

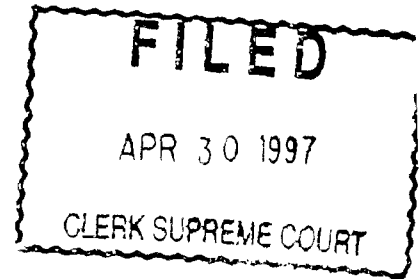
IN THE COURT OF APPEALS OF IOWA

No. 7-195 / 96-2038

IN THE INTEREST OF B.C., Minor Child,

T.C., Mother,

Appellant.



Appeal from the Iowa District Court for CerroGordo County, Gerald W. Magee, Associate Juvenile Judge.

Mother appeals from the juvenile court order terminating her parental rights.

AFFIRMED.

Ronald D. Arispe of Arispe Law Office, Clear Lake, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Carlyle Dalen, Assistant County Attorney, for appellee State.

Kathrine S. Evans, Mason City, guardian ad litem for minor child.

Considered by Habhab, C.J., Sackett, and Cady, JJ.

CADY, J.

Tasha C. appeals an order by the juvenile court terminating her parental rights to her child BreAnna C. Tasha claims the State failed to make reasonable efforts to reunite her with BreAnna prior to termination. She further claims the juvenile court erred in finding clear and convincing evidence that BreAnna could not be returned to Tasha. On our de novo review, we affirm.

BreAnna was born on July 31, 1994. Tasha was seventeen years old and resided at home with her mother. Tasha ultimately left her home and moved in with friends Jim and Marsha H. because her mother was physically abusive. In August 1994, the Department of Human Services (DHS) determined that Tasha had been abused by her mother and placed Tasha and BreAnna with Jim and Marsha. Tasha was referred to services to gain parenting skills but initially refused any help.

In November 1994, DHS filed a child in need of assistance petition, maintaining Tasha had failed to provide essential services to BreAnna. Tasha had moved from Jim and Marsha's home and had lived with various friends. Tasha was not employed. Following an adjudicatory hearing in January 1995, the court determined Tasha had failed to obtain a stable living environment and had failed to obtain unemployment. The court also found Tasha was uncooperative with social workers assigned to assist her in developing parenting skills.

Tasha ultimately moved back with Jim and Marsha. Marsha stated Tasha was abiding by her curfew, taking better care of BreAnna, and attending school.

However, she also stated Tasha was still very resistant to DHS services. The social workers described Tasha as very hostile to services. They expressed fears BreAnna was in danger of neglect if she remained in Tasha's care. The court ordered that BreAnna remain in Tasha's custody, but directed Tasha to participate in a chemical dependency evaluation and psychological examination. In-home therapy was ordered twice per week.

Although Tasha made some progress, her cooperation with services began to deteriorate in March 1995 after she began seeing a boyfriend. Tasha often stayed out late and would not come home. She also neglected her household duties. Tasha ultimately completed the court-ordered evaluations. Her psychological profile revealed she had considerable anger and resentment toward authority figures. The examination also revealed Tasha was impulsive and projected blame for her shortcomings on others. Tasha was diagnosed as having adjustment and personality disorders. Her therapists recommended she attend individual therapy at the Mental Health Center. Tasha kept several appointments, but did not follow through with therapy.

In the weeks prior to June 1, 1995, Tasha and Marsha met with DHS social workers for the purpose of signing a voluntary placement agreement to have BreAnna placed with Jim and Marsha. Tasha stated she needed this time to obtain her own apartment and seek employment. Tasha graduated from high school and turned eighteen years of age on June 2, 1995.

Following a review hearing in July 1995, the district court concluded Tasha had failed to improve her parenting abilities or obtain separate and stable living quarters. The court ordered Tasha to participate in-home family therapy with Jim and Marsha, attend parenting classes, and care for BreAnna three times per week for a two hour period. On July 11, 1996, however, Tasha moved out of Jim and Marsha's residence. Tasha's contact with BreAnna was sporadic through December 1995.

Following a review hearing in January 1996, the court found that Tasha had changed residences several times and had inconsistent contact with BreAnna. The court ordered Tasha to exercise visitation twice weekly, maintain employment, and continue to seek suitable housing.

In February 1996, social workers reported Tasha had exhibited inappropriate anger toward BreAnna on several occasions and, while initially following through, she eventually lost interest with services. DHS workers also reported Tasha's relationship with her boyfriend was abusive. Additionally, DHS workers reported Tasha had moved back with her mother and their relationship continued to be abusive.

Between January and April 1996, Tasha was given an opportunity to exercise unsupervised visitation. However, she generally failed to exercise this option, and when she did, was inconsistent in her behavior toward BreAnna. She failed to make any contact between April and May 1996. DHS workers reported Tasha missed twenty-five of the fifty-two scheduled visits. Her last visit with BreAnna was May

8, 1996. After that date, Tasha refused to respond to DHS correspondence and failed to attend a foster care review.

The State filed a petition for termination of parental rights on August 9, 1996. At the termination hearing, DHS workers testified they did not believe Tasha had developed any type of bond with BreAnna and BreAnna could not be returned to Tasha's care. Tasha herself testified she was not capable of caring for BreAnna, but thought she might be ready at some future point. Following a hearing, the district court ordered her parental rights be terminated. Tasha has appealed.

I. Scope of Review

Our review is de novo. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). We review all the evidence and adjudicate the parent's rights anew. *Id.* Termination must be established by clear and convincing evidence. Iowa Code § 232.117(2) (1995). Our primary concern is the best interests of the child which include both the child's immediate and long-range interests. *In re A.Y.H.*, 508 N.W.2d 92, 94 (Iowa App. 1994).

II. Reasonable Efforts

Tasha argues the State failed to make reasonable efforts to reunite her with BreAnna due to a limited visitation schedule. She asserts reasonable efforts should have included less restrictive visitation.

The State is required to make "every reasonable effort," consistent with the best interests of the child, to return a child home as quickly as possible after removal.

Iowa Code § 232.102(7) (1995). Generally, the DHS must make reasonable efforts to provide services to eliminate the need for removal. *See* Iowa Code § 232.102(9)(a) (1995). The reasonable efforts concept would broadly include a visitation arrangement designed to facilitate reunification while protecting the child from the harm responsible for removal. *Id.*

Visitation, however, cannot be considered in a vacuum. It is only one element in what is often a comprehensive, interdependent approach to reunification. If services directed at removing the risk or danger responsible for a limited visitation scheme have failed their objective, increased visitation would most likely not be in the child's best interests.

In this case, Tasha demonstrated an inability to make those changes in her life essential to proper parenting. At the time of the termination hearing Tasha was allowed two supervised visits with BreAnna a week. She complains this visitation schedule inhibited her reunification with BreAnna. Yet, Tasha's visitation record under this limited schedule was inconsistent. Further, there was a time when Tasha had a more liberal visitation schedule, including unsupervised visitation. Numerous times she failed to show up for her visitation. Further, the DHS began to limit her visitation when Tasha exhibited behaviors which could ultimately lead to harm to BreAnna. We conclude the visitation arrangement put in place in this case did not cause the department to fall short of its obligation to provide reasonable efforts to reunite Tasha and BreAnna.

III. Clear and Convincing Evidence

Tasha contends there is not clear and convincing evidence to support termination of her parental rights under Iowa Code section 232.116(1)(g). She specifically contends the State failed to prove BreAnna could not be returned to Tasha's custody as required by Iowa Code section 232.116(1)(g)(4).

We find there is clear and convincing evidence in the record to support termination of Tasha's parental rights. The record establishes, by Tasha's own admission, BreAnna cannot be returned to Tasha at this time. Tasha indicated that even though she was not ready to have the child returned at the time of the termination hearing, she hoped to get to the point where she could have custody of BreAnna in the future. At the time of the termination hearing, Tasha had not demonstrated stable housing, employment or visitation with BreAnna. Although Tasha inconsistently utilized the services made available to her, her parenting skills did not improve.

Tasha's request for additional time to exhibit her parenting abilities comes too late. 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 at 96. We cannot suspend the crucial days of BreAnna's childhood waiting for Tasha to mature to the point where she is capable of undertaking the responsibilities of parenting. *See In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987). "Iowa case law clearly holds we do not allow

children ‘to suffer indefinitely in parent less limbo.’” *In re R.C.*, 523 N.W.2d 757, 760 (Iowa App. 1994).

BreAnna needs a safe, stable home and a nurturing environment which Tasha is unable to provide. Tasha has had more than ample time to make the necessary changes in her life to assume the care of BreAnna but has failed to do so. Clear and convincing evidence within the record established BreAnna cannot be returned to Tasha’s care. We affirm the juvenile court’s decision terminating Tasha’s parental rights.

AFFIRMED.