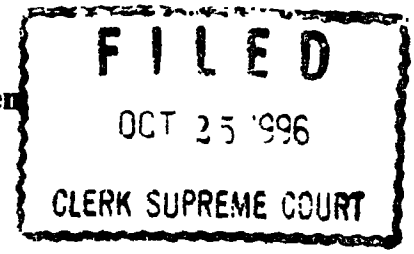
**IN THE COURT OF APPEALS OF IOWA**

No. 6-566 / 96-1009




**IN THE INTEREST OF M.R. and C.R., Minor Children**

**S.C., Mother,**

Appellant.

---

Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clarke, Associate Juvenile Judge.

The mother appeals from the district court's order terminating her parental rights. **AFFIRMED.**

R. Allen Corzine of Pieters, Pieters & Corzine, Waterloo, for appellant.

Thomas J. Miller, Attorney General, and Diane Stahle, Special Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steven J. Halbach, Assistant County Attorney, for appellee-State.

Sara Kersenbrock, Waterloo, Guardian ad litem, for minor children.

Decided en banc.

**PER CURIAM**

Sherry is the mother of Michael, born in November 1989, and Christopher, born in May 1992. Chance is the father of Michael. The father of Christopher is unknown. In November 1994, Sherry married James.

The family came to the attention of the Department of Human Services (DHS) in February 1995 due to a report James had physically abused the children. James admitted spanking the children with a stick. Christopher had several recent bruises on his buttocks and thighs and Michael had some fading bruises on his buttocks. Christopher also had burns, which appeared to be made by cigarettes, on the top and bottom of his feet. DHS issued a founded report of physical abuse against James and a founded report of denial of critical care against Sherry, because she knew of the injuries and had done nothing to protect the children.

The children were removed from the home on February 22, 1995, and placed in the home of Sherry's parents. James was charged with child endangerment and was ordered to have no contact with the children. He admitted using methamphetamine.

Both Sherry and James had psychosocial evaluations. The evaluations found Sherry had a tendency for depression and dependency, while James had anger management problems. They received Family Centered Services, marital counseling, and individual counseling. Sherry also had supervised visitation with the children.

In August 1995, Michael was placed with his father, Chance, and Christopher was placed in a foster home due to the failure of Sherry's parents to cooperate with DHS. Prior to living with Chance, Michael had a problem with stuttering. This problem was resolved while he was in his father's care. Christopher had been found to be developmentally delayed and to display self-abuse behaviors. His problems greatly improved once he was placed in foster care.

Sherry and James made limited progress with services. Sherry had problems disciplining the children during visitation, and usually focused her attention on either one child or the other. Although the couple reported no marital problems, James continued to engage in controlling behavior. Sherry became a nude dancer, with James acting as her manager. They spent some time living on the road while Sherry performed at various nightclubs.

On December 12, 1995, the State filed a petition for termination of Sherry's parental rights to Michael and Christopher. That same month, James entered a substance abuse treatment program. James and Sherry also met the goal of obtaining their own apartment. In March 1996, Sherry obtained a job at IBP.

The juvenile court entered an order on May 20, 1996, terminating Sherry's parental rights to Michael and Christopher. The court determined there was a significant probability of further abuse if the children were returned to Sherry because James had failed to take full responsibility for the abuse and Sherry had not developed any skills that would indicate she could protect the children if they were returned to

her care. The court concluded termination was in the children's best interests. Sherry has appealed.

The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). Our primary concern is the best interests of the child. *In re A.Y.H.*, 508 N.W.2d 92, 94 (Iowa App. 1994). Those best interests include the children's long-range as well as immediate interests. *Id.* The grounds for termination must be proven by clear and convincing evidence. *In re R.K.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995).

Sherry contends DHS had determined she could not have the children returned to her as long as she remained with James. She believes DHS misled her by telling her the agency was working for family reunification, when actually it expected her to separate from James in order to regain custody of the children. She claims her parental rights should not be terminated because DHS did not clearly advise her of what would be required before the children could be returned.

We find Sherry's claims are not supported by the record. DHS case permanency plans show James was consistently recognized as a family member, and joint services were offered to Sherry and James to make their family situation more stable. The services which were offered were geared toward family reunification. Sherry was told several times what she needed to do to regain custody of the children. Sherry and James were required to obtain stable employment, attend parenting classes, and participate in mental health counseling. Sherry was required to get co-

dependency counseling and James needed to attend a batterers' class. Unfortunately, Sherry and James did not take full advantage of the services offered.

Sherry has asked for more time to improve her situation before her parental rights are terminated. Patience with parents must be reasonable limited because patience on behalf of the parent can quickly translate into intolerable hardship for the children. *In re R.J.*, 436 N.W.2d 630, 636 (Iowa 1989). We find Sherry had sufficient time to address her problems.

We affirm the decision of the juvenile court terminating Sherry's parental rights to Michael and Christopher. We find this termination is in the children's best interests.

**AFFIRMED.**