IN THE COURT OF APPEALS OF IOWA

No. 1-502 / 00-1836
Filed September 12, 2001

FILED
SEP 12 2001
CLERK SUPREME COURT

IN THE INTEREST OF C.T., C.T., W.C., B.C., and C.C., Minor Children,

D.C., Mother,
Appellant.

Appeal from the Iowa District Court for Monona County, Patrick C. McCormick, District Associate Judge.

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

John S. Moeller of O'Brien, Galvin & Moeller, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Stephen W. Allen, Assistant County Attorney, for appellee State.

Michael O'Brien of the Juvenile Law Center, Sioux City, guardian ad litem for minor children.

Robert Rehan, Sioux City, for father W.C.

Considered by Sackett, C.J., and Vogel and Vaitheswaran, JJ.

VOGEL, J.

A mother appeals the decision of the juvenile court which terminated her parental rights to her five minor children. She claims the State did not present sufficient evidence to warrant termination. We affirm on appeal.

Debra is the mother of Myles, born in October 1980; Toby, born in December 1981; Candace, born in October 1983; Crystal, born in 1985; William, born in March 1989; Brandon, born in December 1991; and Cammie, born in May 1995.[1]

The family came to the attention of the Department of Human Services (DHS) in April 1997, when Debra left the children home alone without adequate food for over two days. In addition, the juvenile court found "the house was unsafe for habitation from the standpoint of tripping, falling over materials, insect infestation and the general health threats resulting from residing in filth." The children were removed from Debra's care and placed in foster care. The four older children were placed in one foster home, and the three younger children were placed in another home.[2] The children were adjudicated to be children in need of assistance pursuant to Iowa Code sections 232.2(6)(g) and (n).

Debra had been in an outpatient substance abuse treatment program at the time the children were removed from her care. She was unsuccessfully discharged for failing to participate. Debra became involved with Dennis, who

---

[1] Myles and Toby became adults while the juvenile case was pending, and they are not a part of this appeal.

[2] The foster mother for the four older children did not testify specifically about adoption, but stated the children would always be part of her family. Myles and Toby continued to live with this family after they turned eighteen. The foster mother for the three younger children testified she and her husband were interested in adopting those three children. All seven children have weekly visitation with each other.

she met in treatment. Service providers felt Debra was not truthful on many fronts. She denied ever using illegal substances. She stated she had only been gone two hours when the children were removed and the children had lied about how long she had been gone. She also stated her neighbors had come in and messed up her home before the children were removed.

In April 1998, Debra and Dennis were arrested for possession of methamphetamine. She told police officers she had used methamphetamine just prior to her arrest. She told social workers, however, someone had slipped methamphetamine into her coffee and then had planted drugs in her car. Debra had a substance abuse evaluation, but was not truthful about her drug use.

In September 1998, Debra and Dennis were arrested for possession of marijuana, with intent to deliver, after police officers executed a search warrant at her home. Debra was sentenced to six months in jail. She did not have visitation while she was in jail and even though Debra was on work-release during part of her incarceration, she did not contact DHS to reinitiate visitation.

A report in November 1998 by Chidi Ojinnaka Family Services Agency stated, "If reunification is to have a chance at success and for any meaningful visitation to take place between Deb and her children, she has to receive treatment for her drug problems." In February 1999, the juvenile court placed responsibility on Debra to attend an in-patient drug treatment program, and conditioned her visitation on participation in such a program. Debra did not enroll in a program, and thus, had no further visitation with the children.

Debra began individual therapy with June 1999. In September 1999, her therapist, Meta Brandl, recommended Debra's parental rights be terminated. Brandl found:

> Deb does not accept responsibility for her own choices that determine how she experiences life. Deb claims that she does not lie and has never lied to anyone. It appears that she denies reality and responsibility to the point that she honestly is not aware of her deceptions with others or herself. It is this belief system that is detrimental to her and to her children. She is likely to teach her children that the world is a dangerous place and that people are not trustworthy. This would certainly cause problems for the children.

Debra had a psychological evaluation in October 1999 which diagnosed her with amphetamine dependence, a language disorder, and a personality disorder, with paranoid, antisocial and narcissistic features. The evaluation found Debra should be considered a high risk for drug use. Debra's insight and judgment were considered extremely poor. The evaluation also found Debra seemed "unable to handle the basic stressors of life and quickly gets angry and acts impulsively."

In April 2000, the State filed a petition to terminate Debra's parental rights to Candace, Crystal, William, Brandon, and Cammie. On October 2, 2000, the juvenile court terminated Debra's parental rights under sections 232.116(1)(c), (e) and (h). The court determined the children could not be returned to Debra's care without suffering harmful effects. After three years of foster care, the court also found the children deserved the opportunity to establish permanency and stability. Debra appealed.

I. SCOPE OF REVIEW

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).

II. SUFFICIENCY OF THE EVIDENCE

Debra contends the State did not present sufficient evidence to warrant termination of her parental rights. She states her drug usage is in remission. Debra states she left her children unattended because of her drug use, but now that she is no longer using drugs she would provide better supervision for the 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 was clear and convincing evidence in the record to show Debra was offered services, but the circumstances which led to the CINA adjudications continued to exist. In particular, Debra had not addressed her substance abuse problems. The juvenile court suspended Debra's visitation with

the children in an effort to get Debra to attend treatment, but Debra did not comply. The end result was that Debra had not had visitation with the children for nearly two years prior to the termination hearing. In addition, Debra still had serious problems with truthfulness and acknowledging her own shortcomings. Furthermore, Debra's attitudes had not changed. Debra still treated the children as peers, and expected the older children to watch the younger children for her.

As noted above, Debra also has mental health problems which have not been addressed. Debra was considered to be defensive and resistant to change. Her psychological evaluation stated:

> She functions intellectually at the lower limit of the average range, but with clear deficits in language abilities. She also seems quite unable to handle the basic stressors of life and quickly gets angry and acts impulsively. This leads to antisocial behavior especially drug abuse. Her personality is so underdeveloped that she cannot really form attachment to her children and so sees them as extremely difficult, partially due to her inconsistent parenting. . . . Although she is in therapy, giving her more time to change gives no assurance that she will make needed changes.

Thus, even if Debra were given more time, it is unlikely she would be able to overcome her problems and became the parent her children need. Based on all of these factors, we conclude Debra's parental rights were properly terminated under section 232.116(1)(c).

III. OTHER CODE SECTIONS

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 Ct. App. 1996). Because we have determined Debra's parental rights were

properly terminated under section 232.116(1)(c), we need not address her claims regarding sections 232.116(1)(e) and (h).

We affirm the decision of the juvenile court.

AFFIRMED.