IN THE COURT OF APPEALS OF IOWA

No. 7-188 / 96-1970

IN THE INTEREST OF R.E., D.E., C.E., and D.B., Minor Children,

D.A.S., Mother,
Appellant.

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

The mother appeals a district court ruling terminating her parental rights to her four minor children. **AFFIRMED.**

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

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

R. Allen Corzine of Pieters, Pieters & Corzine, Waterloo, guardian ad litem for minor children.

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

CADY, J.

The single issue in this appeal is whether the termination of parental rights was in the best interests of the children. We affirm the termination order of the juvenile court on our de novo review.

Debra is the mother of four children. Roosevelt was born February 3, 1989. DeQueon was born March 26, 1990. Charlotte was born September 22, 1992. Doris was born September 21, 1994. There are three fathers. Only Debra appealed from the order by the juvenile court terminating the parental rights to the children.

The children were removed from the mother's care in March of 1995. They were adjudicated in need of assistance and their custody was transferred to the Department of Human Services. The children were originally placed in a single foster home, but later separated. Roosevelt and DeQueon were placed in one foster home. Charlotte and Doris were placed in another foster home. They were never returned to Debra's care.

Debra's parental rights were terminated following a hearing on August 8, 1996. The juvenile court found the children had been removed in excess of the statutory period and could not be safely returned home. *See* Iowa Code §§ 232.116(1)(c), (1)(e), (1)(g), and (1)(h).

Debra appeals. She claims her parental rights should not have been terminated because it was not in the best interests of the children.

There are three separate prongs which must be satisfied to support an involuntary termination of parental rights. The first prong involves the statutory grounds for termination. Iowa Code § 232.116(1). The second prong considers the general welfare of the child. Iowa Code § 232.116(2). The final prong involves any special circumstances militating against termination. Iowa Code § 232.116(3). While all three prongs involve the best interests of the children the separate best interest analysis targets the second and third prongs. *See In re N.H.*, 383 N.W.2d 570, 574 (Iowa 1986).

The mother identifies five reasons in support of her claim that termination is not in the best interests of the children. She asserts the children have bonded to her, she has improved her parenting skills, the State never attempted to place the children back into the home one at a time, medication has improved the behavior of the children, and no effort was made to place the children with a family member.

The closeness of the parent-child relationship is a consideration in determining whether it is in the best interests of the child to terminate the parent-child relationship. Iowa Code § 232.116(3). Children placed in foster care can retain strong ties to their parents and the statutory time guidelines need flexibility to accommodate this special circumstance. Each time an extension fails, however, that time must be subtracted from an already shortened life in a permanent home. *In re S.N.*, 500 N.W.2d 32, 35 (Iowa 1993).

We acknowledge the three oldest children are close to their natural mother. Yet, the evidence does not support an overwhelmingly strong relationship. Furthermore, the children have also bonded with their foster mothers. Under the circumstances, the relationship between the mother and children is insufficient to deny termination.

We also acknowledge the mother has shown some improvement in parenting. "Some progress" by a parent, however, is not enough. *In re D.A.*, 506 N.W.2d 478, 479 (Iowa 1993). There must be an acceptable level of care in all critical areas. *Id.* Sadly, the mother continues to exhibit an inability to control and supervise the children. We further acknowledge the medication taken by the children while in foster care has helped control their behavioral problems. However, there are other factors to explain the children's improvement in foster care, including the level of overall consistent care they receive. Furthermore, the mother has not vigilantly attended to the children's medical needs. Thus, neither the mother's nor the children's improvement are compelling factors against termination.

The mother also argues the department should have implemented a reunification plan which would have returned the children one at a time. This argument is based on evidence that her supervision skills had improved when she was only with two of her children.

We have repeatedly emphasized the reasonableness of family reunification efforts should be the focus of review hearings, not termination hearings. *See In re*

B.K.K., 500 N.W.2d 54, 57 (Iowa 1993). Here, the mother raised her claim for the first time on appeal. This does little good. At this time, it would not be in the children's best interests to consider the mother's proposal.

Finally, we address the mother's claim that there are no immediate plans for adoption and the department should have explored a possible placement with a family member before termination. The adoptability of a child is an important consideration in determining whether termination is in the child's best interest. *See* Iowa Code § 232.116(2). Termination without reasonable hope of adoption has doubtful advantages for a child. *In re S.J.*, 451 N.W.2d 827, 832 (Iowa 1990).

Our review of the record reveals each foster family has expressed an interest in adopting the children. Furthermore, an adoption specialist testified there were adoptive resources available for these children and she was confident the children would be adopted.

Considering all the circumstances, we conclude all statutory grounds for termination have been satisfied and termination is in the best interests of the children. The children have been in foster care too long, and need permanency. We affirm the juvenile court.

AFFIRMED.

Vogel, J., concurs; Sackett, P.J., concurs specially without opinion.