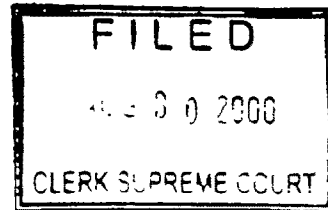


IN THE COURT OF APPEALS OF IOWA

No. 0-373 / 00-21
Filed August 30, 2000

IN THE INTEREST OF
A.M.,
 Minor Child,

S.R., Mother,
 Appellant.



Appeal from the Iowa District Court for Appanoose County, William S. Owens, Associate Juvenile Judge.

Mother appeals the juvenile court's order terminating her parental rights.

AFFIRMED.

John Silko, Bloomfield, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Robert F. Bozwell, County Attorney, for appellee.

Thomas L. Anders of Anders Law Office, Centerville, guardian ad litem for minor child.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

000156

HUITINK, P.J.

I. Background Facts and Proceedings.

Alyssa is the ten-year-old daughter of Shelia R. and James M. She was adjudicated a child in need of assistance in May 1996 based on undisputed allegations she was in need of treatment for a mental illness or emotional disorder that her parents were unable to provide. Although Alyssa was initially left in parental custody, she was subsequently placed in foster care when it was determined she was at risk of physical, sexual, and emotional abuse.

The State initiated these termination proceedings in June 1999 citing circumstances preventing Alyssa's safe return to parental custody. See Iowa Code § 232.116(1)(e). The juvenile court resolved this issue against Alyssa's parents and terminated their parental rights. On appeal, Sheila contends the State failed to make reasonable efforts to reunite her with Alyssa. Sheila also argues the State failed to prove Alyssa could not be safely returned to her custody.

II. Standard of Review.

Our review of juvenile matters is de novo. *In re N.W.E.*, 564 N.W.2d 451, 453 (Iowa App. 1997). We review the facts as well as the law and adjudicate the parents' rights anew. *In re M.N.W.*, 577 N.W.2d 874, 875 (Iowa App. 1998). We accord weight to the findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. *In re R.K.B.*, 572 N.W.2d 600, 601 (Iowa 1998).

III. Reasonable Efforts.

At a January 1999 hearing the court inquired of both the parents concerning the sufficiency of the services being provided and whether additional services were necessary. The court also informed the parents that failure to identify a deficiency in services could preclude them from challenging the sufficiency of the services at a future termination hearing. There is no indication that the parents identified any deficiency in services. Because Shelia failed to raise this issue prior to the termination hearing, we decline to consider it for the first time on appeal. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa App. 1997).

IV. Alyssa's Safe Return to Shelia's Custody.

Termination pursuant to Iowa Code section 232.116(1)(e) requires clear and convincing proof of the following:

1. the child is at least four years of age;
2. the child has been adjudicated a child in need of assistance;
3. the child has been removed from parental custody for twelve of the last eighteen months;
4. the child cannot be returned to the parents' custody as provided in Iowa Code section 232.102.

Concerning element four, we have said:

Section 232.102 governs the transfer of custody and placement of children. Subsection (4)(b) requires the court to find by clear and convincing evidence that the child cannot be returned to parental custody because the child would be exposed to "some harm which would justify the adjudication of the child as a child in need of assistance" and "reasonable efforts have been made to prevent or eliminate" the harm. If custody is transferred to foster care authorities, subsection (6) requires "every effort" be made "to return the child to the child's home as quickly as possible consistent with the best interests of the child."

In re J.V., 464 N.W.2d 887, 890 (Iowa App. 1990). Here, the only disputed element is whether A.M. can be safely returned to Sheila's custody. The juvenile court's findings on this issue provided:

Alyssa has been removed from her mother's home for more than thirty months and from her father's home for almost two years. Alyssa's parents have been provided with a myriad of services over that period of time all geared toward assisting them in being able to have Alyssa returned to their home. While Ms. Seuferer and Ms. Bell testified that the child could be safely returned to either mother, or father, the professionals with the most contact and experience with the family, with the services provided, and with the child believe that the time has come for Alyssa to achieve the permanency she so richly deserves.

As in every termination of parental rights case, one of the basic questions is whether the parents have been provided with reasonable efforts and sufficient opportunity to improve the conditions in their home so that the child can be safely returned. It's well settled that a child should not have to wait indefinitely for their parents to make the required improvements. It's clear that there has been some improvement, especially in father's home, in the last several months. However, the Court notes a comment by Nell Gates during her testimony, in which she aptly related that when a child has been removed from her home for more than two years, three or four months of progress is not significant. Alyssa's parents have been provided with sufficient services as well as ample time within which to competently implement them. It is now time to concentrate on Alyssa, and what is in her best interests. Clearly, Alyssa's best interests are served by providing her with permanency, and the most credible evidence presented establishes that the only way that can be accomplished is to grant the Petitioner's request and terminate parent's parental rights.

The record supports these findings, and we adopt them as our own.

We, like the juvenile court, conclude that Alyssa would be exposed to continuing risks of harm if she were returned to Sheila's custody. Despite the department's best and reasonable efforts, Sheila has failed to cooperate and comply with the services offered. We further find Sheila has been allowed

sufficient time and services to address those parental deficiencies resulting in Alyssa's adjudication. We therefore affirm on this issue.

Because we need only find grounds to terminate parental rights under one of the sections cited by the juvenile court to affirm, we do not address Sheila's remaining contentions. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa App. 1999). The judgment of the district court is affirmed.

AFFIRMED.