IN THE COURT OF APPEALS OF IOWA

No. 1999-168 (9-385) / 98-1714
Filed July 23, 1999

IN THE INTEREST OF D.L.W.,

Minor Child,

G.W., Mother,

Appellant.

JUL 23 1999

Appeal from the Iowa District Court for Iowa County, Michael J. Newmeister, Judge.

The mother appeals from the juvenile court's ruling terminating her parental rights to her son. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, and Charles K. Phillips, Assistant Attorney General, for State.

Anders Johnson, Marengo, guardian ad litem for child.

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

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

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SCHLEGEL, S.J.

Gloria is the mother of Daniel, who was born in December 1994. She appeals the decision of the juvenile court which terminated her parental rights to her son. We affirm on appeal.

Gloria and Daniel came to the attention of the Department of Human Services (DHS) on April 19, 1997, when a police officer found Daniel, who was then two years old, all alone at a city square at about 7:45 p.m. The officer went to Gloria's apartment where he found the door wide open, but no one was present. At 9:10 p.m. the officer observed Gloria outside her home looking for Daniel. By the time Gloria was located DHS had been contacted and the juvenile court had already authorized temporary foster care for Daniel. DHS issued a founded report of denial of critical care based on this incident.

Gloria stipulated Daniel was a child in need of assistance under Iowa Code section 232.2(6)(c)(2) (failure to adequately supervise child). The court ordered that Daniel should remain in foster care. The foster parents noticed Daniel had moderate to severe decay in all of his teeth and required extensive dental work. Gloria had allowed Daniel to go to sleep with a bottle of milk in his mouth every night, which caused tooth decay. DHS issued a founded report of denial of critical care due to lack of dental care.

Gloria had a head injury as a child. She has an IQ of 68 and is considered mildly mentally retarded. She has seizures which require medication. Gloria participated in visitation with Daniel. During visits social workers would discuss

parenting techniques and also model these techniques. Gloria was not able to consistently supervise Daniel. On one occasion Daniel attempted to put a scissors in a light socket and the social worker had to intervene. On another occasion, Daniel was allowed to take the scissors to bed with him during his nap. In addition, Gloria was unwilling to discipline Daniel and would rarely tell him "No." Gloria was offered additional visitation each week, but she did not take advantage of this opportunity.

DHS assisted Gloria to obtain a job at a sheltered workshop. She later got a janitorial job in the community, but lost that job just prior to the termination hearing due to poor attendance. She moved from her mother's home and obtained her own apartment.

Daniel has done well in foster care. In September 1997 he was placed under an anesthetic and had his teeth fixed. He now attends preschool. His current foster family is interested in adopting him.

In May 1998, the State filed a petition to terminate Gloria's parental rights. The district court found Gloria lacked the cognitive abilities to learn and apply good parenting skills. The court determined no additional services would enhance Gloria's ability to parent Daniel. The court terminated Gloria's parental rights under sections 232.116(1)(f), (g), and (h). Gloria 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. Gloria contends the juvenile court improperly admitted evidence her parental rights to five other children were terminated in Missouri. She asserts this evidence was hearsay and should not have been admitted in the present termination proceedings.

Evidence which would ordinarily be excluded as hearsay is admissible in termination proceedings and the nature of the evidence is to be considered as it affects its probative value. *In re H.R.K.*, 433 N.W.2d 46, 48 (Iowa App. 1988). In the case *In re C.M.*, 526 N.W.2d 562, 565 (Iowa App. 1994), we found the juvenile court had not erred by admitting evidence from a prior termination of parental rights concerning a different child. We noted the facts which led to the termination were relevant and material to the later case. *Id.*

We find no error in the admission of evidence of the termination of Gloria's parental rights to other children in Missouri. However, in our de novo review, we do not rely on this evidence in our consideration of the case.

III. Gloria claims there was insufficient evidence to support termination of her parental rights. She states she made reasonable progress in improving her parenting skills. She believes she should have been given more time to completely satisfy the case plan.

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).

We determine Gloria was given sufficient time to address her parenting deficits. Gloria received many services designed to help her learn parenting skills. Unfortunately, Gloria does not have the cognitive ability to learn new parenting skills. She does not have the ability to recognize safety hazards and is unable or unwilling to discipline Daniel. For these reasons we determine Gloria's parental rights were properly terminated.

We affirm the decision of the juvenile court terminating Gloria's parental rights to Daniel.

AFFIRMED.