IN THE COURT OF APPEALS OF IOWA

FILED
JUN 29 2001
CLERK SUPREME COURT

No. 1-323 / 00-2075
Filed June 29, 2001

**IN THE INTEREST OF H.H. and A.D.,
Minor Children,**

**J.H., Mother,
Appellant.**

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

The Mother of two minor children appeals a juvenile court order terminating her parental rights. **AFFIRMED.**

Kevin A. Maughan of Maughan Law Office, Albia, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney General, and Karen Bastron, Assistant County Attorney, for appellee State.

Lloyd E. Keith of the Keith Law Firm, Ottumwa, guardian ad litem for minor children.

Mary Baird Krafka of Krafka Law Office, Ottumwa, for J.D., father of A.D.

Considered by Sackett, C.J., and Miller and Vaitheswaran, JJ. Mahan, J., takes no part.

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PER CURIAM

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 rights. We affirm.

Joanna is the mother of Hailey, born in June 1996, and Angelique, born in November 1997. Robert is the father of Hailey. Robert has had little contact with Hailey throughout her life. Jeff is the father of Angelique. Joanna and Jeff began living together in December 1996. Their relationship involved domestic violence.

The family became involved with the Department of Human Services (DHS) in October 1998. DHS issued a confirmed report of denial of critical care because the home was unsanitary and the floor was rotting. The parents voluntarily agreed to receive homemaker and family preservation services.

In April 1999, Jeff was arrested for domestic abuse against Joanna, and a no-contact order was issued. In May 1999, DHS issued a founded report for unsanitary conditions in the home. At that time, there were animal feces and garbage on the floor. It also appeared that Joanna and Jeff were living together in violation of the no-contact order. Jeff was arrested for violating the no-contact order and Joanna was arrested for providing false information. In addition, there were concerns that Hailey had significant developmental delays, and Joanna was not cooperating with services for Hailey. The children were removed from the home and placed in foster care.

Hailey and Angelique were adjudicated to be children in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(c)(2). Joanna was ordered to complete psychological and substance abuse evaluations, and

participate in parent-skill services, individual counseling, and supervised visitation. Joanna separated from Jeff and moved in with friends. She had a psychological evaluation in August 1999, which gave her a diagnosis of adjustment disorder and personality disorder. Joanna has an inconsistent work history. She does not have a driver's license or a vehicle, and must rely on others for transportation.

Joanna began individual therapy in January 2000. She also completed a substance abuse evaluation. She admitted to using crack cocaine and methamphetamine in the past. An intensive outpatient program was recommended, and Joanna completed this program in April 2000.

Joanna was inconsistent in attending parent-skill sessions. DHS determined Joanna would not have visitation in weeks she did not attend parent-skill sessions. Joanna still missed some sessions. In February 2000, Joanna's parent-skill development sessions were shortened to one-half hour per week due to her limited attention span. Throughout the CINA case, Joanna had one hour of supervised visitation per week. Joanna's parenting skills did not appreciably improve.

In July 2000, the State filed a petition to terminate the parental rights of Joanna to Hailey and Angelique. On December 12, 2000, the juvenile court entered an order terminating her parental rights to Hailey under section 232.116(1)(e) and to Angelique under section 232.116(1)(g).[1] The court noted that although Joanna had made some progress, she still did not have a level of parenting skills which would allow her to care for the children. The court also

[1] The parental rights of Robert and Jeff to the children were also terminated. They have not appealed.

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noted that despite the offer of services, Joanna was not able to progress beyond one hour of supervised visitation per week. Joanna appealed.

The scope of review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). The grounds for termination must be proven by clear and convincing evidence. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999). Our primary concern is the best interests of the child. *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000).

Joanna contends the State did not present sufficient evidence to justify termination of her parental rights. In particular, 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 sections 232.116(1)(e) and (g). Joanna points to the progress she made during the course of the CINA case. She asserts the children would not be in danger of physical harm or lack of supervision if they were placed in her care. Joanna asks for more time to become reunited with her children.

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 Ct. 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 Ct. App. 1993). At some point, the rights and needs of the child rise above the rights and needs of the parents. *J.L.W.*, 570 N.W.2d at 781.

We find there is sufficient evidence in the record to warrant termination of Joanna's parental rights. Although Joanna made progress in some areas,

notably substance abuse treatment, she made no progress in other areas. Throughout the course of the CINA case, Joanna lived with friends. Her employment remained sporadic. Joanna had problems implementing the skills discussed during parent-skill development sessions. The children need stability. We determine it would not be in their best interests to give Joanna more time to improve her parenting skills.

We affirm the decision of the juvenile court.

AFFIRMED.

Miller, J., concurs; Sackett, C.J., concurs specially without opinion.