IN THE COURT OF APPEALS OF IOWA

No. 0-564 / 00-0756
Filed November 20, 2000

IN THE INTEREST OF

A.A. and R.A.,
Minor Children,

F.A., Mother,
Appellant.

FILED
NOV 20 2000
CLERK SUPREME COURT

Appeal from the Iowa District Court for Scott County, John G. Mullen, District Associate Judge.

Mother appeals the juvenile court's order terminating her parental rights to her two children. **AFFIRMED.**

Benjamin A. Yeggy of Gomez, May, Cartee & Schutte, Davenport, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Gerda Lane, Assistant County Attorney, for appellee-State.

Norma Nunez, Rock Island, Illinois, guardian ad litem for minor children.

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

MAHAN, J.

A mother appeals the decision of the juvenile court which terminated her parental rights to her two minor children. She claims the State did not present sufficient evidence to warrant termination of her parental rights. She asks for more time to show she is a responsible parent. We affirm.

Francisca is the mother of Rosa, born in March 1988, and Anibal, born in March 1992. The children's fathers were not involved in their lives and are not involved in this appeal.

Francisca has a history of alcohol and substance abuse. In 1997, Francisca was living in the home of her parents with the children. At times she would leave the children in the care of the grandparents. In October 1997, the Department of Human Services (DHS) issued a founded report that the grandparents had physically abused other grandchildren living in the home. Social workers found the home was extremely filthy and unsanitary.

Rosa and Anibal were adjudicated to be children in need of assistance under Iowa Code sections 232.2(6)(c)(2) and (g). The mother and grandparents received family centered services beginning in November 1997. There continued to be problems with cleanliness in the home, including problems with roach infestation.

In April 1998, Francisca told social workers she had been on a drinking binge for four days. She agreed to go into a detoxification program. The children were removed from Francisca's care in May 1998 and placed in foster care. Francisca attended an outpatient substance abuse program. She was very

inconsistent in attending aftercare, such as AA. Francisca obtained a psychiatric evaluation, which found she had an adjustment disorder. She attended visitation and participated in weekly individual sessions and parenting class.

In March 1999, Francisca progressed to unsupervised visits with her children. Concerns quickly arose, however, that Francisca was allowing her boyfriend and the grandparents to participate in these visits, contrary to visitation guidelines. She encouraged the children to lie about what had happened during visits. In May 1999, DHS determined Francisca should only have supervised visitation.

In June 1999, Francisca reported she had been sexually assaulted by her boyfriend. She then relapsed into drug and alcohol use. She became very inconsistent in meeting with social workers and attending visitation. She did not become involved with sexual abuse counseling. After the alleged sexual assault, the foster mother and social workers saw Francisca in the company of this boyfriend, although Francisca denied a continuing relationship with him.

Rosa and Anibal have done well in foster care. They began to have behavioral problems due to the inconsistency of Francisca's attendance at visitation after her June 1999 relapse. The children felt they had been abandoned by their mother. They began to attend play therapy in October 1999.

In December 1999, the State filed a petition to terminate Francisca's parental rights to Rosa and Anibal. The juvenile court terminated Francisca's parental rights under sections 232.116(1)(d) and (e). The court found Francisca did not see a need for change and had not made any improvements in her life

since the time the children were adjudicated as children in need of assistance. Francisca appealed.

I. Scope of Review

The scope of review in termination cases is de novo. *In re J.LW.*, 570 N.W.2d 778, 780 (Iowa App. 1997). 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 children. *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000).

II. Sufficiency of the Evidence

Francisca contends the State did not present sufficient evidence to warrant termination of her parental rights. She claims the State failed to show the children could not be returned to her care at the present time, which is an element of section 232.116(1)(e). She points out she was making progress in the case before she was sexually abused. Francisca asserts she just needs more time to demonstrate she is a capable parent.

A court must reasonably limit the time for parents to be in a position to assume care of their children because patience with parents can soon translate into intolerable hardship for the children. *In re A.Y.H.*, 508 N.W.2d 92, 96 (Iowa App. 1996). The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems. *In re D.A.*, 506 N.W.2d 478, 479 (Iowa App. 1993). At some point, the rights and needs of the children rise above the rights and needs of the parents. *J.L.W.*, 570 N.W.2d at 781.

There is clear and convincing evidence in the record to show the children could not be safely returned to Francisca's care at the present time. Francisca has not addressed her relapse into drug and alcohol use. She became very inconsistent in meeting with social workers and attending visitation. Her inconsistent attendance has caused the children to feel abandoned. As the juvenile court pointed out, at the time of the termination hearing, Francisca had made little progress from the time the children were adjudicated to be children in need of assistance. Francisca was given ample time to show she could be a responsible parent, but unfortunately, she failed to do so. Francisca's parental rights were properly terminated under section 232.116(1)(e).

III. Other Code Section

When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). Because we have determined Francisca's parental rights were properly terminated under section 232.116(1)(e), we need not address her claims regarding section 232.116(1)(d).

We affirm the decision of the juvenile court.

AFFIRMED.