

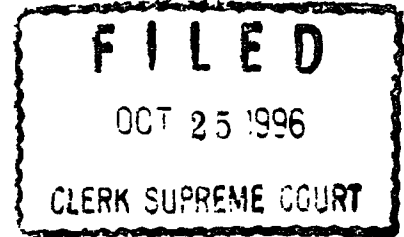
IN THE COURT OF APPEALS OF IOWA

No. 6-567 / 96-1181

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

C.D., Mother,

Appellant.



Appeal from the Iowa District Court for Polk County, Karla J. Fultz, Associate
Juvenile Judge.

Mother appeals from the juvenile court's order terminating her parental rights.

AFFIRMED.

Ronald A. Baybayan, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney
General, John Sarcone, County Attorney, and Michael Hunter, Assistant County
Attorney, for appellee.

Andrea Kurtz, Des Moines, guardian ad litem for minor child.

Decided en banc.

PER CURIAM

Carol is the mother of Alecks, born in September 1988, and LeQuan, born in July 1994. Nathaniel is the father of LeQuan.

Carol had involvement with the Department of Human Services (DHS) due to founded reports of physical abuse and denial of critical care of Alecks. Alecks was placed in foster care in May 1994 because he had been sexually abused by Nathaniel. Prior to LeQuan's birth Carol had been working as a prostitute, and LeQuan was born with syphilis and possible fetal alcohol syndrome. When LeQuan was born, in July 1994, Carol was attending a drug treatment program. She left before she completed the program.

On August 12, 1994, LeQuan was determined to be a child in need of assistance. An order was entered requiring Nathaniel to have no contact with Carol or LeQuan. LeQuan remained in Carol's care under supervision by DHS. In late 1994, Carol began chemical dependency treatment at Broadlawns. However, she quit treatment in December 1994, and had positive urinary analysis reports in January and March 1995. Carol has been in individual therapy since January 1995. Her counselor, Linda Lemons, testified Carol was improving in therapy, but needed to work on many issues.

Carol continued to see Nathaniel. Because she was not protecting LeQuan from the serious risk of abuse from Nathaniel, LeQuan was removed from her care in April 1995. LeQuan was placed in the same foster home as Alecks. That same

month, Carol again entered a substance abuse treatment center. She was discharged from the center, but did not complete an aftercare program. Carol began supervised visitation with LeQuan. Social workers noted very little bonding between Carol and LeQuan during these visits.

On June 2, 1995, Carol was found to be in contempt of court for violating the no-contact order, and was placed on probation for one year. Even after she was found in contempt, social workers continued to report seeing Nathaniel with Carol.

On January 25, 1995, the State filed a petition to terminate Carol's parental rights to Alecks and LeQuan. Carol agreed to the termination of her parental rights to Alecks. The juvenile court found Carol had failed to cooperate with services to alleviate her drug and alcohol problems and to assist her in developing parenting skills. The court also expressed concern about Carol's continuing relationship with Nathaniel. The court concluded Carol's parental rights to LeQuan should be terminated under Iowa Code section 232.116(1)(g). Carol now appeals.

The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). Our primary concern is the best interests of the child. *In re A.Y.H.*, 508 N.W.2d 92, 94 (Iowa App. 1994). Those best interests include the children's long-range as well as immediate interests. *Id.* The grounds for termination must be proven by clear and convincing evidence. *In re R.K.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995).

Carol claims the juvenile court should not have terminated her parental rights to LeQuan. She states she has made significant gains in therapy in the last months before the termination hearing. She believes that if given an additional six months, LeQuan could be returned to her care.

In section 232.116(1)(g), the legislature has determined the interval for which patience with parents may last. 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. *A.Y.H.*, 508 N.W.2d at 96. A child should not be forced to wait for responsible parenting. *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990).

Here, LeQuan had been in foster care for the required statutory time under section 232.116(1)(g), and he could still not be returned to Carol's care at the time of the termination hearing. We believe there is a question as to whether Carol has completely severed her relationship with Nathaniel and whether Carol would be able to keep LeQuan safe from possible abuse. At the termination hearing, she admitted she still talked to Nathaniel on occasion. We conclude the juvenile court properly terminated Carol's parental rights to LeQuan.

We affirm the decision of the juvenile court. We find the termination of Carol's parental rights was in LeQuan's best interests.

AFFIRMED.