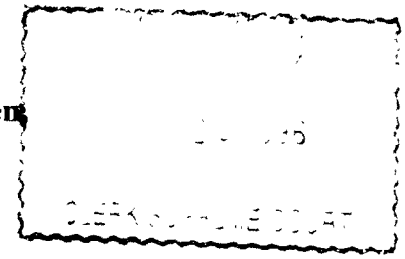
IN THE COURT OF APPEALS OF IOWA

No. 6-754 / 96-1325



**IN THE INTEREST OF M.L. and I.L., Minor Children**
**B.L., Father,**
Appellant,

**B.A., Mother,**
Appellant.

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Appeal from the Iowa District Court for Clinton County, Nancy S. Tabor, Associate Juvenile Judge.

The appellants' parental rights were terminated pursuant to Iowa Code section 232.116(1)(g) (1995). **AFFIRMED.**

Jerry L. Farwell of Farwell & Bruhn, Clinton, for appellant father.

Robert J. McGee, Clinton, for appellant mother.

Thomas J. Miller, Attorney General, Diane M. Stahle, Special Assistant Attorney General, and Ross Barlow, Assistant County Attorney, for Appellee State.

Bert Watson, Clinton, for minor children.

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

**CADY, J.**

This is an appeal from an order by the juvenile court terminating parental rights. We affirm.

Barbara and Brandon are the parents of Malcolm, born January 12, 1993, and Isiah, born March 10, 1994. The mother and father are in their early twenties and have never married.

The children initially came to the attention of the Department of Human Services (DHS) in late 1994 following a founded abuse report against Barbara for denial of critical care. The children had been left with a relative who resided in a crack house. The children were ill and in need of medical care. They were adjudicated in need of assistance (CINA) and placed with their paternal grandmother. The placement was continued following hearing in February 1995. Barbara was provided services and visitation. She was also ordered to obtain a substance abuse evaluation.

Barbara progressed under the reunification plan. She secured appropriate housing with the help of DHS funds and was employed. The children were returned to her care following a review hearing in September 1995.

Within a short period following the reunification, Barbara was discharged from her drug treatment program for failing to attend. She stopped paying rent and was evicted from her apartment. She soon lost her job, and stopped attending appointments with her case worker.

Barbara subsequently disappeared. A warrant was issued for her arrest for failure to pay court-ordered fines. Barbara eventually turned the children over to their grandmother, and was incarcerated. The children were placed in foster care. Barbara contacted her case worker in December 1995, following her release from jail, and vowed to place her children in the forefront of her life. Her case worker set up an appointment to meet with Barbara, but she failed to show up.

A hearing was held in January 1996. Barbara again vowed to change her life and do what was necessary to be reunited with her children. Within a short period of time, however, she began missing appointments with her case worker. She was discharged from another drug treatment program in February 1996 for lack of progress and poor attendance. She also lost her job. She expressed a willingness to voluntarily terminate her parental rights to the children, and was pregnant with another child.

During much of the time the children were subject to the CINA proceedings, Brandon was incarcerated for numerous crimes including drug dealing. He was originally given probation, but was placed in a residential correctional facility following violations of probation. He was later incarcerated in the county jail. Following his release, he was charged with numerous crimes in Illinois, as well as a parole violation in Illinois.

Brandon was again charged with probation violation in Iowa in March 1996, and was assigned to a structured rehabilitation program. Illinois intends to prosecute

him following his release from the program. Brandon has had very little involvement in parenting the children. Even when he was not incarcerated, he frequently missed scheduled visitations. His living situation and employment were unstable.

The State filed a petition to terminate parental rights on February 28, 1996. The hearing concluded on May 6, 1996. The juvenile court terminated the parental rights of Barbara and Brandon under Iowa Code section 232.116(1)(g) (CINA child under three years of age who cannot be returned after removal for at least six months of the last twelve months.) Both Barbara and Brandon appeal.

Barbara argues there was not clear and convincing evidence the children cannot be returned to her care, and termination is not in the best interests of the children. She emphasizes the periods of time in which she exhibited good parenting skills.

Brandon argues the state failed to use reasonable efforts to reunite him with his children. He also asserts termination was improperly based on economic considerations.

Our review is de novo. To affirm the decision of the juvenile court, we must not only find clear and convincing evidence to support termination under the statutory grounds, but also find that termination is in the children's best interest. *See In re L.H.*, 480 N.W.2d 43, 47 (Iowa 1992).

Parents must understand that time is a critical component in termination proceedings. Children need stable, permanent homes. Their interests are not served

by long-term placement in foster care or other out-of-home placement. Thus, our legislature developed a strict statutory scheme which permits termination of parental rights when children cannot be returned home after a specific period of time following removal. If children still cannot be protected from a harm which would justify removal after the statutory out-of-home period of time has expired, termination is justified. Children should not be forced to endlessly wait for their parents to grow up.

We recognize Barbara has exhibited good parenting skills at various times in the past. This, however, is not enough. Children need full-time parents. Barbara has been unable to exhibit her skills in a consistent manner. She has repeatedly promised to put her children first, and then failed to follow through. She asks for another chance. Too much time, however, has passed. Parents must recognize that the opportunity for reunification after out-of-home placement is their last change.

We find the statutory grounds for termination of Barbara's parental rights were satisfied. In particular, there is clear and convincing evidence, based on Barbara's inconsistent past, that the children would suffer the same harm which led to their removal if returned. Furthermore, termination is in the children's best interest. They are adoptable, and have the opportunity for adoption into a stable, permanent home. This will benefit them immeasurably.

We reject Brandon's claim that reasonable efforts were not made by the DHS to reunite the family. His challenge comes too late. *See In re B.K.K.*, 500 N.W.2d 54, 57 (Iowa 1993). Moreover, the termination of his parental rights is not based on

the lack of economic resources, but the lack of a real desire to be a parent. As with Barbara, we find the statutory grounds for termination were met, and the best interests of the children would be served by terminating Brandon's parental rights.

**AFFIRMED.**