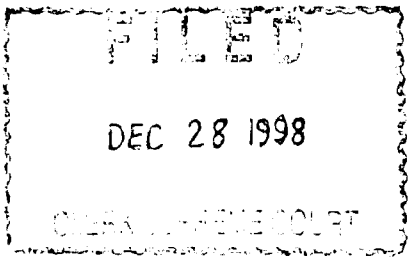
IN THE COURT OF APPEALS OF IOWA

No. 1998-3 (8-603) / 98-1246

IN THE INTEREST OF
K.Y., K.Y., and A.M.,
Minor Children,

J.M., Mother,
Appellant.



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

Mother appeals from juvenile court order terminating her parental rights. **AFFIRMED.**

James A. Benzoni of the Benzoni Law Office, P.L.C., Des Moines, for appellant.

Thomas J. Miller, Attorney General, Stephen C. Robinson, Assistant Attorney General, and Emily A. McConkey, Assistant County Attorney, for appellee-State.

Kimberly S. Ayotte, guardian ad litem for minor child.

Considered by Sackett, C.J., and Huitink, Streit, Vogel, and Mahan, JJ.

PER CURIAM

Jeanette, the mother of Adrian, born May 19, 1994 and twins, Kristopher and Kendall, born December 30, 1995, appeals from a February 1998 decision terminating her parental rights to the children. The parental rights of the children's father, Shane, were also terminated; he does not appeal. We affirm.

In March 1996, there was a founded child abuse report finding a denial of critical care and a failure to supervise. The report was based on evidence one of the twins was face down on the couch, Jeanette was laying on a pillow over the other, the apartment was not well kept, and there were animal feces everywhere. The children remained in Jeanette's home. Jeanette rejected the parenting suggestions offered by the investigator.

In December 1996, the children were removed from Jeanette's care after a founded report of her failure to supervise the children. At the time, her house was cluttered and medications were accessible to the children. Adrian was suffering from seizures and was developmentally delayed. Kendall and Kristopher's doctor determined they suffered from a failure to thrive and were developmentally delayed. They were almost a year old but were unable to sit up by themselves, had difficulty holding up their heads, and did not crawl.

The three children were found to be children in need of assistance in February 1997. They were placed in the custody of the Department of Human Services and put in foster care.

As part of a case permanency plan, Jeanette was ordered to undergo individual therapy and attend parenting classes. The evidence reveals Jeanette did not attend individual therapy for six months. During supervised visits, Jeanette focused on only one child at a time and needed to be reminded to watch the other two children. Jeanette was washing one of the children's hands and the water was too hot. He started crying and his skin was red; however, after being corrected Jeanette did not think the water was too hot.

Kathie Hicok, a foster care supervisor with the Department of Human Services, testified Jeanette has not been able to demonstrate through her visits she can provide the children appropriate nutrition, supervise them, or is able to meet all of their needs for one or two hours at a time, much less twenty-four hours.

Jeanette was provided supervised visitation with the children. She attended all visits except for a period when she had head lice and from September 1997 to December 1997 when she had Hepatitis A.

In December 1997, the State petitioned for termination contending the mother's parental rights should be terminated under Iowa Code section 232.116(1)(g) (1997).[1]

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[1] Iowa Code section 232.116(1)(g) provides:

1. Except as provided in subsection 3, the court may order the termination of both the parental rights with respect to a child and the relationship between the parent and the child on any of the following grounds:

. . . .

g. The court finds that all of the following have occurred:

(1) The child is three years of age or younger.

(2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.

(3) The child has been removed from the physical custody of the child's parents for at least six months of the last

At the February 1998 termination hearing, the judge found the statutory grounds for termination of Jeanette's parental rights had been sustained by clear and convincing evidence, and it was in the best interest of the children to have the parental rights of the mother and father terminated.

We review proceedings to terminate parental rights de novo. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). The question is whether there is clear and convincing evidence to support the termination.

Cynthia Davis, a licensed mental health counselor, examined Jeanette and found she suffered from attention deficit disorder and possibly some fetal alcohol effects. In addition, Davis believed Jeanette had a narcissistic personality which caused her to focus more attention on herself, rather than others, making it difficult to supervise and be cognizant of what was going on around her.

Jeanette had difficulties with the supervision of the children during the supervised visits. She had to be reminded on countless occasions to watch all three children and was unaware of the safety dangers her children were in. She had to be told to engage in age appropriate activities and conversations with the children. Davis testified Jeanette had shown some progress, but there were still supervision and safety concerns. She testified even with further training Jeanette probably would not gain

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> twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.
>
> (4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

Iowa Code § 232.116(1)(g).

the skills needed to provide consistent care for the children. Her recommendation was the children should not be returned to the home.

A parent's failure to comply with the permanency plan is not an independent ground to terminate parental rights, *In re J.L.P.*, 449 N.W.2d 349, 352 (Iowa 1989), nor is a mental disability standing alone. *In re B.F.*, 526 N.W.2d 352, 355 (Iowa App. 1994). Taking into account both Jeanette's mental condition and the recommendations of the counselors, there is clear and convincing evidence to terminate Jeanette's parental rights.

The current foster parents have expressed a desire to adopt the children. We trust the State and guardian ad litem will make substantial efforts to see the children are adopted.

We affirm the decision of the juvenile court terminating Jeanette's parental rights.

AFFIRMED.