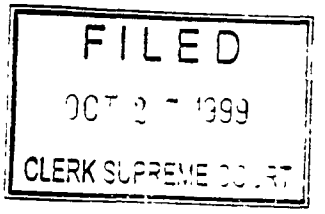
IN THE COURT OF APPEALS OF IOWA

No. 1999-309 (9-539) / 98-2161
Filed October 27, 1999



IN THE INTEREST OF K.M., Minor Child,

J.C., Mother,

Appellant.

Appeal from the Iowa District Court for Tama County, Nancy A. Baumgartner, District Associate Judge.

Mother appeals juvenile court order terminating her parental rights. **AFFIRMED.**

Timothy J. Luce of Anfinson & Luce, P.L.C., Waterloo, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, Tabitha Gardner, Legal Intern, and Brent Heeren, County Attorney, for appellee.

David Mullin of Mullin & Laverty, P.L.C., Cedar Rapids, for child.

Considered by Huitink, P.J., Mahan, J., and Habhab, S.J.*

*Senior judge assigned by order pursuant to Iowa Code § 602.9206 (1999).

HABHAB, S.J.

Jennie is the mother of Kimberly, who was born in July 1989. The mother appeals the decision of the juvenile court which terminated her parental rights. She claims the State did not present sufficient evidence to support termination of her parental rights and termination was not in the best interests of the child. We affirm on appeal.

Kimberly's father is deceased. Jennie is now married to Daryl, who is the father of Ken, Keith, and Karl. At the time of the marriage there were founded reports against Daryl for physical abuse of Ken and denial of critical care of Keith. Kimberly was sexually abused by Ken in 1996. Jennie sent Kimberly to live with Daryl's sister for a week. Ken was adjudicated a juvenile delinquent and was placed in the home of his mother.

Jennie began to receive family-centered services in March 1997. Ken returned to the home. He was able to enter Kimberly's bedroom one night, although no sexual contact occurred. In April 1997, Ken was removed from the home and placed in a youth shelter. Kimberly was adjudicated to be a child in need of assistance pursuant to Iowa Code sections 232.2(6)(b) and (c). She began to receive individual counseling.

During a therapy session at the end of April 1997, Kimberly revealed she had been sexually abused by Keith and Karl about three years prior to that time. Contemporaneous to the event, Kimberly told Jennie about the abuse. Jennie admitted

she was aware Keith touched Kimberly's private areas. The Department of Human Services (DHS) issued a founded report of sexual abuse by omission against Jennie. On May 1, 1997, Kimberly was removed from the home and placed in foster care.

Jennie was initially cooperative with services. She received services to address sexual abuse issues, protection, and appropriate discipline. She participated in supervised visitation. Daryl became a truck driver. In December 1997, Jennie began traveling with Daryl. Her participation in services became minimal.

Additional allegations arose concerning physical and sexual abuse in the family. In April 1998, the juvenile court entered an order prohibiting contact between Jennie and Kimberly. DHS issued a founded report finding Daryl had physically abused Karl. The juvenile court determined the no-contact order should remain in effect until Jennie resumed participation in services. Jennie did not have any contact with Kimberly from March to July 1998.

Jennie participated in a psychological evaluation. She was diagnosed with a personality disorder, with schizoid and paranoid features. The evaluation found she was withdrawn, suspicious, discouraged, dependent, and emotionally impoverished, which rendered her significantly less capable of coping with more subtle issues, such as those involved in complex interpersonal and family relations.

Jennie began participation in individual therapy in July 1998. She was prescribed anti-depressant medication. Because of her participation in services,

Jennie was allowed to commence supervised visitation with her daughter. She separated from Daryl and planned to file for divorce.

Kimberly has done well in foster care. She has limited intellectual functioning. She has been diagnosed with a depressive disorder and an adjustment disorder. She has also been diagnosed with a reactive attachment disorder. Kimberly needs a stable environment to help her address her problems. Kimberly is considered adoptable.

In July 1998, the State filed a petition seeking to terminate Jennie's parental rights to Kimberly. On November 9, 1998, the juvenile court terminated Jennie's parental rights under section 232.116(1)(e). The court found Kimberly would be at risk for sexual abuse and neglect if she were returned to her mother's care. The court determined Jennie did not appreciate the seriousness of the sexual abuse of her daughter, and put her own needs before Kimberly's safety. Jennie 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 E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the child. ***In re A.B.***, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Jennie contends the State did not present sufficient evidence to support termination of her parental rights. She asserts Kimberly could be returned to her care within a short amount of time. Jennie states she is now free from the influence of

Daryl and is starting to deal with her own sexual abuse problems. She also points out that she is now being treated for depression.

The State presented sufficient evidence to support termination of Jennie's parental rights under section 232.116(1)(e).[1] Kimberly was more than four years of age and had been adjudicated a child in need of assistance. At the time of the termination order Kimberly had been in foster care for eighteen months. We find there was clear and convincing evidence Kimberly could not be returned safely to Jennie's care at the present time. The family-centered services worker testified Jennie needed at least a year to work on parenting problems before she could be reunited with her child. Jennie's therapist testified Jennie was not ready to resume care of her child because she had only starting working on issues relating to her own childhood sexual abuse. In the past, Jennie did not protect Kimberly from sexual abuse. The evidence did not show Jennie had made the necessary changes to be able to protect Kimberly in the future.

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[1] Iowa Code section 232.116(1)(e) provides for termination of parental rights when the court finds all of the following have occurred:

(1) The child is four years of age or older.

(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 twelve of the last eighteen month, or for the last twelve consecutive months and any trial period at home has been less than thirty days.

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

III. Jennie claims termination of her parental rights is not in Kimberly's best interests. She admits the evidence might show the child could not be returned to her care at the present time, but asserts it would be best for the child to be reunited with her in the future.

We 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). A child should not be forced to endlessly suffer the parentless limbo of foster care. *In re J.P.*, 499 N.W.2d 334, 339 (Iowa App. 1993). 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). Children simply cannot wait for responsible parenting. *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990).

It is in Kimberly's best interests to terminate Jennie's parental rights. Because of her attachment disorder, Kimberly needs stable relationships in order to allow her to adequately attach. Also, Jennie lacks the nurturing skills to meet Kimberly's needs. Kimberly should not be required to wait any longer for Jennie to become a responsible parent.

We affirm the decision of the juvenile court terminating Jennie's parental rights.

AFFIRMED.