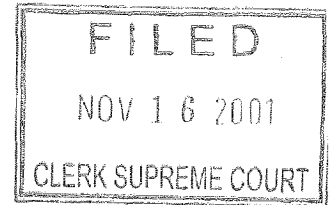


IN THE COURT OF APPEALS OF IOWA

No. 1-503 / 00-1979
Filed November 16, 2001



IN THE INTEREST OF

G.A., Jr., C.A. and S.A.,
Minor Children,

S.A., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Constance Cohen,
Associate Juvenile Judge.

Mother appeals from a juvenile court order terminating her parental rights
to her three minor children. **AFFIRMED.**

Bryan J. Tingle, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Tabitha Gardner, Assistant Attorney
General, and Cory McClure, Assistant County Attorney, for appellee.

Michael Sorci of Youth Law Center, Des Moines, guardian ad litem for
minor children.

Heard by Hayden, Habhab, and Harris, Senior Judges.*

*Senior Judges assigned by order pursuant to Iowa Code section
602.9206 (2001).

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HARRIS, S.J.

A mother appeals an order terminating her relationship with her three children, aged ten, nine, and three. Her husband, the father of the three, consented to termination and has not appealed. We affirm.

Termination was ordered pursuant to separate provisions in Iowa Code section 232.116(1) (1999). They need not be differentiated because each requires a similar showing that the parent, after receiving services, in this case furnished by Iowa's Department of Human Services, has failed to improve the circumstances leading to state intervention, or that the child cannot be returned to the parents without suffering harm as defined by statute. The only disputed question in this appeal comes down to whether the mother has been able to sufficiently respond to the services furnished her, so that her parenting skills have risen to a level of minimal adequacy. Tragically, but clearly, she has not.

The facts come close to being stipulated. The mother's shortcomings do not stem from lack of intent, but from lack of capacity. There is no question that her care and supervision of her children was woefully insufficient to meet their needs. Neither is there a question that the department expended Herculean efforts to elevate the mother's skills. The mother believes she has made progress, though her counsel cannot claim she has reached a minimal level of parenting ability. Her mental ability and instability rob her of any realistic chance to acquire those skills. The most her counsel can contend for her is to argue the statutory period for furnishing services should be extended because of her mental limitations. Much as we sympathize with the mother, we must reject her

contention both on the facts and the law. On the facts, we are extremely pessimistic concerning the mother's ability to ever acquire minimal parenting skills, and we are convinced such level could not be acquired during the childhood or formative years of these children.

The law is clear that the statutory time limitations are not to be ignored. *In re A.C.* 415 N.W.2d 609, 613-14 (Iowa 1987). The contention that it is in the children's best interest to expand the statutory time limitation in order to accommodate the mother's inability to learn is clearly contrary to our holding in *A.C.*, and a direct assault on the statute itself. The legislature designed the statutory scheme that confronts the mother, deciding that even the most regrettable inadequacy of a parent should yield to the child's need for a seasonable resolution.

Termination was plainly appropriate.

AFFIRMED.

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