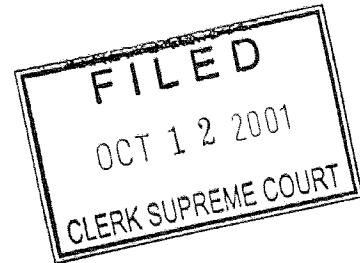


IN THE COURT OF APPEALS OF IOWA

No. 1-505 / 01-0472  
Filed October 12, 2001



IN THE INTEREST OF  
C.D., M.D., and B.D.,  
Minor Children,

R.B., Mother,  
Appellant.

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Appeal from the Iowa District Court for Polk County, Constance Cohen,  
Associate Juvenile Judge.

Mother appeals the termination of her parental rights. **AFFIRMED.**

Marla Suddreth and Cathleen J. Siebrecht of Borseth, Genest, Suddreth &  
Siebrecht Law Offices, Altoona, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney  
General, and Martha Johnson, Assistant County Attorney, for appellee-State.

Pamela Vandel, Des Moines, for the minor children.

Heard by Hayden, Habhab, and Harris, Senior Judges.\*

\*Senior Judges assigned by order pursuant to Iowa Code section  
602.9206 (2001).

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**HABHAB, S.J.**

The mother appeals the termination of her parental rights. She contends the court erred in (1) finding clear and convincing evidence that her rights should be terminated pursuant to Iowa Code sections 232.116(1)(c) and (e) (1999), (2) finding by clear and convincing evidence that termination was in the best interest of the children, (3) not granting her additional time for reunification, and (4) terminating her rights as two of the children were over ten years of age and wanted to return to her care. We affirm.

***I. Background Facts and Proceedings.*** Rhonda is the mother of Brandi, born in 1987, Monica, born in 1989, and Cody, born in 1991. The family became involved with the Iowa Department of Human Services after Rhonda's paramour, Reno, injured Cody. Rhonda and Reno had previous child abuse reports, and Reno had pled guilty to sexually abusing Rhonda's minor nieces. Rhonda allowed contact between Reno and her children despite a criminal no-contact order.

The children were adjudicated in need of assistance in February 1998. In the year that followed, Rhonda cooperated with the services provided to her and made significant progress. However, Rhonda's progress diminished in 1999. By July the children were experiencing significant behavioral problems, and Rhonda was not keeping their therapy appointments. Additionally, Rhonda became involved with another man who abused her and the children.

Cody was removed from parental custody in October 1999 when his behavior significantly deteriorated. Brandi and Monica were also removed and

placed with Monica's father, Gary. Due to behavioral problems, Brandi was removed from Gary's care in December of 1999. Monica was removed from Gary's care in July of 2000 due to Gary's substance abuse and his deteriorating mental health. Since the time the children were removed from Rhonda's care, her participation in services was minimal.

In January 2001 the State filed a petition to terminate Rhonda's parental rights. At the time of the termination hearing Cody was in a psychiatric medical institute for children, and the girls were in treatment level foster homes. A pre-adoptive home had been identified for the girls, and Cody was determined to be adoptable.

Rhonda's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(c) and (e). Brandi's father, Terry, and Monica and Cody's father, Gary, also had their parental rights terminated. Only Rhonda appeals.

**II. Scope of Review.** We review proceedings to terminate a parent-child relationship de novo. *In re M.N.W.*, 577 N.W.2d 874, 875 (Iowa Ct. App. 1998). Our primary concern is the best interests of the child. *Id.* We look at both the child's long-range and immediate interests in making this determination. *Id.* We necessarily consider what the future likely holds for the child if returned to his or her parent. *In re K.F.*, 437 N.W.2d 559, 560 (Iowa 1989). "Insight for this determination can be gained from evidence of the parent's past performance, for that performance may be indicative of the quality of the future care that parent is capable of providing." *Id.* (citation omitted). The grounds for termination must be shown by clear and convincing evidence. *Id.*

**III. Sufficiency of the Evidence.** Rhonda contends the State failed to meet its burden of proof. The juvenile court terminated her parental rights pursuant to Iowa Code sections 232.116(1)(c) and (e). Section 232.116(1)(c) provides for termination of parental rights if:

c. The court finds that both of the following have occurred:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding.

(2) 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.

Rhonda argues the last element of the subsection has not been met.

We find clear and convincing proof of these elements. The conditions that led to the CINA adjudication continued to exist. While Rhonda did initially participate in the services offered, her cooperation deteriorated in 1999. She did not follow through with the children's counseling appointments and did not begin therapy for herself. As a result, she could not correct her dependency issues that put her children in a position to be abused. This is evidenced by the fact that after the children were adjudicated in need of assistance, Rhonda became involved with yet another man who abused her and her children. However, Rhonda does not acknowledge that she played any role in the eight founded or confirmed reports of child abuse made since 1995. While Rhonda claims she is

no longer involved in an abusive relationship, her past neglect of the children is evidence of the quality of her future care. *See K.F.*, 437 N.W.2d at 560.

Because we find clear and convincing evidence termination was appropriate under section 232.116(1)(c), we decline to address Rhonda's arguments regarding section 232.116(1)(e). Where parental rights are terminated on several grounds, we need only find sufficient evidence under one of the sections in order to affirm the termination. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa Ct. App. 1996) (citation omitted).

**IV. Best Interests of the Children.** Rhonda asserts termination of her parental rights is not in the children's best interest. She argues she has established a bond with the children.

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 1994). 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).

Termination of Rhonda's parental rights is in the best interest of the children. Rhonda has failed to correct the deficiencies and problems that resulted in the children's adjudication as children in need of assistance. Rhonda has also failed to take advantage of the services that have been offered to her. She did not take the children to their counseling appointments and subjected

them to further abuse at the hands of a new boyfriend. This had a deleterious effect on the children. While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience has been built into the statutory scheme of chapter 232. *In re A.C.*, 415 N.W.2d 609, 613-14 (Iowa 1987). Children should not be forced to endlessly await the maturity of a natural parent. *In re T.D.C.*, 336 N.W.2d 738, 744 (Iowa 1987). "At some point, the rights and needs of the child rise above the rights and needs of the parent." *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997).

**V. Additional Time.** Rhonda also argues the trial court should have granted her additional time to be reunited with her children because she would have had appropriate housing for them in just a few more days. We reject this argument.

Appropriate housing was not the sole concern of the court in this case. The children had been subjected to physical and sexual abuse while in the care of their mother. They had serious psychiatric problems to which she did not attend. Rhonda was given three years to work on these problems, and they continued to exist. A few more days would not have remedied them.

**VI. Brandi and Monica.** Finally, Rhonda claims her parental rights to Brandi and Monica should not have been terminated because the children were over ten years of age and wanted to return to her care.

Iowa Code section 232.116(3)(b) states that termination of parental rights is not required if the child is over ten years of age and objects to the termination. However, this section is permissive, not mandatory. *In re A.J.*, 553 N.W.2d 909,

916 (Iowa Ct. App. 1996). Instead, the court is to consider the best interests of this child when exercising its discretion on whether to apply the factors in section 232.116(3). *Id.*

As the juvenile court noted, there is a bond between Rhonda and the children. However, the bond is not a healthy one. Rhonda was unable to tend to the special needs of the children, and their behavior deteriorated. Meanwhile, foster care has provided a safe and stable place for Brandi and Monica where they have thrived. Both girls are currently in a pre-adoptive placement. Because there is overwhelming evidence that it is not in the children's best interests to remain in Rhonda's home, the court was justified in ordering termination.

We affirm the decision of the juvenile court terminating Rhonda's parental rights to her children.

**AFFIRMED.**