IN THE COURT OF APPEALS OF IOWA

No. 1-315 / 00-2083
Filed June 13, 2001

FILED
JUN 13 2001
CLERK SUPREME COURT

IN THE INTEREST OF J.C.,
Minor Child,

S.D., Mother,
Appellant.

Appeal from the Iowa District Court for Fayette County, Alan D. Allbee, Associate Juvenile Judge.

Mother appeals from the order terminating her parental rights. **AFFIRMED.**

John W. Hofmeyer, III, Oelwein, for appellant.

Thomas J. Miller, Attorney General, M. Elise Pippin, Assistant Attorney General, and Jay D. Villont, Assistant County Attorney, for appellee-State.

Charles A. Hallberg of Hallberg Law Office, Oelwein, guardian ad litem for minor child.

Considered by Hayden, Honsell, and Harris, Senior Judges.*

*Senior Judges assigned by order pursuant to Iowa Code section 602.9206 (2001).

HARRIS, S.J.

The appeal is from an order terminating a mother's relationship with her daughter, J.C. The challenge is to the sufficiency of efforts to reunite them, as required by Iowa Code section 232.102 (1999). We have considered and now summarily reject the mother's alternative claim that termination is not in the child's best interest. The facts plainly demand rescue of the child from the tragic but clearly intolerable situation surrounding the mother. Our discussion will be limited to the efforts to reunite. We think those efforts, though doomed to failure, were more than sufficient, and we therefore affirm.

The mother, S.D., is driven to concede she lacks parenting skills. She does not quarrel with the principle that childhood cannot be suspended, and termination will not be delayed, while parents try to come to terms with a proven inability to provide for a child's minimum needs. Even when the inability is tragic, and arises through no fault of a parent, it will not do to extend the tragedy and visit it upon another generation. The efforts to reunite the parent and child, required by statute, are of course to be undertaken very seriously, but with a sense of urgency, and should not deprive the child of a seasonable resolution of a termination proceeding. *In re A.C.*, 415 N.W.2d 609, 613-14 (Iowa 1987); *In re D.A. Jr.*, 506 N.W.2d 478, 479 (Iowa Ct. App. 1993). Although the mother here does not contend against these views, she revisits them at another level. Her argument, as we understand it, is that the efforts to reunite were not sufficiently tailored to her woeful inadequacies, and should have included a remedy to accommodate her inability and seeming unwillingness to cooperate.

Only a brief sketch of the facts seems necessary. We have no idea who might be the child's biological father. He certainly was not the mother's husband who was incarcerated in prison from prior to the child's conception until the time of the termination proceeding. He was not J.W., listed on the birth certificate as the child's father, and first identified by S.D. as the biological father. And he was not Warren, the man later designated by S.D. Both J.W. and Warren tested not to be J.C.'s father.

Safety of J.C. was a real concern in structuring the efforts to reunite. J.C. was conceived while S.D. was in a halfway house following her own incarceration for forgery. Following J.C.'s birth, S.D. left her with J.W. under circumstances that have to be described as alarming. The child came to the department's attention when cocaine was found in her body, and this was determined to be a direct and foreseeable consequence of acts and omissions of J.W. The department was given custody of J.C. for suitable placement, and services for S.D. began soon after her release from incarceration. After a period of supervised visitations, a thirty-day home placement trial was ordered. It failed because S.D. violated several terms of the placement order. An especially significant violation was allowing contact with the child by S.D.'s new fiancé, a man with a record of sexual abuse.

Although prospects of a mother-daughter relationship looked bleak, the court did not give up. At the time of a dispositional review hearing, after expressing concern of S.D.'s lack of credibility and her obvious inability to parent and supervise J.C., the court continued J.C.'s placement with the department. The department was ordered to provide family therapy and assist in arranging

psychotherapy. At a permanency hearing held later, the court determined J.C. could not be returned to her mother without fear of harm. S.D. had been consistently canceling visits, and when they did occur they were chaotic due to her living conditions. The department repeatedly called S.D. about canceling counseling sessions and provided transportation on the rare occasions when S.D. requested it. S.D. was virtually homeless and living a nomadic lifestyle.

S.D. justifies her indifference by arguing that her "underlying emotional and psychological problems contribute to her chaotic life and parenting deficiencies and make it difficult for her to attend psychological counseling sessions, requiring added effort by the department." The trial court's rejection of this contention was correct. The services incident to an effort to reunite parent and child must be provided, and a parent such as S.D. must have full access to them. But force-feeding of those services is not required. It would stretch the state's burden too far to require it to inflict the services on an indifferent parent, even where the indifference might be rooted in a tragedy not of the parent's making.

To require more of the State in termination cases would make rescue impossible in the very cases where rescue is most needed. S.D. thinks this is unfair. But long experience in juvenile law has taught the courts that tailored justice for the parent must yield to the clear needs of the child. Termination in the present case was appropriate.

AFFIRMED.