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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE INTEREST OF J.A.V. AND L.M.V., Children;	)	438
K.R., Mother	)	8-254 / 87-1618
Appellant.	)	

Appeal from the Iowa District Court for Pottawattamie County (No. Ju 00461) - G. C. Abel, Judge.

The mother of two children appeals the termination of her parental rights. **REVERSED AND REMANDED.**

Timothy O'Grady, of Over, Over & Over, Council Bluffs, for appellant.

Thomas J. Miller, Attorney General; Gordon E. Allen, Deputy Attorney General; Charles K. Phillips, Assistant Attorney General; and E. A. Westfall, Assistant County Attorney, for appellee, the State of Iowa.

Heard by Oxberger, C.J., and Schlegel and Sackett, JJ.

SACKETT, J.

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J.A.V. and L.M.V. are the natural children of the mother-appellant, K.R. On January 13, 1984, they were removed from the care of their mother and placed in foster care. At the time the children were removed the mother was twenty-one years old. In addition to J.A.V. and L.M.V., who were three and one years old, the mother had a five-year-old who was living with the children's father in California. The children were removed due to physical abuse and injury inflicted by T.W., the mother's boyfriend. The reports also indicate the mother failed to seek prompt medical attention for the children, but there was no evidence or claim of any active abuse of the children by the mother. The children were found to be in need of assistance, based upon the mother's admissions at the adjudication hearing.

Shortly after the adjudication hearing, the mother permanently severed her relationship with T.W., and she later testified against him in a criminal prosecution. The children were placed in foster care where they were found to suffer from developmental delay.

Between the adjudication hearing, and the dispositional hearing, the mother was arrested for first degree theft. She pleaded guilty to the charges, and spent nearly seven months in a residential correction facility. While living in the correctional facility she was evaluated and began therapy. Because she had only completed eight grades she

began work on her G.E.D. while in the correctional facility. She completed the G.E.D. after her discharge. She attended Alcoholics Anonymous while at the correctional facility. Her attendance was not regular.

While living in the correctional facility she worked at Terminal Packing. She met a man, M.L., and began dating him. She was released from the correctional facility, she began living with M.L., his parents, and his three siblings, two of whom were adults. She continued to visit her children every weekend, and said visits occurred in the home of M.L.'s parents without state supervision. She was not permitted overnight visitations with her children. During this time, neither she nor her boyfriend owned an automobile, and she had no driver's license. She was not fully employed. Transportation and finances were a problem.

She had been attending therapy at Mercy Mental Health in Council Bluffs. In the summer of 1985, while she was unemployed, she got behind on her bill and was told that she would need to catch up on her bill before she could receive further therapy.

At the review hearing in October 1985 she was advised by the Juvenile Court that she must show improvements or face termination of her parental rights. In the period of time between October 1985 and the termination hearing she obtained a steady full-time job at Max I. Walker. She and

M.L. rented a home large enough to accommodate the children. She obtained her driver's license and was able to resolve the dispute over her account at Mercy Mental Health, and re-entered therapy. At the termination hearing the therapist said she was making good progress, and that the children could be reintegrated into her home. To her discredit, she had not completed parenting classes and had only been sporadically attending Alcoholics Anonymous meetings.

The hearing on the petition for parental rights was held May 22 and May 23, 1986. The trial court took the matter under advisement during which time the mother continued to have weekly visits with the children. The trial court's decision terminating parental rights was not filed until November 25, 1987, some eighteen months after the hearing.[1] We find no reason for the court to take eighteen months to reach a decision. Fortunately, during the eighteen month period the children remained in the same foster home.

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1. The Iowa Supreme Court has recently, as a part of their supervisory powers, entered an order designed to eliminate such delays. On July 28, 1988, the court filed an order amending time standards for case processing. In termination cases the standard is five months from the filing of a petition for termination for parental rights to disposition. While the standards are not mandatory and are guidelines, the court urges their use by the court to aid in their deliberation. Additionally, the court directed the State court administrator to continue efforts toward the establishment of a statewide information system with capability of monitoring compliance with the standard.

When the matter finally was briefed and argued to us on June 2, 1988, we were advised during the period this matter had been languishing in the courts the mother, who was just twenty-one years old when the children were removed, had maintained stability of employment for two years, she was sober, had no arrests and maintained a stable relationship. There was a strong indication she was now able to assume care of the children. There was evidence of bonding between mother and children and an indication the foster mother, who has had the children for four years, feels the mother should regain custody. During the eighteen months the matter waited for decision in the trial court the mother continued to exercise visitation with the children.

In an unprecedented move, we remanded this matter to the trial court. To assure speedy resolution, we set specific time frames on the hearing for remand. The trial court complied with these time frames, took additional evidence and affirmed the termination order. The matter has been returned to us.

The evidence on remand shows the mother currently lives in a very adequate and clean apartment. She lives with M.L. with whom she has maintained a relationship for over three years. She has maintained steady employment for two years, however, recently quit the job. Her boyfriend is gainfully employed and she would hope to rely on him for

support and stay home to care for the children. During the eighteen-month period following the hearing and prior to the termination hearing, she had regular and satisfactory visitation with the children. There is not substantial evidence the children would be at risk if returned. The mother has attended a series of counseling sessions and through the course has worked on parenting skills. She attended regularly and missed no sessions from September 1986 until May 1987. At that time she terminated the sessions. The STEP parenting course was started but not completed. The mother has quit going to Alcoholics Anonymous, but there is no evidence of any alcohol or drug abuse. There have been no further criminal charges.

While this mother waited for a resolution in our court system the mother, who was a child herself when these children were born, matured from an irresponsible to a responsible adult. The change came during the years many young people mature, discard the irresponsibility of youth and accept the responsibilities of adulthood. There is not clear and convincing evidence the children will suffer harm if returned to the mother's care. In re A.M.S., 419 N.W.2d 723, 725 (Iowa 1987); In re K.L.C., 272 N.W.2d 223, 228 (Iowa 1985).

We reverse the termination order and remand to the district court. The children should remain children in

need of assistance. The children have problems and it is necessary they continue the counseling they received while in foster care. The mother also should resume counseling to assist her with the problems that will be presented by the introduction of the children into the home. The return should be ordered at the earliest possible date.

REVERSED AND REMANDED.