

IN THE COURT OF APPEALS OF IOWA

No. 1999-234 (9-458) / 99-522

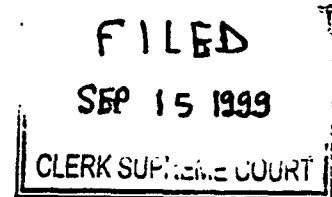
Filed September 15, 1999

IN THE INTEREST OF O.W.,

Minor Child,

R.W., Mother,

Appellant.



Appeal from the Iowa District Court for Dubuque County, Jane C. Mylrea,
Associate Juvenile Judge.

R.W. appeals from the juvenile court's termination of her parental rights to her
minor child. **AFFIRMED.**

Dan McClean of McClean Law Office, Dyersville, for appellant.

Thomas J. Miller, Attorney General, Chris Odell, Assistant Attorney General,
and Jean Becker, Assistant County Attorney, for appellee-State.

Monica L. Ackley, Dubuque, Guardian ad litem for minor child.

Considered by Vogel, P.J., Zimmer, J., and Hayden, S.J.*

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

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HAYDEN, S.J.

Rebecca is the mother of Octavianna, who was born in September 1996. Rebecca appeals the decision of the juvenile court which terminated her parental rights. She claims there is not sufficient evidence to support the termination and termination is not in the best interests of the child. We affirm.

Rebecca came to the attention of the Department of Human Services (DHS) in May 1997 after Octavianna was hospitalized for dehydration. DHS issued a founded report of denial of critical care because Rebecca had not sought timely medical assistance.

DHS issued a second founded report of denial of critical care in September 1997 because Rebecca had allowed her brother, a known sex offender, to care for the child. In addition, Rebecca's home was so filthy it was harmful to the child. There was garbage and small objects on the floor which could have presented a risk of choking to a small child.

In June 1998, DHS issued a founded report of denial of critical care because Rebecca had been leaving Octavianna alone in the apartment for up to an hour at a time. There were also concerns about the unsanitary conditions of the home. Rebecca began to receive services.

In July 1998, the home remained filthy. There was garbage, moldy food, a medicine bottle, and an ink bottle in areas accessible to the child. A social worker found Octavianna sleeping in a hot room. This was harmful because the child was in danger of suffering a heat stroke. They were also concerned because Rebecca had

a teen-age tattoo party in her home. DHS issued another founded report of denial of critical care.

Octavianna was removed from the home on July 10, 1998 and placed in foster care. She was adjudicated to be a child in need of assistance under Iowa Code sections 232.2(6)(c)(2) and (g). Pursuant to section 232.96(10), as amended in 1998, the juvenile court warned Rebecca the consequences of a permanent removal may include termination of her parental rights.

Rebecca participated in supervised visitation. She missed some visits. DHS issued a founded report of denial of critical care against Rebecca for smoking during visits. Rebecca had been advised by a doctor not to smoke in front of Octavianna due to her asthma. Otherwise, visits went very well. During supervised visits, Rebecca received assistance in parenting skill development.

Rebecca lost her apartment and began living with various friends. She did not have stable employment. She did not always spend her income wisely. She participated in a psycho-social evaluation, which found she had a tendency to blame others and minimize the severity of her actions. She also completed a psychological evaluation. The evaluation found Rebecca was immature and did not have good insight into her problems. Rebecca participated in individual counseling.

Octavianna has done well in foster care. She suffers from asthma, but does not have any other special needs. She is talking more since being placed in foster care. Octavianna is considered to be adoptable. There are several families looking for a child like her.

On January 14, 1999, the State filed a petition to terminate Rebecca's parental rights. The court found Rebecca was unable to provide a safe and stable home for the child. Rebecca's parental rights were terminated pursuant to section 232.116(1)(g). Rebecca appealed.

The scope of review in termination cases is de novo. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1994). 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).

Rebecca contends there is insufficient evidence to show Octavianna cannot be returned to her care, which is an element of section 232.116(1)(g). She claims DHS improperly required her to have her own apartment when she was not financial able to do so. Rebecca asks for more time to comply with the requirements of the case permanency plan.

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 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).

The problem was not so much Rebecca did not have her own apartment, but she was unable to provide an adequate home for Octavianna. Rebecca had been living with people who would not be appropriate to be around a child. She was still living with a friend at the time of the termination hearing. It was unknown whether Rebecca's housekeeping skills had improved. Rebecca was given adequate time to address the concerns which led to Octavianna's removal. We hold Rebecca's parental rights were properly terminated under section 232.116(1)(g).

Rebecca asserts termination of her parental rights is not in Octavianna's best interests. She claims she has a close bond with Octavianna and it would be detrimental to the child to sever that bond.

Even if the statutory requirements for termination of parental rights are met, the decision to terminate must still be in the best interests of the child. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). In determining the best interests of children, a court looks to the child's long-range and immediate interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). The court must consider the physical, mental, and emotional condition and needs of the child in deciding whether to terminate parental rights. *In re C.W.*, 554 N.W.2d 279, 282 (Iowa App. 1996).

Rebecca has not shown an ability to put Octavianna's needs before her own. In the past, Rebecca put her desire to run around with her friends before Octavianna's need for a stable home. Rebecca has not shown the maturity needed to provide a safe and secure home for Octavianna. We hold it is in Octavianna's best interests to terminate Rebecca's parental rights.

We affirm the decision of the juvenile court terminating Rebecca's parental rights to Octavianna.

AFFIRMED.