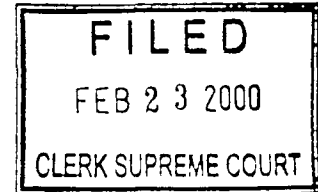


IN THE COURT OF APPEALS OF IOWA

No. 1999-523 (9-780) / 99-1212
Filed February 23, 2000



IN THE INTEREST OF

J.D.W.,
Minor Child,

L.W. and L.W., Parents,
Appellants.

Appeal from the Iowa District Court for Dallas County, Dale B. Hagen,
Judge.

Parents appeal the decision of the juvenile court which terminated their
parental rights. **AFFIRMED.**

Susan R. Stockdale of Roehrick, Hulting, Krull & Blumberg, P.C., Des
Moines, for appellants.

Thomas J. Miller, Attorney General, Diane M. Stahle, Special Assistant
Attorney General, Tabitha Gardiner, Assistant Attorney General, and Wayne
Reisetter, Assistant County Attorney, for appellee State.

~~Kenneth~~ **L. Dunahoo** of Dunahoo Law Firm, Des Moines, for the minor child.

Considered by Vogel, P.J., and Vaitheswaran, J., and Peterson, S.J.*

Senior Judge assigned by order pursuant to Iowa Code § 602.9206
(1999).

PETERSON, S.J.

~~Lyle~~ and Linda are the parents of Joshua, who was born in October 1998. They ~~appeal~~ the juvenile court decision which terminated their parental rights to this child. They claim the State failed to present sufficient evidence to support termination of their parental rights.

Lyle and Linda were married in 1993, and their first child was born later that year. When this child was six months old, he was admitted to the hospital for a serious skull fracture. Upon examination, physicians found this child had healed fractures of other bones. In addition, the child had not gained any weight between the ages of four months and six months. The parents did not have any explanation for the child's broken bones or failure to gain weight. The child was removed from their care, and their parental rights were terminated in August 1995.

Lyle and Linda had a second child in February 1995. This child was removed from their care and placed in foster care after her birth. The parents were involved with services in an attempt to teach them sufficient parenting skills to allow them to care for the child. The parents struggled to improve their parenting skills. The mother admitted they were not very attached to this child. The parents' rights to this child were terminated in October 1996.

When the child involved in the present case, Joshua, was born, he was removed from the parents' care. He was placed in foster care upon his release from the hospital. He was adjudicated to be a child in need of assistance pursuant to Iowa Code sections 232.2(6)(b) (1997) (parent is imminently likely to

abuse or neglect child) and (c)(2) (child is likely to suffer harm due to parent's failure to exercise care in supervising child).

Lyle and Linda were ordered to participate in a psycho-social evaluation. The evaluation found the parents both had low intellectual functioning. Linda was found to have very little knowledge or awareness of adequate parenting skills. Lyle's judgment was seen as rather limited, as was his insight. The parents told social workers they did not believe they had any parenting problems. The evaluation concluded the parents had limited ability to improve their parenting skills and recommended Joshua not be returned to the parents.

The parents attended supervised visitation. They received training to improve their parenting skills during visitation. The parents had a difficult time learning new skills to address Joshua's needs. They were unable to recognize Joshua's needs changed as he developed. The parents could not see their own limitations and did not seek out help. Moreover, Lyle had seizures due to epilepsy. The parents were unable to formulate a plan to keep Joshua safe in the event Lyle had a seizure, and denied any safety concerns existed.

In February 1999, the State filed a petition to terminate the parental rights of Lyle and Linda to Joshua. The juvenile court terminated the parents' rights under sections 232.116(1)(c) (circumstances which led to adjudication continue despite the receipt of services), (f) (parents' rights to another child were terminated, parent does not respond to services), and (g) (child cannot safely be returned home). The court found, despite the receipt of services, the parents did

not improve their parenting skills. The court also found Joshua would be in imminent danger of harm if returned to the parents' care. The parents appealed.

The scope of review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa App. 1997). The grounds for termination must be proven by clear and convincing evidence. *In re E.K.*, 568 N.W.2d 829, 830 (Iowa App. 1997). Our primary concern is the best interests of the child. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

The parents claim the State did not present sufficient information to support termination of their parental rights. They claim they have improved their parenting skills from earlier times when their parental rights to their first two children were terminated. They assert social workers focused only on the negative aspects of their case. The parents contend they should have been given more time to show they were able to care for Joshua.

A good prediction of the future conduct of a parent is to look at the past conduct. *In re N.F.*, 579 N.W.2d 338, 341 (Iowa App. 1998). The parent's past performance may indicate the quality of care the parent is capable of providing in the future. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

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 92, 96 (Iowa App. 1996). A child should not be forced to endlessly suffer the parentless limbo of foster care. *In re J.P.*, 499 N.W.2d 334, 339 (Iowa App. 1993). The crucial

¹ The guardian ad litem for the children has joined in the State's resistance to the parents' appeal.

days of childhood cannot be suspended while parents experiment with ways to face up to their own problems. *In re D.A.*, 506 N.W.2d 478, 479 (Iowa App. 1993). Children simply cannot wait for responsible parenting. *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990).

We find the State presented sufficient evidence to show, despite the receipt of services, the circumstances continue which led to Joshua's adjudication as a child in need of assistance. The evidence showed the parents had not sufficiently improved their parenting skills to be able to meet Joshua's needs. The parents did not believe they needed assistance. However, they remained unable to recognize Joshua's needs. The parents failed to adapt to Joshua's changing needs as he developed. The parents' rights were properly terminated under section 232.116(1)(c).

When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). Because we have determined the parents' rights were properly terminated under section 232.116(1)(c), we need not address their claims under sections 232.116(1)(f) and (g).

We affirm the decision of the juvenile court which terminated the parental rights of Lyle and Linda to Joshua.

AFFIRMED.