IN THE COURT OF APPEALS OF IOWA

FILED
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No. 8-388 / 97-2158
Filed September 30, 1998

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

A.W., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Karla J. Fultz, Juvenile Court Judge.

The appellant claims the State failed to provide clear and convincing evidence that her parental rights should be terminated. **AFFIRMED.**

Patrick W. O'Bryan, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Jaki L. Livingston, Assistant County Attorney, for appellee State.

Christine A. Bisignano, Des Moines, for minor children.

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

HUITINK, J.

The appellant mother, Angela, claims the State failed to provide clear and convincing evidence her parental rights should be terminated. We affirm.

Angela and William are the parents of Christina, born in June 1989, Christopher, born in May 1994, Carrie, born in April 1996, and Cassandra, born in May 1997. Angela also has an older child, William (W.W.), born in April 1984 who is not a part of this action.

A founded child abuse report in 1993 indicated William sexually abused W.W. Several founded denial-of-critical-care reports revealed repeated failure to secure medical care for W.W. and Christina. When Carrie was born in April 1996, she tested positive for marijuana, amphetamines, and methamphetamine.

In June 1996, W.W., Christina, Christopher, and Carrie were removed from Angela's and William's care and they were subsequently adjudicated children in need of assistance (CINA). Because of Angela's history of drug abuse, she was to provide regular urine samples, but did not provide them as required. When Cassandra was born in May 1997, she tested positive for amphetamines and was immediately removed from Angela's care and placed in foster care like her siblings.

Angela continually failed to comply with the urine sample and case plan requirements. In August 1997 the State filed a petition to terminate Angela's and William's parental rights to Christina, Christopher, Carrie, and Cassandra, and Angela's rights to W.W. It sought termination of Angela's rights based on Iowa Code

sections 232.116(1)(b), (c), (d), (e), and (k). Following a trial in November, the court terminated both parents' parental rights. The court found the State proved the allegations in its petition, noting Angela's history of drug abuse and her denial of her drug problem, her involvement in criminal behavior, her lack of stability and a permanent home, and the existence of eleven founded child abuse reports. The court concluded "[t]he children would continue to suffer adjudicatory harm if returned to any parent."

On appeal, Angela claims the State failed to provide clear and convincing evidence her rights should be terminated and termination is in the children's best interests. We disagree. However, Angela does acknowledge termination may be in Carrie's best interest in order to allow her to be adopted.

We review proceedings to terminate parental rights de novo—we may review the facts as well as the law and adjudicate the parents' rights anew. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). Our primary concern in a termination proceeding is the best interests of the children. *In re R.R.K.*, 544 N.W.2d 274, 275 (Iowa App. 1995). Those best interests are determined by looking at the children's long-range as well as immediate interests. We consider what the future likely holds for the children if they are returned to their parents. Insight for that determination may be gained from evidence of the parent's past performance, for that performance may be indicative of the quality of the future care that the parent is capable of providing. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990); *Dameron*, 306 N.W.2d at 745; *In re T.T.*,

541 N.W.2d 552, 555 (Iowa App. 1995). Case history records are entitled to much probative force when a parent's record is being examined. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993).

From our de novo review of the record, we find Angela has been involved with alcohol and drugs for nearly two-thirds of her life. Even after participating in substance abuse therapy, she is unable to test free of drugs consistently. She had illegal drugs in her system during pregnancy and at the time of birth. She was unable or unwilling to prevent W.W. from smoking cigarettes and marijuana when he was twelve or thirteen years old. Clear and convincing evidence supports termination of her parental rights under Iowa Code section 232.116(1)(k).[1] "The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems." *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987). When the juvenile court terminates a parent's rights on more than one statutory ground, we need only find clear and convincing evidence to support termination on one of those grounds to affirm the juvenile court. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996).

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[1] k. The court finds that all of the following have occurred:

(1) The child has been adjudicated a child in need of assistance pursuant to section 232.96 and custody has been transferred from the child's parents for placement pursuant to section 232.102.

(2) The parent has a severe, chronic substance abuse problem, and presents a danger to self or others as evidenced by prior acts.

(3) There is clear and convincing evidence that the parent's prognosis indicates that the child will not be able to be returned to the custody of the parent within a reasonable period of time considering the child's age and need for a permanent home.

We also find Angela has been unable to maintain a safe, secure residence for her children. Although a no-contact order was in effect preventing William from having contact with his children because of his sexual abuse of W.W., Angela denied the abuse and continued to be in contact with him, even staying with him occasionally. Substantial evidence supports termination under Iowa Code section 232.116(1)(c).[2] "Children simply cannot wait for responsible parenting. Parenting cannot be turned off and on like a spigot. It must be constant, responsible, and reliable." *In re L.L.*, 459 N.W.2d at 495. Angela's efforts to become a responsible parent and to address the requirements of the case plan shortly before the termination are insufficient and came too late. We affirm the termination of Angela's parental rights to Christina, Christopher, Carrie, and Cassandra.

We note the juvenile court found the children to be adoptable and the record shows Carrie already is in a potential adoptive placement. "We will not refuse to terminate the rights of parents who otherwise would be terminated because an adoptive home has not been secured." *In re T.C.*, 522 N.W.2d 106, 109 (Iowa App.

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[2] c. The court finds that both of the following have occurred:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding.

(2) Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

1994). Although there is no guarantee of the future for these children, we find termination to be in their best interest.

AFFIRMED.