

IN THE COURT OF APPEALS OF IOWA

No. 8-439 / 98-0313
Filed August 28, 1998

IN THE INTEREST OF M.M., Minor Child,

D.M., Mother,
Appellant.

Appeal from the Iowa District Court for Dubuque County, Jane C. Mylrea,
Judge.

The mother, D.M., appeals from the termination of her parental rights to M.M.

AFFIRMED.

Monica L. Ackley, Dubuque, for appellant.

Thomas J. Miller, Attorney General, and Charles K. Phillips, Assistant
Attorney General, for appellee.

Leslie M. Blair of Naylor, Hoover & Blair, Dubuque, guardian ad litem for
minor child.

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

HUITINK, J.

Dawn, the mother of Mary, appeals from the termination of her parental rights. She contends there was a lack of clear and convincing evidence that Mary could not be returned to her care. We affirm.

Mary was born in December 1995. She was removed from her mother's care in March 1997 after founded reports of denial of critical care were filed against Dawn. Dawn lacked basic parenting skills and Mary was a medically fragile child who had lost significant weight based on failure to thrive. Mary's surroundings were filthy and dangerous, including soiled diapers on the floor and easy access to a hot furnace. Dawn failed to provide adequate food to Mary, and allowed a known sexual abuser to babysit Mary.

Mary was adjudicated to be a child in need of assistance (CINA) in May 1997. At that hearing, the court found Dawn's parenting skills had not improved despite over six months of services and that Dawn's attitude had been negative, she was uncooperative, and verbally abusive toward service providers. The court noted the need for mental health intervention for the mother.

By the October 1997 permanency hearing, Dawn's attitude and progress had substantially improved after mental health therapy. The court ordered intensive services working toward increased visitation and eventual reunification. The court also set a "final case facilitation" for December 1997, to consider permanency for Mary.

After the October hearing, the mother's progress deteriorated. She stopped taking her medication, stopped seeing her therapist, and moved in with a known sex abuser. She became hostile and uncooperative with case workers and did not have contact with Mary for several months. The State then filed a petition to terminate Dawn's parental rights.

After the termination hearing in January 1998, the district court terminated Dawn's rights to Mary, impliedly under Iowa Code section 232.116(1)(g).¹ The court noted Dawn had an IQ which placed her within a borderline range of intellectual functioning but able to learn parenting skills over time. However, the court found Dawn had other serious pathological mental health concerns which interfered with her ability to cooperate with workers and impeded her progress. Dawn had stopped taking the medication needed to treat her mental health problems. The court found reasonable efforts had been made to reunite the family but services had made no impact on Dawn's ability to care for Mary, who needed stability and was thriving in

¹ This section provides:

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 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.

foster care. The court found “the child is considered very adoptable due to her age and improved medical and developmental condition.”

We review terminations of parental rights de novo. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). Our primary concern is the best interests of the child. *In re R.R.K.*, 544 N.W.2d 274, 275 (Iowa App. 1995). Those best interests are to be determined by looking at the child's long-range as well as immediate interests. The court considers what the future likely holds for the child if that child is returned to his or her parents. *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).

On appeal, Dawn contends she was not given sufficient time and assistance to develop the skills needed for reunification, considering her mental health problems. She argues caseworkers ignored her potential for improvement, moved too fast, and set termination as the goal. She asked the court that “maybe two years be allowed for her to get her life stable so that she can again care for her daughter.” It is often disputed how long parents should be allowed to demonstrate they can develop the ability to be parents. Accordingly, the legislature established a six-month standard in section 232.116(1)(g)(3). *In the Interest of C.K.*, 558 N.W.2d 170, 175 (Iowa 1997); see *In re A.C.*, 415 N.W.2d 609, 614 (Iowa 1987) (“It is unnecessary to take from the children's future any more than is demanded by statute.”). The legislature adopted the standard in the belief that this period must be reasonably limited because, “beyond the parameters of chapter 232, patience with parents can soon translate into

intolerable hardship for their children.” *In re A.C.*, 415 N.W.2d at 613. “This period must be reasonably limited because patience on behalf of the parent can quickly translate into intolerable hardship for the children.” *In re R.J.*, 436 N.W.2d 630, 636 (Iowa 1989). The juvenile court did not consider termination until Mary had been out of Dawn’s care for nearly nine months. Mary has waited too long for permanency. She need not endlessly await Dawn’s maturity. *In re T.D.C.*, 336 N.W.2d 738, 744 (Iowa 1983). “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 at 613. To keep Mary in temporary or even long-term foster care is not in her best interests, especially when she is adoptable. *In re J.L.P.*, 449 N.W.2d 349, 353 (Iowa 1989); *In re T.T.*, 541 N.W.2d 552, 557-58 (Iowa App. 1995).

AFFIRMED.