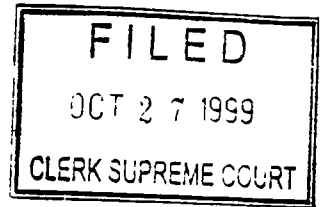


IN THE COURT OF APPEALS OF IOWA

No. 1999-237 (9-461) / 99-0215
Filed October 27, 1999



IN THE INTEREST OF R.N., J.N. and K.M.,
Minor Children,

B.N., Mother,
Appellant.

Appeal from the Iowa District Court for Lee (South) County, Gary R. Noneman, District Associate Judge.

Mother appeals from termination of her parental rights. She claims the State denied her reasonable reunification services, and she was not provided the opportunity to demonstrate her improved parenting skills. **AFFIRMED.**

Curtis Dial of Anderson Law Offices, Keokuk, and James F. Dennis, Keokuk, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Dave Andrusyk, County Attorney, for appellee-State.

W. Jon Henson, Assistant Public Defender, guardian ad litem for minor children.

Heard by Huitink, P.J., and Mahan and Hecht, JJ.

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MAHAN, J.

Beverly appeals the termination of her parental rights to her three children. She contends the State denied her reasonable reunification services, and she was not provided the opportunity to demonstrate her improved parenting skills. We affirm.

Beverly is the mother of Robert, born January 9, 1988; Joshua, born February 18, 1991; and Kristina, born November 14, 1994. Robert and Joshua were adjudicated children in need of assistance in January of 1992, Kristina in July of 1995. All three children were removed from the home in August of 1996.

The children suffer serious developmental, educational, and other problems. However, the children were doing well in their placement at the time of trial and the foster family expressed a desire to adopt all three children and keep them together.

The family has received services for years, dating back to the early 1990's, including: protective family services, case management, development disability services, preschool, AEA services (special education, speech therapy, etc.), medication for ADHD disorders, parenting classes, psychological counseling, mental health counseling, DHS caseworker services, University of Iowa Child Development Clinic evaluation and follow up, community nursing services, medical treatment, alcohol and drug dependency services, Young House Family Services, supervised visitation, and foster care. The evidence shows the State expended in excess of \$50,000 on services for this family.

Beverly is well-intentioned and loves her children. Beverly has an I.Q. of fifty-seven to seventy-five and had made some improvements in her ability to care for herself. However, at the time of the trial Beverly continued to be unable to provide even minimally adequate care for her children.

The district court expressed sympathy for the parents in this case, and stated, in part:

This is the type of case that leaves all participants in the case somewhat saddened. This is truly a situation where the best interests of the children dictate the result. The parent's unfortunate limitations, as well as the serious and profound special needs of their children, are the only reasons why termination has become a necessary result. The result in this case is not the fault of the parents, it is simply the necessary outcome of an otherwise impossible situation.

Beverly's parental rights were terminated under Iowa Code sections 232.116(1)(e) and 232.116(1)(g). Beverly appeals.

I. STANDARD OF REVIEW. Termination proceedings are reviewed de novo. Iowa R. App. P. 4; *In re M.M.S.*, 502 N.W.2d 4, 5 (Iowa 1993). Although we are not bound by them, we give weight to the trial court's findings of fact, especially when considering credibility of witnesses. Iowa R. App. P. 14(i)(7); *M.M.S.*, 502 N.W.2d at 5. The primary interest in termination proceedings is the best interests of the child. Iowa R. App. P. 14(f)(15); *In re R.K.B.*, 572 N.W.2d 600, 601 (Iowa 1998); *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). The State has the burden to prove the allegations of the petition by clear and convincing evidence. Iowa Code § 232.96 (1997).

II. REASONABLE EFFORTS. Beverly alleges although she was provided services, the State “gave up on her” as soon as a potential adoptive family was found and therefore, she contends, the State denied her reasonable reunification services.¹ Specifically, Beverly argues she was not provided the opportunity to demonstrate her improved parenting skills. We disagree.

The State must make reasonable efforts to reunite parents and children prior to termination of parental rights. *In re T.C.*, 522 N.W.2d 106, 108 (Iowa App. 1994). However, a parent does not have an unlimited amount of time in which to correct his or her deficiencies. *In re H.L.B.R.*, 567 N.W.2d 675, 677 (Iowa App. 1997) (citing *In re D.J.R.*, 454 N.W.2d 838, 845 (Iowa 1990)). Furthermore, we must view this case with urgency because the statutory time limits of Iowa Code sections 232.116(1)(e) and 232.116(1)(g) have passed. *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990); *In re A.C.*, 415 N.W.2d 609, 614 (Iowa 1987). A child should not be forced to endlessly suffer the parentless limbo of foster care. *D.J.R.*, 454 N.W.2d at 845; *Long v. Long*, 255 N.W.2d 140, 146 (Iowa 1977). “Children simply cannot wait for responsible parenting. Parenting cannot be turned off and on like a spigot. It must be constant, responsible, and reliable.” *L.L.*, 459 N.W.2d at 495.

First, the performance of efforts to place a child for adoption and the performance of reasonable efforts to prevent the need for termination of parental rights are not mutually exclusive; they may be performed concurrently. Iowa Code

¹ Beverly admits the other elements of the sections were proven by clear and convincing evidence.

§ 232.102(11). Second, as detailed above, the State has expended considerable financial resources to provide Beverly and the family numerous services for six or more years. *See H.L.B.R.*, 567 N.W.2d at 679. It is unfortunate these services have not been successful in correcting Beverly's parenting deficiencies, however, this does not prevent a finding reasonable efforts were made. *See id.*, *T.C.*, 522 N.W.2d at 108-09 (parents unable to gain the necessary skills to care for child). Third, the statutory time periods have elapsed in this case. Finally, there is no evidence Beverly could overcome her cognitive limitations within the foreseeable future even if services were continued. We find Beverly had more than adequate time to demonstrate improved parenting skills but failed to do so.

We have carefully reviewed the facts of this case. There were founded sexual abuse reports against both parents. In addition, there were founded reports of denial of critical care. The oldest child was not toilet trained until eight years of age. At the time of the termination hearing, the mother still lived in substandard housing. We agree with the district court that this is a sad case because of the limitations of the parents. However, we conclude there is clear and convincing evidence the State made reasonable efforts to reunify the family. The termination of Beverly's parental rights was not error.

For these reasons, we affirm.

AFFIRMED.