

IN THE COURT OF APPEALS OF IOWA

No. 3-570 / 93-984

FILED

APR 26 1994

CLERK SUPREME COURT

IN THE INTEREST OF C.G., J.G., M.M., Jr., and F.M., minor
Children,

R.G., Mother,

Appellant.

Appeal from the Iowa District Court for Black Hawk
County, Stephen C. Clarke, Associate Juvenile Judge.

R.G. appeals the order of the juvenile court
terminating her parental rights to her children, C.G.,
J.G., M.M., Jr., and F.M., minor children. **AFFIRMED.**

R. Allen Corzine of Pieters, Pieters & Corzine,
Waterloo, for appellant-mother.

Bonnie J. Campbell, Attorney General, John M. Parmeter,
Special Assistant Attorney General, and Kathrine S.
Miller-Todd, Assistant Attorney General, for
appellee-State.

Donna Lesyshen of Tyler & Lesyshen, Waterloo, guardian
ad litem for minor children.

Heard by Hayden, P.J., and Sackett, J., and Peterson,
S.J.*

*Senior judge from the 1st Judicial District serving
on this court by order of the Iowa Supreme Court.

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PETERSON, S.J.

Ranae is the mother of five children, four of whom are the subjects of this appeal. Christina was born on January 13, 1986; Justin was born March 25, 1989; Morris, Jr. was born on July 21, 1990; and Faith was born August 20, 1991. Ranae also had another son, Joey, who was born on October 22, 1987. He is not subject to this appeal.

The three older children (Christina, Justin, and Morris) were adjudicated CINA pursuant to Iowa Code sections 232.2(6)(b), (c)(2) and (g). At that time, one child had been diagnosed with failure to thrive and one child had a head injury inconsistent with the reason given by Ranae. The mother could not control her children, and they had unkept and dirty appearances. Ranae also had a history of unsanitary housing, frequent moves, and cohabitation with a substance abuser. Christina and Justin remained with Ranae while Morris, Jr. was placed with his father, Morris, Sr. (This man is not Christina or Justin's father.) Services were then ordered.

Neither parent cooperated with services, and Morris was placed in foster care. Subsequently Ranae and Morris, Sr. decided they wanted to live as a family unit. Christina, Justin, and Morris, Jr. were placed with Ranae and Morris, Sr., with intensive services provided.

Faith was born after the three older children were reunited with Ranae and Morris, Sr. At this time, positive

changes had been seen in the home; however, a subsequent child abuse referral, including physical abuse on Justin, resulted in Faith being added to the CINA proceedings. Ranae's cooperation with services lapsed again, and the same problems were seen. All the children were placed in foster care after Faith was adjudicated a CINA. A petition for termination of parental rights was filed, and on May 24, 1993, Ranae's parental rights to all four children were terminated pursuant to Iowa Code sections 232.116(1)(c), (g), and (h). Morris, Sr.'s parental rights were also terminated to Morris, Jr. (He admitted to inflicting physical abuse on Ranae regularly.) Faith's father's rights have not been terminated. The termination order stated there was overwhelming evidence showing Ranae's inability to adequately care for the children or to effect meaningful changes in her own life.

Ranae appeals. She argues the evidence showed that she had changed for the better in terms of housing, parenting skills, and employment. She also argues she has been denied an opportunity to demonstrate her parenting skills. Ranae further argues it is not in the children's best interests to terminate her parental rights. She also asserts the district court should have considered the alternative of placement with family members who offered to take care of the children. We affirm.

Our review of this case is de novo. We review the facts as well as the law and adjudicate the parent's rights

anew. However, weight is accorded the findings of the juvenile court, particularly as to credibility of witnesses. In re L.S., 483 N.W.2d 836, 837 (Iowa 1992).

Ranae is the mother of five children; however, only Christina, Justin, Morris, Jr., and Faith are involved in this appeal. Joey is in a relative placement at this time. The father of Christina is unknown, and the father of Justin is unknown. The father of Morris, Jr. is Morris, Sr., and the father of Faith is Byron. The paternal rights of Morris, Sr. with respect to Morris, Jr. were terminated when Ranae's parental rights were terminated. Byron's parental rights have not been terminated.

The People's Community Health Clinic, Inc. met with Ranae about pregnancy services on January 2, 1990. At that time she stated she had problems concerning financial difficulties, an abusive relationship with Morris, Sr., and lack of family support, and lack of prenatal care. Ranae again contacted the People's Clinic on July 6, 1990, needing help with housing. Numerous requests were received for assistance by the family to the People's Clinic between July and October of 1990. These were generally for food, money, diapers, and clothing.

By August of 1990, several agencies raised concerns about Ranae and her children. The concerns included Ranae's ability to provide adequate supervision, the children's poor hygiene, and Ranae's apparent lack of control over the children. Justin had numerous injuries

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for which Ranae could offer no explanation. Morris, Jr. was hospitalized for failure to thrive and was again hospitalized on October 3, 1990 for respiratory syncytial virus, bronchitis and dehydration. Since the birth of Morris, he had spent most of his life with Morris, Sr., but during November of 1990, he was bounced back and forth between Ranae and Morris, Sr.

A child in need of assistance petition was filed on behalf of Christina, Justin, and Morris, Jr. on November 1, 1990. The petition was filed because Justin received an injury to his head that was inconsistent with the history given for it by Ranae. Ranae also said she could not control Christina. Several agencies had reported concerns about Ranae's lack of control of her children and her dirty appearance, Morris, Sr. and Ranae's lack of knowledge regarding infant care with respect to Morris, Jr., Ranae's history of unsanitary housing and frequent moves, and Morris, Jr.'s hospitalization for failure to thrive. On November 3, People's Community Health Clinic, Inc. identified the following concerns:

1. Potential for child abuse, neglect due to the father's history of spouse abuse, use of alcohol, and lack of parenting skills.
2. Potential for child neglect due to the mother's apathetic attitude toward child care and father's ability to care for an infant.
3. Potential for alteration in parenting due to lack of family support and financial resources.
4. Alteration in parenting due to inability to budget for the basic needs of infant care.

On November 28, 1990, a hearing was held on the child in need of assistance petition. Ranae stipulated and agreed that the children were in need of assistance. Morris, Sr. contested the petition with respect to Morris, Jr. because he felt there was no need for court involvement. However, Morris, Sr. did agreed to accept protective day care and to participate in parenting classes. Ranae was to utilize protective day care for Justin and to participate in parenting classes and individual counseling. The children remained in their parents' homes with protective supervision. Christina and Justin were with Ranae, and Morris, Jr. was with Morris, Sr.

Between the adjudicatory hearing and January 1991, Ranae did little the court requested. She did not schedule any counseling, and she attended only one parenting class. Morris, Sr. sought to utilize the services of a homemaker to improve his parenting skills; however, he failed to keep one appointment for the homemaker and the agency was reporting that it would consider stopping services if this occurred again.

Concerns remained about the quality of supervision Ranae provided her children and her apparent lack of interest in improving her parenting skills and follow through with the recommendations made by the department. The lack of follow-through and motivation were concerns that carried over to Morris, Sr. as well. Because of these

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factors, it was recommended that Morris, Jr. be adjudicated a child in need of assistance.

An adjudicatory hearing for Morris, Jr. and a dispositional hearing for Christina and Justin was held on January 16, 1991. The parties stipulated and agreed to the adjudication of Morris, Jr. as a child in need of assistance. Custody of the children, however, remained with their respective parents. Ranae was again ordered to attend parenting classes and individual counseling, and the department of human services was requested to file a progress report every two months.

An application for temporary removal was filed on behalf of Morris, Jr. on February 5, 1991. Morris, Sr. had failed to provide Morris, Jr. with immediate medical attention when he suffered an allergic reaction to a prescribed medication. The court ordered Morris, Jr. removed on that date.

A hearing on the removal was scheduled for February 7, 1991, and on that date, the court continued Morris, Jr.'s placement in foster care.

Between January and March of 1991, Ranae's situation remained basically unchanged. She had not yet begun individual counseling, however, had completed all the necessary paperwork for this service. Although she attended a majority of the parenting classes, she was becoming difficult to work with on a family-centered basis. Concerns continued about the childrens' appearance

and hygiene and the quality of Ranae's supervision of the children. She also had to be reminded several times not to leave the children with her parents because of a potential for harm to the children. The concerns of the department with respect to Ranae's family were based on contacts the department had with that family in the past. Ranae advised the department that she was pregnant and that Morris, Sr. was the father of the child.

On April 3, the department again reported little change in the status of the family. Ranae had not started counseling and had failed to pass the parent plan. Morris, Sr., who was again living with Ranae, had shown little interest in getting his son back. The department repeatedly reminded Morris, Sr. and Ranae that they needed to comply with the orders of the court.

The guardian ad litem filed a motion to modify the disposition on April 9, 1991. To support her motion, the guardian cited Ranae's failure to complete parenting classes and her failure to follow through with scheduled appointments. Morris, Sr. had cancelled his substance abuse evaluation and had not obtained proper housing for Morris, Jr. A hearing was held on April 18, 1991, and Morris, Jr. was ordered to remain in foster care, and the hearing with respect to Christina and Justin was continued and Ranae and Morris, Sr. were ordered to participate in services from the department of human services.

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On May 14, 1991, it was reported that Ranae and Morris, Sr. again wanted to live as a family unit. Services were then modified to focus on reuniting all five family members. Ranae had completed a psychiatric evaluation at Black Hawk Grundy Mental Health in April. This revealed that Ranae had little insight into her difficulties and tended to show a great deal of denial of these difficulties, but there was no evidence of psychotic thinking. She admitted to a lot of fighting and arguing in the relationship with Morris, Sr.

On June 4, 1991, a visitation update was filed with respect to Morris, Jr. Morris, Sr. and Ranae had failed to attend three visits in May. As a result, the department set forth a set of expectations for Morris, Sr. and Ranae to meet prior to visitation being scheduled. The department continued to recommend that Morris, Jr. remain in foster care and that Christina and Justin remain with Ranae under protective supervision. It was further recommended that Ranae attend parenting classes and consider accepting in-home services. Ranae was passively receptive to these services. By June 6, 1991, Ranae and Morris, Sr.'s visits with Morris, Jr. were reduced to once weekly because of their cancellation of visits.

A hearing was held on June 10, 1991, and it was determined that Ranae and Morris, Sr. had reunited. They agreed to cooperate with intensive services. Therefore, Christina, Justin, and Morris, Jr. were placed with Ranae

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and Morris, Sr. under the protective supervision of the department of human services and services provided by Alternative Treatment Associates (hereinafter referred to as ATA). The department was also to offer family-centered services, including but not limited to protective day care for Christina, Justin, and Morris, Jr. for the summer months and for the two younger children thereafter. Because of the respiratory problems of Morris, Jr., Ranae and Morris, Sr. had agreed there would be no smoking in the home. ATA noted in a report dated July 1, 1991, that there was a theme of parental and marital disunity which provided opportunities which inhibit positive parenting.

Faith was born on August 20, 1991. The department, during the previous several visits, had noted many positive changes in the home. Both Ranae and Morris, Sr. had found the ATA program beneficial. The relationship between Ranae and Morris, Sr. appeared to improve. Because of this, Faith was allowed to remain at home rather than being placed in day care.

The department, by review dated September 3, 1991, reported that an improvement was seen in the furnishings in the home and in the appearance of the children. However, Ranae had still not initiated counseling, but because of these improvements the State filed a motion to continue the review hearing for three months. This motion was granted.

On September 25, 1991, a child abuse referral was received on Morris, Jr. When he was taken home by bus that

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day from the day care center at 4:00 p.m., no one was at home to pick him up. Morris, Jr. was then returned to the day care center. The emergency numbers which had been given by Ranae and Morris, Sr. were disconnected and the parents were still not home by 6:45 p.m. Around 7:00 p.m., Ranae and Morris, Sr. were located at home and they were involved in a loud argument about the incident. Morris, Sr. smelled strongly of alcohol and admitted that his drinking was in violation of his probation. As a result of this fight, Ranae had a bruise on her face.

Because of this incident, the day care center indicated it would not take Morris, Jr. back until Ranae and Morris, Sr. met with the director and updated the emergency numbers. A meeting was scheduled for October 1; however, neither Ranae nor Morris, Sr. appeared for that meeting. The day care center director reported to the department that there had been previous times when no one was at home to take the boys. On those occasions, the van driver had kept the children in the bus until all the other children were delivered and then returned them to their home.

As a result of this investigation, a founded abuse report was filed with Ranae and Morris, Sr. as the perpetrators and Morris, Jr. the victim. In the investigation, it was recommended that intensive family therapy be offered and that the three youngest children be involved in protective day care (Justin, Morris, Jr., and Faith) and that Morris, Sr. abstain from all alcoholic

beverages. Morris, Sr. and Ranae were to abstain from physical fighting and either one or both of them would be home to meet the van when the children returned from day care. After much discussion on this issue, Ranae and Morris, Sr. agreed to these terms. A referral to the day care center was made for Faith, and a referral to the department of human services family therapy was also made with respect to this investigation. Areas to focus on in the therapy sessions would include effective communication between Morris, Sr. and Ranae and strengthening their alliance on parenting issues.

It was also determined at this time that Morris, Sr. had made little effort to complete the terms of his probation and that his probation officer filed a violation report with the court which was set for hearing on November 4, 1991. The hearing was continued, however, when Morris, Sr. failed to obtain legal representation and advised the court that he wanted an attorney. The State was recommending Morris, Sr. spend a period of time in a residential facility as a result of the violations of his probation.

The matter came before the court for a review hearing on December 19, 1991, and the placement of the children was continued in the home.

On January 15, 1992, a child abuse referral was received on Justin. He had sustained a bruising about the size of a quarter on his left side just above his buttock

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that was reportedly caused when Morris, Sr. struck him with a belt. During this investigation, Ranae stated that Morris, Sr. was to be placed in a halfway facility for a year. She indicated she hoped they could reconcile their problems.

On January 30, 1992, another child abuse referral was received on Justin. He had received a burn on his wrist and bruises on his buttocks. Justin stated that "Mom did it." Ranae said that Justin had burned himself when he spilled bleach; however, she admitted she spanked Justin and this could have caused the bruises.

The guardian ad litem then filed an application for modification of disposition and a request to include Faith in the proceedings. This was filed on February 14, 1992. The application cited the abuse reports and Morris, Sr.'s placement in a halfway facility and the mother's re-establishment of her relationship with James, alleging this relationship would be detrimental to the children.

On February 28, 1992, the department reported that Ranae said she had been covering for Morris, Sr. for a long time, that he drank continuously, and had hit her. Ranae had resumed a relationship with James, who was well known to the juvenile court and the department of human services. James had a history of substance abuse and had refused court-ordered treatment. His children had been in the custody of the department of human services and were currently placed with their paternal aunt. One of these

children was Joey, whose mother is Ranae. The department was also concerned that Ranae had missed appointments with the homemaker for three consecutive weeks and she had failed to follow through with counseling with Black Hawk Grundy Mental Health.

On March 24, 1992, and April 19, 1992, the department reported that Ranae had not complied with appointments with the homemaker, the family therapist, or individual counseling. At a staffing on March 17, 1992, the day care was reporting problems with Morris, Jr.'s behavior. It also reported a lack of cooperation from Ranae and misleading information about her intentions, especially doctor's appointments for Morris, Jr. The day care was also concerned about the poor hygiene of the children. The school personnel also reported that Christina was coming to school dirty and unkempt. The department was also concerned that Ranae was allowing her animosity toward Morris, Sr. to carry over to Morris, Jr. They were greatly concerned about the supervision Ranae was providing to the children. The department was also concerned about substance abuse. Although Ranae denied she was involved with alcohol or drug use, both Morris, Sr. and James have known problems with alcohol. Ranae's reluctance to meet with the recommended professionals and her erratic behavior with the day care center compound this concern. As a result of these concerns and the last founded child protective report, the department was led to believe it was

in the best interests of the children not to remain in Ranae's custody. Consequently, they recommended that the custody of the children be awarded to the department for suitable foster care placement.

On April 27, 1992, a hearing was held on the adjudication of Faith and the modification of the disposition with respect to the three older children. Faith was adjudicated to be a child in need of assistance, and all four children were placed in foster care. Upon placement, three of the children were found to have ear infections.

Ranae received weekly visitation with the children. At these times, she exhibited little control over the children and an inability to discipline them. Justin was spanked during these visits on more than one occasion, in spite of the fact physical discipline was discouraged. Ranae was often ready to end the visits early. To gain return of the children, Ranae needed to obtain individual counseling, secure adequate housing, participate in family therapy with James, and obtain a substance abuse evaluation. Ranae did make an appointment for the substance abuse evaluation on May 22, 1992, but did not keep it. As of June 18, 1992, Ranae still had not secured adequate housing and had not started counseling and had not started family therapy. The department recommended foster care continue for the children.

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The dispositional hearing for Faith and the review hearing for the balance of the children was held on June 24, 1992. At that time the court ordered the children to continue in foster care. The mother resisted the recommendation and requested that Faith be returned immediately and the other children be gradually integrated into her home.

The court set out the following in it's ruling. The mother acknowledged she had made no progress with respect to individual counseling, substance abuse evaluation, or family therapy. She stated she was aware that James, with whom she lived, was diagnosed to have a substance abuse problem, but that denied that this fact should have any effect on her regaining the custody of the children.

The mother acknowledged she was totally dependent on James for her livelihood. She has never held a job. Although she was briefly employed at IBP, she voluntarily quit the employment. She stated the work was too hard and she was afraid that the third-shift job might in some way prevent her from regaining custody of her children. She had no logical explanation for this statement beyond this mere assertion. There has been no change of circumstances since the court's custodial orders of April. Ranae has made no progress with respect to gaining any personal independence. She is incapable of providing for her own material needs. There has been no change in her life or her approach to her problem that would indicate the neglect

and abuse that led to the removal of the children would not reoccur.

Between June 24, 1992, and September 21, 1992, Ranae made no progress with respect to her responsibilities. On September 17, 1992, she reported she had scheduled appointments for a substance abuse evaluation and for individual counseling.

Ranae did complete a psychiatric evaluation at Black Hawk Grundy Mental Health, but as of November 19, 1992, had not scheduled any individual counseling nor a substance abuse evaluation. Black Hawk Grundy Mental Health found that she did not seem to possess a great deal of personal insight. She would dress appropriately but appeared in poor personal hygiene. Her affect was fairly appropriate and sustained, and there was no evidence of any psychotic thinking.

A forty-five-day diagnostic assessment and evaluation was completed by Quakerdale on November 11, 1992. They recognized many issues. Of particular concern was the fact that Ranae had not fully accepted responsibility for her actions which led to the children's removal and does not appear fully cognizant of the numerous concerns others have about her care of the children, but she looks to others and external sources as causative. Another concern they saw was the quality of the attachment between Ranae and her children.

On December 1, 1992, a petition for the termination of parental rights was filed. On January 14, 1993, the

department reported Ranae had scheduled an appointment for counseling, but not for substance abuse evaluation. The supervised visits had been moved to Ranae's home, and the children had been difficult to manage or excitable in that location. Christina and Justin had an increase in negative behaviors, including bed wetting problems. On February 10, 1993, it was reported that Ranae had made contact with the Black Hawk Grundy Mental Health. She had seen Dr. Harding on January 25, 1993, for initial counseling, and another appointment was scheduled for February 18, 1993. After the initial consultation with Dr. Harding, he found that Ranae was able to identify what she had been ordered to do to allow the return of the children, but admitted she had not followed through with some of these requirements. His assessment of Ranae's abilities included a need to be directly shown how to handle specific circumstances rather than told. She would require much hand-holding and direction. He felt that Ranae may not be aware of what the normal standards for child care are. She told Dr. Harding that she needs a social worker to teach her how to discipline her children. It was Dr. Harding's opinion that Ranae had little awareness of her parenting role or insight into her own behavior.

Ranae missed the scheduled visits with her social worker on January 7, 1993, and February 4, 1993. She indicated she was either working or forgot about the appointments. She also said she had not scheduled a

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substance abuse evaluation because she does not see the need for this.

An adoption staffing was held on September 22, 1992. At that staffing, it was found that all four children were adoptable.

Margaret Zander, an employee of the department of human services, participated in the visitation arrangements for a forty-five-day period between September and November of 1992. During the visitations, she observed that Ranae would become frantic at times during the visitations, which would result in rough handling of the children. She observed that Ranae did not give any positive praise, but would act in more of an authoritarian way which would be followed by inconsistent responses. When the children were finally disciplined, it was in a punitive way.

Suggestions were made with respect to handling the situations, and Ranae would not follow through on these suggestions.

Ranae appeared to be attached to the children, however, in different ways. There was a positive attachment with the youngest child, Faith. The attachment with Justin appeared to be an anxious type. It appeared she was very fond of him and at times he would hug her, but at other times he would strike out at her. It appeared that he becomes frustrated very easily. She has a great deal of anxiety with respect to Morris, Jr. He received less attention than the other children and did not receive a lot

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of affection from her. The attachment to Christina appears to be an avoidance type. During the visitations, she would spend time with her grandmother until the grandmother left and then would assume a type of parental attitude toward the balance of the children. There was very limited contact between Christina and Ranae.

Miss Zander believed that Ranae has a problem with respect to self confidence and self esteem. She has a number of unresolved problems with respect to her own family and shows a great deal of anxiety. Miss Sander felt that if the children were returned to Ranae at this time, she would have a great deal of concern because Ranae would be easily overwhelmed in attempting to care for four active children and her level of anxiety would increase her rough handling of the children.

Deborah Foster is a social worker II with the department and has been assigned to Ranae's case since March of 1989. When Ranae first came to the attention of the department, the concerns were the conditions in the home, including the physical cleanliness of the children, and medical problems, as well as Ranae's ability to supervise the children. Since then, they have become concerned about Ranae's use of inappropriate discipline and her abusive relationships with individuals who have been chemically dependent. Also, her ability to make independent decisions without involvement of her family and her ability to meet her own needs were concerns.

The department has offered family-centered services and family therapy. They have offered parenting classes and homemaker services. They have offered involvement with family preservation projects through the Alternative Treatment Associates and have also requested individual counseling. They have also suggested substance abuse evaluation, basically because of the people she associates with. They have also offered supervised visitation.

Ranae began counseling with the Black Hawk Grundy Mental Health in late 1992 and had three sessions prior to hearing on the petition to terminate parental rights. She initially contacted the mental health center in October of 1992. She also began the substance abuse evaluation and was half completed by the time of the hearing.

Ms. Foster had basically the same observations concerning the visitation between Ranae and the children that had been expressed by Ms. Zander. Ms. Foster had suggested that the visitations be videotaped and that Ranae would go over these videotapes with Ranae. On many occasions, Ms. Foster asked Ranae to come in to review these tapes; however, that was not done. Various reasons were given for this, and none of the reasons was consistent.

Ms. Foster does not believe the children should be returned at this time because she fears they would be exposed to emotional abuse and neglect and physical abuse. She knows of nothing further the department could offer to resolve the problems in this situation at this time.

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Ranae is now living at 115 Irving Street in Waterloo, Iowa, with James. This is a two-bedroom apartment that has a bath, kitchen, and living room. They have been living there since August of 1992. At the time of the hearing, she had been living with James for approximately fourteen months. She contends that her relationship with James is good. At the present time, they are attempting to rent a house across the street; however, neither Ranae nor James had any details concerning this house. They would like to have a larger home so they could provide a home for her four children and James's four children, which would also include their child, Joey.

She has been working at the Harmony House since December of 1992. She works with the mentally retarded in taking care of their daily living needs.

She believes that she is more patient at this time. She feels better about herself and is taking better care of herself and does things on her own and makes her own decisions. She eats better, indicating she eats at least one meal a day.

She believes that James has helped her by giving her support and assisting her in other ways.

She has only recently begun the substance abuse evaluation which had not been completed at the time of the hearing and, unfortunately, was not available to the court. She said she was late in beginning this because she did not feel she had a substance abuse problem. She

finally agreed to do this because she felt she had to in order to get the children back. She also had only recently begun the individual counseling with Dr. Harding at the Black Hawk Grundy Mental Health and had three sessions and had missed only one. Unfortunately, the file did not contain a formal report from Dr. Harding.

She admitted she had problems in the past, but believes she can take care of the children at this time because she has help, apparently referring to James.

James, who Ranae is presently living with, is unemployed but receives disability benefits; however, the reason for the receipt of these benefits was not shown during the trial. He apparently has made arrangements for the apartment on Irving Street and as well has been negotiating with the owner of the house across the street. He has four children, one of them being Joey, who is also Ranae's child, and they are living with his sister. They apparently see these children quite often because they live in the vicinity of their present apartment. He has not received the children back because apparently he has not complied with a substance abuse evaluation and treatment. He has not done this because he does not feel he has a substance abuse problem, although he admitted drinking approximately two quarts of beer a night.

Cliff, Ranae's brother, is twenty-two years old and married. His wife has two boys from a previous marriage, ages fourteen and ten. They are presently living in a

three-bedroom house. He has discussed the possibility of taking care of all four of Ranae's children, and he indicated his wife had agreed with this. He is presently employed at the same location as Ranae as a nurse's aide. At the present time he is on probation for a theft charge. The testimony also revealed an incident where he pointed a gun at his sister, Theresa, when Ranae was present. The details of the incident were not developed; however, it appeared this was of some concern to Ranae.

Ranae's sister, Theresa, testified and indicated she would be willing to take the four children and provide a home for them. She is married and has four children of her own. She employed as a nurse's aide and works from 11:00 p.m. to 7:00 a.m. She has discussed this situation with her husband, Roger, and indicated he was agreeable to this if she can take care of the children. He is a truck driver and she indicated he was gone most of the time. She said her present baby-sitter for her children would be able to provide baby-sitting services during the day for the additional four children.

Ranae's mother, Sally, also testified and indicated she would be willing to take the two older children, Christina and Justin. She apparently provided a great deal of the initial care for Christina when she was born, inasmuch as Ranae was living in their home. She works at the Cedar Fall Nursing Home and there was no indication who would baby-sit during the day. She described herself as a

manic-depressive; however, this situation is controlled with daily medication of lithium. She indicated, however, if she goes off the lithium, she gets real high and has a hard time getting under control.

Ranae initially contends there was insufficient evidence to support the termination of her parental rights. The parental rights with respect to Christina, Justine, Morris, Jr., and Faith were terminated pursuant to section 232.116(1)(c), (g), (h), with respect to Christina and Justin, pursuant to section 232.116(1)(b). We find that the record in this case establishes by clear and convincing evidence that Ranae's parental rights should be terminated. She has been involved most recently with the department of human services since August of 1990. Services have been offered to her and, in general, she has not been cooperative with respect to those services until, to some degree, immediately prior to the hearing on the petition to terminate her parental rights. Although it appears she has made some progress in the immediate past, it appears to be to some degree because of her association with James. However, as the supreme court has indicated, children simply cannot wait for responsible parenting. Parenting cannot be turned on and off like a spigot. It must be constant, responsible, and reliable. In re L.L., 459 N.W.2d 489 (Iowa 1990). A child should not needlessly be required to await the maturity of his or her natural parent. In re T.D.C., 336 N.W.2d 738, 744 (Iowa 1983).

Those propositions of law apply to Ranae in this situation. She simply has not been able to respond to the services offered by the department in order to raise her parenting abilities to an acceptable level.

Ranae also contends that it is not in the best interests of the children to terminate her parental rights. We find the State has established by clear and convincing evidence that the termination of her rights is in the best interests of the children. Although the termination of these rights by definition is detrimental and harmful to the child, there is a point at which termination must be done. The record clearly shows that Ranae has been unable to learn the necessary parenting skills to raise the children. It is also noted that the adoption staffing indicated that all four of the children are adoptable.

She argues that the court should have taken into consideration placement with relatives, either her brother or sister or her mother. There is little information about these three families in the record. However, the information that does appear does not indicate that placement of the children with either of these three families would be inappropriate.

Ranae also contends she has been denied an opportunity to demonstrate her parenting skills. The record indicates to the contrary. The children were left in her supervision for a period of time and, unfortunately, were removed

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because of the lack of her skills. She has been given the opportunity to demonstrate these in supervised visitation. Supervised visitation does introduce a degree of anxiety on her part because of the presence of the supervisor; however, the circumstances of this case required the supervision.

She also argues the evidence shows she had recently changed for the better. This was in terms of housing, parenting skills, and employment. It is true she has secured better housing and that she is now employed; however, there is no indicating her parenting skills have improved. With regard to the latter, she also argues she has been denied the opportunity to demonstrate her parenting skills. As has been previously indicated, she was given the opportunity by demonstrating these skills when the children were still in her home and also during the visitation periods. We affirm.

AFFIRMED.

Hayden, P.J., concurs; Sackett, J., concurs specially.

SACKETT, J. (specially concurring)

Ranae, the appellant mother, has been offered a myriad of services at considerable expense to the state of Iowa. Those who have offered services contend they have failed to correct Ranae's parenting deficiencies and her parental rights should be terminated. Whether the services have failed because Ranae has not cooperated and has not learned what she was expected to learn or whether the services have failed because they were not tailored to Ranae's needs, I am not certain. But I would surmise both reasons have contributed to the failure.

While it is easiest to blame the poor, young, poorly educated mother of five children of five different fathers for the failure, I think we need to continually look inward and ask, "Why are things not working?"

Ranae, born May 10, 1968, was raised in state care. She was removed from her parental home at age six. She remained in foster care until she was fifteen. Ranae became pregnant while in foster care and had an abortion two months after her fifteenth birthday. A note on her record at the time of abortion stated, "Wants an adult who can be significant to her." Ranae tried to find the adult in the fathers of her five children, born by the time she was twenty-three years old. Ranae has been a child without direction, struggling to parent five children. She has matured but not sufficiently, according to the people in charge, to parent her children.

The children's future is unclear from the record. The children will in all probability be separated. The children have been separated in foster care. The children have been removed, returned, and removed from Ranae's care. The oldest child has had one foster placement. The second child has had two foster placements. The third child was put in a foster home for four months, removed when he failed to thrive, and then put back in the foster home where he failed to thrive but later moved to a second foster home with siblings. The youngest child has remained in the same foster home.

The record indicates Ranae loves her children, has found employment satisfactorily caring for others, has completed her GED, was able to budget ADC to feed her family for a month, at times had been a good mother, and at times has cooperated with service providers.

I have concerns, too, about the state's future plans for these children. The evidence of adoptability the majority relies on is in an adoption staffing summary dictated by Jane K. Johnson that says:

Family - There does not appear to be any appropriate family members that are willing or able to care for the children.

Foster parent - Christina - the foster parents providing care for Christina are not interested in adopting her at this time but have identified to the Black Hawk County worker of at least two families in the area that would be interested in pursuing adoption if Christina was available.

Justin, Morris, and Faith - the foster parents are considering whether they would adopt the children if they were legally free. This option would be

supported by the Waterloo Black Hawk County social worker.

Other - An adoptive home that would be willing to take the younger three children would be sought with emphasis being placed on maintaining contact with Christina. A separate adoptive home could be sought for Christina with the emphasis being placed on remaining in contact with the younger siblings. It would be difficult to find an adoptive home that could take all four children and potentially it may not be in their best interest with the neglect that they suffered and the mothering that Christina had done with the children. We do not believe it will be difficult to find adoptive homes for these children.

The summary is not fact specific and nowhere in the record is there any information about the number of children the department currently is seeking to place for adoption. Although I learn from Mary Kelley, Foster-care Frustrations Growing, The Des Moines Register, March 20, 1994, at 5A, that from department sources there are 150 to 260 foster children seeking adoption, the Director of Iowa Citizens Foster Care Review Board states there may be as many as 500 foster children seeking adoption.

Jane K. Johnson said it would not be difficult to find adoptive homes. I trust she and the department will recognize their responsibility is seeing the promised homes are available as this court has, in its majority opinion, referred to her report representations in deciding to affirm. I also have considered the findings of the juvenile judge.

I hope Ranae's children will fare better in state care than she fared.

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Our programs for helping families must be under constant scrutiny. We must be certain the real issue of providing children in this state a good place to grow up is not lost in the volumes of paper, reports and evaluations. I hope the large amount of money the state has spent on this family will result in them finding a better life than they would have had in their parents' care. My uncertainty that it will causes me to continually question whether the money might have been better directed to help these children maintain their biological family.