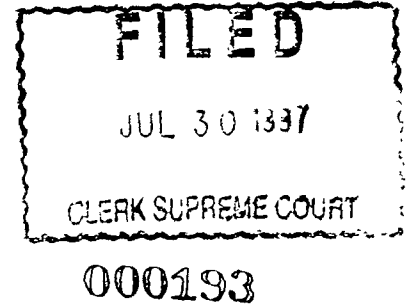


**IN THE COURT OF APPEALS OF IOWA**

No. 7-322 / 97-0103



**IN THE INTEREST OF T.H., Minor Child,**

**T.B., Mother,  
Appellant,**

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

T.B., the mother, appeals the termination of her parental rights to her child.

**AFFIRMED.**

Kellyann M. Lekar of Randall, Nelson & Hawbaker, P.L.C., Waterloo, for  
appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney  
General, and Stephen J. Halbach, Assistant County Attorney, for appellee.

Matthew Hoffey, Hudson, guardian ad litem for minor child.

Considered by Sackett, P.J., and Huitink and Vogel, JJ.

**VOGEL, J.**

Tammy and William are the parents of Theresea, who was born on November 2, 1993. Tammy and William were unmarried teen-agers at the time of the child's birth. The Department of Human Services (DHS) was involved with Tammy during her pregnancy.

Tammy and Theresea lived with Tammy's mother, Shawn, and Shawn's paramour, James, in a trailer home. Shawn has a bipolar disorder. There were problems with cleanliness in the home. Shawn provided most of Theresea's care. Tammy continued to allow William to have access to the child, even though William had a history of inappropriate sexual contact with children.

On September 20, 1994, Theresea was adjudicated to be a child in need of assistance due to a finding she was likely to not receive proper supervision from her parents and was imminently likely to be sexually abused by her father. She was placed in Tammy's custody with the condition that Tammy remain in Shawn's home. Tammy was required to participate in family therapy and parent skill development, as well as individual therapy. Tammy was also attempting to complete high school.

Tammy refused to participate in individual therapy, but did cooperate with other services. On June 13, 1995, DHS issued a founded report of denial of critical care against Tammy due to a failure to provide safe shelter. The family had moved into a home with considerable broken glass in the yard, where Theresea was allowed to play. In July 1995, the family was evicted from this home. Tammy and Theresea

moved in with some of William's relatives. On July 18, 1995, Theresea was removed from Tammy's care under a temporary removal order and placed under the supervision of DHS.

Tammy's aunt and uncle, Kathleen and Jacob, expressed an interest in allowing Tammy and Theresea to live in their home in Georgia. Tammy was no longer getting along with Shawn. Tammy had reported to the police that Shawn and James used marijuana. Shawn had threatened to commit suicide if Theresea was removed from her care. On August 4, 1995, the juvenile court entered an order placing Theresea in the custody of DHS, with placement in the home of Kathleen and Jacob. Tammy also lived in their home and attended high school in Georgia.

In July 1996 Tammy moved back to Iowa, leaving Theresea in Georgia. Tammy complained that Kathleen and Jacob expected her to perform too many chores. She moved back in with Shawn. Tammy did not contact DHS to inform them of her return or to reinstate services.

On September 24, 1996, the State filed a petition to terminate Tammy and William's parental rights to Theresea. William did not contest the termination. The juvenile court found Tammy had not made any real progress despite the receipt of services. The court concluded Tammy was unwilling to accept the responsibility for parenting her child. The court terminated Tammy's parental rights under Iowa Code sections 232.116(1)(c), (g) and (h). Tammy has 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 R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995). Our primary concern is the best interests of the child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

**II.** Tammy contends the juvenile court should not have terminated her parental rights to Theresea. Tammy's parental rights were terminated pursuant to sections 232.116(1)(c), (g) and (h). If there is clear and convincing evidence to support termination under any one of these subsections we may affirm the decision of the juvenile court.

Section 232.116(1)(c) provides:

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.

Tammy claims reasonable services were not provided to correct the circumstances which led to the adjudication of Theresea as a child in need of assistance. In particular, she claims DHS did not make reasonable efforts to reunite

her with Theresea after she returned to Iowa. She states that once she moved to Iowa from Georgia, DHS should have offered her additional services.

Reasonable services must be provided to attempt to reunite the family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994). Before Tammy moved to Georgia she was provided with family therapy and parent skill development. As noted previously, Tammy refused individual therapy. When Tammy returned to Iowa she did not notify DHS and did not request any services. We determine the services provided by DHS were reasonable under the facts of this case.

We find the elements of section 232.116(1)(c) have been proven by clear and convincing evidence. Theresea was adjudicated a child in need of assistance due to a finding she had been neglected by Tammy. Tammy received services designed to correct her lack of parenting skills, but the problems continued to exist. We conclude the juvenile court properly terminated Tammy's parental rights under section 232.116(1)(c).

**III.** Tammy contends that termination is not in Theresea's best interests. She states that with the assistance of others she has helped Theresea develop into a bright child. Tammy points out that she was a teen-ager when Theresea was born, and asks for more time to develop parenting skills.

We find termination is in Theresea's best interests. At the time of the termination hearing, Theresea was three years old. Tammy had been involved with

services since before Theresea was born, but she had not yet acquired sufficient parenting skills to allow her to care for her child. We do not believe it would be in Theresea's best interests to give Tammy additional time to acquire parenting skills.

IV. Tammy believes the juvenile court should have entered a permanency order rather than terminating her parental rights. Section 232.116(3)(a) provides that the court need not terminate the relationship between a parent and child if the court finds a relative has legal custody of the child. Theresea was placed with Kathleen and Jacob, who were her great-aunt and uncle.

Permanency orders are not favored in Iowa. *In re L.S.*, 483 N.W.2d 836, 840 (Iowa 1992). Termination of Tammy's parental rights offers a greater degree of stability for Theresea. Kathleen and Jacob have expressed an interest in adopting the child. Tammy's decision to leave Theresea in Georgia while she returned to Iowa leaves a question concerning her commitment to the child and raises the issue of whether she would ever be ready to accept her parenting responsibilities. We conclude the juvenile court properly ordered termination of Tammy's parental rights.

We affirm the decision of the juvenile court terminating Tammy's parental rights to Theresea.

**AFFIRMED.**