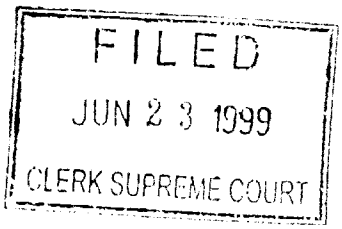
# IN THE COURT OF APPEALS OF IOWA

No. 1999-34 (9-145) / 98-1060
Filed June 23, 1999




**IN THE INTEREST OF B.D. & P.D., Minor Children,**

**H.E., Mother,**
Appellant,

**M.D., Father,**
Appellant.

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Appeal from the Iowa District Court for Woodbury County, Patrick H. Tott, Associate Juvenile Judge.

Mother and father appeal the termination of their parental rights to their twin sons. **AFFIRMED.**

Richard Kallsen, Sioux City, for appellant-mother.

Martha M. McMinn, Sioux City, for appellant-father.

Thomas J. Miller, Attorney General, and Gordon E. Allen, Deputy Attorney General, for appellee-State.

Delbert Rowse, Sioux City, guardian ad litem for minor-children.

Heard by Sackett, C.J., and Vogel and Schlegel*, JJ., but decided en banc.

* Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1997).

**VOGEL, J.**

Hollie and Mike appeal the termination of their parental rights to their twin sons. Because we find clear and convincing evidence that the children cannot be returned to the custody of their parents, we affirm.

***Background facts.*** Hollie and Mike are the parents of Bradley and Preston, twin boys born on October 17, 1996. The parents have lived together from time to time during their relationship, but have never married. On December 12, 1996, the police arrived at Hollie's home in response to a 911 hang up. Hollie informed police that she and Mike had a physical confrontation during which Mike had hit her in the nose. Mike told police that Hollie tried to choke him and scratched his neck. Both Hollie and Mike were arrested on an enhanced domestic assault charge because Hollie caused visible injuries to Mike and Mike had previously been convicted of domestic assault.[1] Hollie and Mike were also charged with child endangerment because each were holding one of the twins during the physical confrontation. These charges were eventually dismissed.

Based on this incident and Hollie and Mike's prior domestic assault history, the State filed a child in need of assistance petition on December 27, 1996. After a hearing, the twins were adjudicated CINA pursuant to Iowa Code section 232.2(6)(c)(2).[2] The juvenile court ordered that custody of the twins would remain

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[1] Mike was enrolled in a batterer's program at the time of the arrest.

[2] Iowa Code § 232.6(c)(2) defines a child in need of assistance as an unmarried child who has suffered or is imminently likely to suffer harmful effects as a result of:

with Hollie subject to the supervision of the Department of Human Services, and further ordered Mike and Hollie to have no contact with each other.

On March 25, 1997, the State obtained an order setting a hearing for Mike and Holly to show why they should not be held in contempt for violating the no contact order. The court continued the show cause hearing until April 30th on Hollie's request, but warned Hollie and Mike that any further violations of the no contact order would result in the children's immediate removal. On April 21st, the children were removed and placed in foster care after Hollie and Mike violated the order. The children were returned to Hollie's care on May 27, 1997, but were once again removed from the home due to another violation of the no contact order on July 17, 1997. The court found both Hollie and Mike in contempt and sentenced them to 30 days in jail with provisions for work release, which were later revoked when Hollie and Mike violated the terms. Hollie and Mike were again accused of violating the no contact order in September of 1997, but the charge was dismissed for lack of sufficient evidence.

On January 16, 1998, the State filed a petition seeking termination of Hollie and Mike's parental rights. After trial in February and March of 1998, the juvenile court terminated Hollie's and Mike's parental rights under Iowa Code sections 232.116(1)(d) and 232.116(1)(g). Hollie and Mike now appeal.

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(2) The failure of the child's parent, guardian, custodian, or other member of the household in which the child resides to exercise a reasonable degree of care in supervising the child.

***Scope of review.*** The scope of review in termination cases is de novo. *See In re M.N.W.*, 577 N.W.2d 874, 875 (Iowa App. 1998). 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 child; we look to both the child's long-range and immediate interests. *M.N.W.*, 577 N.W.2d at 875.

When the juvenile court terminates a parent's rights on more than one statutory ground, we only need to find grounds to terminate parental rights under one of the sections cited by the district court in order to affirm the district court's ruling. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996); *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa App. 1995).

***I. Unpreserved issues.*** Hollie contends that the adjudication of the twins as children in need of assistance was done in error. Mike contends he received insufficient services to correct the circumstances which led to the adjudication. However, we will not address either of these issues because they were not raised in the CINA proceedings and have not been preserved for our review. *See In re H.H.*, 528 N.W.2d 675, 678 (Iowa App. 1995); *In re C.W.*, 522 N.W.2d 113, 117 (Iowa App. 1994) (challenges to services should be made when they are offered).

***II. Clear and convincing evidence.*** Hollie contends there is not clear and convincing evidence that it is in the twins' best interests to terminate her parental rights. Mike maintains there is not clear and convincing evidence to support

termination of his parental rights under Iowa Code sections 232.116(1)(d) or 232.116(1)(g).

Iowa Code section 232.116(1)(d) (1997) permits the juvenile court to terminate the parent-child relationship if:

> (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
>
> (2) The child has been removed from the physical custody of the child's parents for a period of at least six consecutive months.
>
> (3) There is clear and convincing evidence that the parents have not maintained significant and meaningful contact with the child during the previous six consecutive months and have made no reasonable efforts to resume care of the child despite being given the opportunity to do so. For the purposes of this subparagraph, "significant and meaningful contact" includes but is not limited to the affirmative assumption by the parents of the duties encompassed by the role of being a parent. This affirmative duty, in addition to financial obligations, requires continued interest in the child, a genuine effort to complete the responsibilities prescribed in the case permanency plan, a genuine effort to maintain communication with the child, and requires that the parents establish and maintain a place of importance in the child's life.

We agree that there is not clear and convincing evidence to support Hollie or Mike's termination under section 232.116(1)(d). They both completed a substantial portion of their case permanency plans and had regular and somewhat successful visitation with the children.

We do, however, find clear and convincing evidence to support the termination of Mike and Hollie's parental rights under Iowa Code section 232.116(1)(g). That section permits the juvenile court to terminate the parent-child relationship if:

(1) The child is three years of age or younger.

(2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(3) The child has been removed from the physical custody of the child's parents for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.

(4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

Hollie and Mike have demonstrated time and time again their unwillingness or inability to end their mutually abusive relationship and commit to being responsible parents to their children. Their abusive history prior to the removal of the children has already been discussed; however, it is important to note that this pattern of behavior continued after the children's adjudication. On July 18, 1997, one day after the twins' final removal from Hollie's care due to yet another violation of the no contact order, Hollie called a social worker in a panic because Mike refused to leave her apartment. On July 20, 1997, Hollie reported to the worker that Mike had broken into her apartment and stolen all of her clothes. On July 23, 1997, Hollie reported to the worker that Mike had been beaten up by four of her friends in her apartment. Mike told the worker that after this incident he continued to follow Hollie and break into her apartment to check on what she was doing. On July 25, 1997, the police were called to investigate a disturbance during which an intoxicated Mike was throwing bottles in the street, refusing to let Hollie leave a residence. On July 27, 1997, Hollie

called the police during a verbal disagreement with Mike. On August 3, 1997, Hollie reported to a social worker that Mike was chasing her with a bat and the police wouldn't help. After contacting Mike on his cell phone, Mike admitted to the worker that he was chasing Hollie, but only so he could catch the person she was with. On November 4, 1997, Mike reported that his jeep had been vandalized and blamed it on Hollie's new boyfriend. On November 24, 1997, Mike and his grandmother broke into Hollie's apartment and took all of the food within. On November 27, 1997, Mike and his new girlfriend broke into Hollie's apartment while she was sleeping and began screaming obscenities at her and threatening to "kick her butt." Hollie called 911 and later told police that Mike had done something similar a dozen times before. Mike also reported to social workers that Hollie had thrown full cans of pop at him as well as a glass table. We note that Mike was allegedly and sometimes admittedly intoxicated in many of these instances. Although he sought treatment through AA, he had not been successful in controlling his addiction prior to the termination proceedings.

In a report to the court dated December 30, 1997, a social worker from a parenting program outlined many of these incidents and concluded that Mike and Hollie's relationship had continued to become more inappropriate, and that their "focus was no longer on the children, but revenge against each other." In January of 1998, Jim Anderson, a therapist who had been counseling Mike and Hollie, reported the situation was chaotic, confused, and characterized by weekly fluctuation in

attitudes and behavior of both. Anderson's reports also revealed that Hollie and Mike have also wavered in their determination to be parents to their children. Prior to the birth of the twins, Hollie and Mike planned to release them for adoption, but did not because their DHS contact was on vacation when the twins were born. During the CINA proceedings, both again contemplated voluntarily relinquishing their parental rights.

As with their own on-again, off-again, relationship, Mike and Hollie have refused to demonstrate a permanent commitment to end their explosive relationship and provide a safe environment for the children. While the children were never physically harmed by Mike or Hollie, the evidence is clear that neither parent has made progress in providing a safe home for the children. The grounds for finding the twins in need of assistance continue to exist.

We further do not find, as Hollie urges, clear and convincing evidence that the termination would be detrimental to the children due to the closeness of the parent-child relationship. *See* Iowa Code § 232.116(3)(c); *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). The children were six months old when first removed from the home, and nineteen months old at the time the termination order was entered in May of 1998. More time has since passed. These small children have spent the majority of their lives in foster care, waiting for their parents to either repair or end their abusive relationship and provide a safe home for them.

A child should not be forced to suffer the parentless limbo of foster care endlessly. *In re D.J.R.*, 454 N.W.2d 838, 845 (Iowa 1990); *Long v. Long*, 255 N.W.2d 140, 146 (Iowa 1977). We must reasonably limit the time for parents to be in a position to assume care for their children because patience with parents can soon translate into intolerable hardship for the child. *In re A.Y.H.*, 508 N.W.2d 92, 96 (Iowa App. 1994). At some point, the rights and needs of the child rise above the rights and needs of the parents. The legislature, through section 232.116, directs us to that point. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa App. 1997). These children are adoptable and deserve permanency in their lives.

Having considered all issues properly before us on appeal, we hereby affirm the termination of Hollie and Mike's parental rights pursuant to Iowa Code section 223.116(1)(g).

**AFFIRMED.**

All judges concur except Sackett, C.J., who dissents.

**SACKETT, C.J.** (dissenting)

I dissent. The majority is terminating the parental rights of Hollie and Mark, parents to twin sons Bradley and Preston, born November 17, 1996. I do not agree.

To terminate, the State has the burden to prove the allegations of the petition by clear and convincing evidence. Iowa Code § 232.96 (1997). Clear and convincing evidence is more than a preponderance of the evidence and less than evidence beyond a reasonable doubt. *In re L.G.*, 532 N.W.2d 478, 481 (Iowa App. 1995). It means there must be no serious or substantial doubt about the correctness of a particular conclusion drawn from the evidence. *Id.*

The State failed to meet its burden. There is a rebuttable presumption that the best interest of a child is served when custody is with the natural parents. *In re N.M.*, 491 N.W.2d 153, 156 (Iowa 1992); *In re Chad*, 318 N.W.2d 213, 218 (Iowa 1982); *see also* Iowa Code § 232.1.

Mike contends the juvenile court erred in terminating parental rights under Iowa Code section 232.116(1)(d). I agree. Iowa Code section 232.116(1)(d) permits the juvenile court to terminate the parent-child relationship if the child has been found a child in need of assistance, has been placed out of the parent's custody for more than six consecutive months, and there is clear and convincing evidence the parent has not maintained significant and meaningful contact with the child and has made no reasonable effort to resume care of the child. The element in dispute is whether there is clear and convincing evidence Hollie or Mike has not maintained significant and meaningful contact with Bradley and Preston.

Hollie and Mike consistently exercised the visitation available to them. Bradley and Preston recognized Hollie and Mike and preferred them to others. Hollie and Mike interacted appropriately with the children, displayed adequate parenting skills, provided food, clothing, and shelter during visits, and expressed concern about the care the boys received from the foster parent. The State criticizes Hollie and Mike for not writing or calling Bradley and Preston; however, these facts have no bearing on whether there is significant and meaningful contact because the parents visited consistently and the boys were too young to appreciate this kind of contact.

Mike or Hollie have made progress. Pam Ingram, Department of Human Services worker, testified she was unaware of any physical altercations between Mike and Hollie in the thirty-five days preceding the March hearing; Hollie had maintained part-time employment and obtained her GED; Hollie adequately cared for the twins while they were in her custody; Hollie was participating in therapy; Hollie always notified her about changes in residence; and Hollie was seeing a counselor at the domestic abuse shelter. Ingram testified Mike had not refrained from all physical assaults but she had no personal knowledge of the alleged events and had to rely on reports made to her; she knew of only two incidents of Mike drinking, could not dispute Mike's AA attendance, and Mike had never been asked to submit to a random UA; she could not say whether Mike complied with the psycho-social evaluation or if he provided financial and emotional support to Hollie; and admitted Mike had notified the Department of Human Services about changes in residence and had responded to all requests for information from the Department of Human Services.

Counselors Jim Anderson and Deb Hogan each testified Hollie was making progress and was working on relationship issues. As far as they knew, Hollie had remained steadfast, for several months preceding the hearing, in her decision to terminate her relationship with Mike. Anderson reported Mike was "genuinely working on his thinking and controlling his temper and behavior, at least in our sessions" and "both Mike and Hollie do have concern for their children and are making efforts to keep their own lives under control."

Mike twice enrolled in chemical abuse treatment but DHS would not pay for it and Mike was unable to pay for it himself; Mike is attending AA meetings to address this issue.

At least one of the State's witnesses relied on police reports as proof Mike and Hollie were not making any progress, though some of the charges were dropped and Mike was acquitted on all of the other charges.

Mike and Hollie are in substantial compliance with nearly all requirements imposed on them.

Mike further contends the juvenile court erred in terminating parental rights under Iowa Code section 232.116(1)(g) because there is not clear and convincing evidence the children cannot be returned to his custody. I agree.

Iowa Code section 232.116(1)(g) permits the juvenile court to terminate the parent-child relationship if the child is three years of age or younger, has been found to be a child in need of assistance, has been out of the parent's custody for at least six of the last twelve months, and there is clear and convincing evidence the child cannot

be returned to the custody of the parent at the present time. The element in dispute is whether there is clear and convincing evidence Bradley and Preston cannot be returned to Hollie or Mike at the present time.

Within the meaning of Iowa Code section 232.116(1)(g)(4), a child cannot be returned to the custody of the child's parents if any one of the grounds listed in Iowa Code section 232.2(6) are proven by clear and convincing evidence. *See In re A.M.S.*, 419 N.W.2d 723, 725 (Iowa 1988) (interpreting Iowa Code section 232.116(1)(e)(4)); *In re M.Z.*, 481 N.W.2d 532, 535 (Iowa App. 1991). The juvenile court did not specify which of the grounds listed in Iowa Code section 232.2(6) have been proven by clear and convincing evidence. We assume the juvenile court used the same grounds as it did in the underlying CINA adjudication, although the court could have used any of the grounds listed. *See e.g. In re M.M.*, 483 N.W.2d 812, 814-15 (Iowa 1992). Iowa Code section 232.2(6)(c)(2) defines a child in need of assistance as one who has suffered or is imminently likely to suffer harmful effects as a result of the failure of the child's parent to exercise a reasonable degree of care in supervising the child.

The State offered into evidence the guardian ad litem's CASA report recommending termination. This was that CASA worker's first case, she did not speak to any of the attorneys or the previous guardian ad litem, she made her termination recommendation based on the police reports, saw each parent only once, and never saw either parent interact with the boys. The testimony of the State's witnesses supporting a failure to exercise a reasonable degree of care in supervising the children largely consists of the December 1996 incident which led to the

underlying CINA adjudication; one incident in which Hollie left the boys with Mike, whom they otherwise consider to have adequate parenting skills, for a short period of time while she ran errands; the police records; and the belief Hollie will be too busy protecting herself from Mike that she will be unable to protect the children. There was no psychological expert testimony regarding the children that would establish Bradley and Preston have suffered or will suffer or are immediately likely to suffer harm as a result of the parents' failure to exercise a reasonable degree of care in supervising them. *See In re J.R.*, 478 N.W.2d 409, 413 (Iowa App. 1991).

The case at bar is unlike those in which a child cannot be returned to the parent because the parent would allow *a person who had previously abused the child* to have contact with that child. Nor is it like the cases where the circumstances which led to neglect have not changed. The record shows the parents have never harmed the boys in any way, are making progress, and already have the necessary parenting skills to care for their children.

The State has failed to prove the boys cannot be returned to the parents by clear and convincing evidence; their parental rights should not have been terminated under Iowa Code section 232.116(1)(g).

Hollie contends there is not clear and convincing evidence to show termination is in Bradley and Preston's best interests. I agree.

Even if I were convinced the State proved the necessary statutory grounds under 232.116(1)(g), I would not terminate because I find there is clear and convincing evidence the termination will be detrimental to the children at the time

due to the closeness of the parent-child relationship. Iowa Code § 232.116(3)(c).; *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). Anderson expressed his concerns about the speed of the termination proceedings on direct examination:

> I guess I'm concerned about it going quickly, because in my estimation, I believe my job was to ascertain some of the character aspects of these two young people and to see if they were just unavailable to be parents or not. And I see them as being immature and impulsive and trying to figure out what to do in their lives, and I also see that both of them have the possibility of making changes in their life. So it is difficult for me to say that they should never have a relationship with these two children, because it is such a difficult -- difficult thing to do and should be done with such reservations that I get very nervous about it.

Erika McWell admitted that in her experience it was unusual to move this fast; out of fifty to seventy cases, only one other case resulted in termination and those children had been in the system for two or three years. Ingram begrudgingly admitted she has had two other cases similar to this one. In one case she was not pursuing termination, although the children had been in the system for six months. In the other case she pursued termination after two months; however, the parents in that case eventually abandoned their child.

The State concedes Hollie and Mike have never harmed the boys, are making some progress, have the necessary parenting skills to care for their boys, and the parents have established bonds with the boys. The State advances termination is immediately necessary in this case because the boys are integrated into the foster home, need to bond with adoptive parents at this stage in their lives, and the boys should not languish indefinitely in a parentless limbo.

While these are lofty goals, I cannot assume on this record they will be accomplished after termination. While the foster mother wants to adopt, *she* is not a preferred placement according to the CASA worker. The reason given is that she is a single parent and the CASA worker prefers a two-parent family. Consequently, the record does not tell me how the State plans to establish permanency. Am I to assume the correct two-parent family is ready to take these children who would be suffering from the termination of close bonds with (1) their parents and (2) their foster parent? I cannot make any assumption the correct two-parent home is available for these children. I do know the children, if adopted by such a home, will suffer from severing the bond they have with their parents and their foster mother.

The State has made significant progress helping the children's parents bring stability to their lives. Continuing on this road, in my judgment, gives the children the best chance for permanency.

**No. 98-1060. [1999-34 (9-145)] IN RE B.D.**

Appeal from the Iowa District Court for Woodbury County, Patrick H. Tott, Associate Juvenile Judge. **AFFIRMED.** Heard by Sackett, C.J., and Vogel and Schlegel, JJ., but decided en banc. Opinion by Vogel, J. Dissent by Sackett, C.J.

(16 pages $6.40)

Hollie and Mike are the parents of Bradley and Preston, twin boys born on October 17, 1996. On December 12, 1996, the police arrived at Hollie's home in response to a 911 hang up. Hollie and Mike were both charged with domestic assault as a result of this incident. They were also charged with child endangerment because each were holding one of the twins during the physical confrontation. Based on this incident and Hollie and Mike's prior domestic assault history, the twins were adjudicated CINA pursuant to Iowa Code section 232.2(6)(c)(2). The juvenile court ordered that custody of the twins would remain with Hollie subject to the supervision of DHS, and further ordered Mike and Hollie to have no contact with each other. However, Hollie and Mike violated this order on multiple occasions and were found in contempt. On January 16, 1998, the State filed a petition seeking termination of Hollie and Mike's parental rights. The juvenile court terminated Hollie and Mike's parental rights under Iowa Code sections 232.116(1)(d) and 232.116(1)(g). **OPINION HOLDS:** ***I. Unpreserved issues.*** Hollie contends that the adjudication of the twins as children in need of assistance was done in error. Mike contends he received insufficient services to correct the circumstances which led to the adjudication. However, we will not address either of these issues because they were not raised in the CINA proceedings and have not been preserved for our review. ***II. Clear and convincing evidence.*** Mike maintains there is not clear and convincing evidence to support termination of his parental rights under Iowa Code sections 232.116(1)(d) or 232.116(1)(g). We agree that

there is not clear and convincing evidence to support Hollie or Mike's termination under section 232.116(1)(d). They both completed a substantial portion of their case permanency plans and had regular and somewhat successful visitation with the children. We do, however, find clear and convincing evidence to support the termination of Mike and Hollie's parental rights under Iowa Code section 232.116(1)(g). Mike and Hollie have refused to demonstrate a permanent commitment to end their explosive relationship and provide a safe environment for the children. While the children were never physically harmed by Mike or Hollie, the evidence is clear that neither parent has made progress in providing a safe home for the children. The grounds for finding the twins in need of assistance continue to exist. We further do not find, as Hollie urges, clear and convincing evidence that the termination would be detrimental to the children due to the closeness of the parent-child relationship. The children were six months old when first removed from the home, and nineteen months old at the time the termination order was entered in May of 1998. More time has since passed. These small children have spent the majority of their lives in foster care, waiting for their parents to either repair or end their abusive relationship and provide a safe home for them. **DISSENT ASSERTS:** I dissent. The majority is terminating the parental rights of Hollie and Mark, parents to twin sons Bradley and Preston, born November 17, 1996. I do not agree. To terminate, the State has the burden to prove the allegations of the petition by clear and convincing evidence. The State failed to meet its burden. Mike contends the juvenile court erred in terminating parental rights under Iowa Code section 232.116(1)(d). I agree. The element in dispute is whether there is clear and convincing evidence Hollie or Mike has not maintained significant and meaningful contact with Bradley and Preston. Hollie and Mike consistently exercised the visitation available to them. Bradley and Preston recognized Hollie and Mike and preferred them to others. Hollie and Mike interacted appropriately with the children, displayed adequate parenting skills, provided food, clothing, and shelter during visits, and expressed concern about the care the boys received from the foster parent. Pam Ingram, Department of Human Services worker, testified Hollie had maintained part-time employment and obtained her GED; Hollie adequately cared for the twins while they were in her custody; Hollie was participating in therapy; Hollie always notified her about changes in residence; and Hollie was seeing a counselor at the domestic abuse shelter. Ingram testified she knew of only two incidents of Mike drinking, could not dispute Mike's AA attendance, and Mike had never been asked to submit to a random UA; she could not say whether Mike complied with the psycho-social evaluation or if he provided financial and emotional support to Hollie; and admitted Mike had notified the department about changes in residence and had responded to all requests for information from the department. Counselors testified Hollie was making progress and Mike was genuinely working on his thinking and controlling his temper and behavior and "both Mike and Hollie do have concern for their children and are making efforts to keep their own lives under control." At least one of the State's witnesses relied on police reports as proof Mike and Hollie were not making any progress, though some of the charges were dropped and Mike was acquitted on all

of the other charges. Mike and Hollie are in substantial compliance with nearly all requirements imposed on them. Mike further contends the juvenile court erred in terminating parental rights under section 232.116(1)(g) because there is not clear and convincing evidence the children cannot be returned to his custody. I agree. The State offered the guardian ad litem's CASA report recommending termination. This was that CASA worker's first case, she did not speak to any of the attorneys or the previous guardian ad litem, she made her termination recommendation based on the police reports, saw each parent only once, and never saw either parent interact with the boys. The State has failed to prove the boys cannot be returned to the parents by clear and convincing evidence; their parental rights should not have been terminated under section 232.116(1)(g). Hollie contends there is not clear and convincing evidence to show termination is in Bradley and Preston's best interests. I agree. A counselor expressed concerns about the speed of the termination: "I'm concerned about it going quickly, . . . my job was to ascertain some of the character aspects of these two young people and to see if they were just unavailable to be parents . . . . I see them as being immature and impulsive and trying to figure out what to do in their lives, and I also see that both of them have the possibility of making changes . . . it is difficult for me to say that they should never have a relationship with these two children, because it is such a difficult thing to do and should be done with such reservations that I get very nervous about it." The State concedes Hollie and Mike have never harmed the boys, are making some progress, have the necessary parenting skills to care for their boys, and the parents have established bonds with the boys. The State advances termination is immediately necessary in this case because the boys are integrated into the foster home, need to bond with adoptive parents at this stage in their lives, and the boys should not languish indefinitely in a parentless limbo. While these are lofty goals, I cannot assume on this record they will be accomplished after termination. While the foster mother wants to adopt, *she* is not a preferred placement according to the CASA worker. The reason given is that she is a single parent and the CASA worker prefers a two-parent family. The record does not tell me how the State plans to establish permanency. Am I to assume the correct two-parent family is ready to take these children, suffering from the termination of close bonds with (1) their parents and (2) their foster parent? I cannot make any assumption the correct two-parent home is available. I do know the children, if adopted by such a home, will suffer from severing the bond they have with their parents and their foster mother. The State has made significant progress helping the children's parents bring stability to their lives. Continuing on this road, in my judgment, gives the children the best chance for permanency.