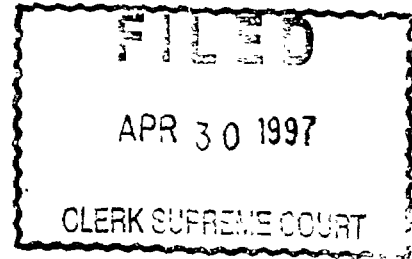


IN THE COURT OF APPEALS OF IOWA

No. 7-113 / 96-1774

IN THE INTEREST OF M.R.S., Minor Child,
B.S.K., Mother,
Appellant,



Appeal from the Iowa District Court for Woodbury County, Mary L. Timko,
Associate Juvenile Judge.

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

AFFIRMED.

Martha M. McMinn, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Diane Stahle, Special Assistant Attorney
General, Charles K. Phillips, Assistant Attorney General, Thomas S. Mullin, County
Attorney, and Dewey P. Sloan, Assistant County Attorney, for appellee-State.

Heard by Sackett, P.J., Cady, and Vogel, JJ.

CADY, J.

Brandy K. appeals an order by the juvenile court terminating her parental rights to her child Michael Ray S. Brandy claims the State failed to provide her with sufficient services and the State is biased against her. On our de novo review, we affirm the juvenile court.

Brandy was eighteen years old at the time of Michael's birth on May 24, 1993. In July 1993, Michael was hospitalized and diagnosed with failure to thrive. Additionally, he had a history of other ailments. There were indications Brandy would not authorize protective vaccinations, and doctors were concerned that Michael was not receiving proper nutrition and care. Michael was removed from Brandy's care, and the State filed a child in need of assistance petition.

In October 1993, the parties stipulated Michael was in need of assistance, and that he should be removed from Brandy's custody. In the adjudication order, the court noted Brandy was unable to properly care for Michael's medical and physical needs, she was living with her paramour, Phillip, in an unfit apartment, and she was more concerned about her friends and romantic relationships than she was about Michael. The court also noted Brandy's reluctance to cooperate with parenting services.

In December 1993, the court returned Michael to Brandy's custody. It noted Brandy and Phillip were cooperating with services, including supervised and

unsupervised visitations, and were living with Brandy's father. It also ordered the parties to continue to comply with the case permanency plan.

By the review hearing in September 1994, Brandy had received her GED and was complying with services, but was having difficulties with her father. As a result of those difficulties, Michael resided with relatives in Wisconsin for a three-week period. At the time of the hearing, Brandy was seeking a permanent residence and employment. The court allowed Michael to remain in Brandy's custody, but noted Brandy had "a history of developing relationships with men that are not in the best interests of herself or her son," and it was concerned these relationships would take precedence over Michael.

In February 1995, the court removed Michael from Brandy's custody due to her lack of cooperation and involvement in services, her frequent change of residence, her failure to provide Michael with appropriate medical care, and her loss of governmental assistance. In April 1995, the court placed Michael in the care of Brandy's father. It found Brandy had returned to a wandering lifestyle, she was unemployed, and she refused to enter the Villa Maria Program with Michael to obtain full-time parenting services.

By the review hearing in June 1995, Brandy had only visited Michael four times during the prior six months, and her attendance at programs and classes was inconsistent. Brandy obtained a psychological evaluation which recommended close supervision during visitations. Brandy remained unemployed and did not have a

permanent residence. She was also harassing her father and his wife. Although Brandy agreed to participate in the Villa Maria Program, the program would not accept her until she showed some cooperation with other services.

On February 9, 1996, the State filed a petition to terminate parental rights. The court denied Brandy's application to hire an independent expert. The State agreed to continue the hearing due to Brandy's apparent cooperation. In March 1996, Brandy married Richard K. Brandy missed several visits with Michael and other appointments between March and May 1996. She also failed to seek assistance from other programs after her funding for services at one agency was depleted.

The termination hearing was held on June 24, 1996. During the hearing, the prosecutor referred to Brandy as "this particular mother, using the term loosely." Additionally, a social worker laughed after being asked whether she developed a rapport with Brandy.

On September 9, 1996, the court terminated Brandy's parental rights pursuant to Iowa Code sections 232.166(1)(c), (d), and (g) (1995). It noted Brandy had been offered numerous services, and she made progress only when she chose to do so. It rejected her argument that she had a psychological defect which prevented her from cooperating with the service providers.

Brandy appeals, and argues, in part, she was making progress but the State failed to offer the necessary services. She argues the State has a prejudicial attitude

against her, as evidenced by the prosecutor's undiplomatic statement and the social worker's laughter at the termination hearing.

Our review is de novo. *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). We review all the evidence and adjudicate the parent's rights anew. *Id.* Termination must be established by clear and convincing evidence. Iowa Code § 232.117(2) (1995).

We have repeatedly emphasized termination hearings are not the appropriate time to challenge the reasonableness of services. *See In re B.K.K.*, 500 N.W.2d 54, 57 (Iowa 1993). Challenges are due far earlier in the process. *Id.*

Nevertheless the record reveals Brandy was provided with abundant services over a long period of time, including classes and parenting programs. The problem was her motivation and participation in the services offered to her was at best inconsistent. Her cooperation with individuals assigned to her case was also inconsistent. At times Brandy was cooperative. At other times she was highly uncooperative to the point of being belligerent and explosive.

Brandy asserts she has made some improvements in her parenting skills. Her service providers testified she made little if any progress. Regardless, "some progress" by a parent is not enough. *In re D.A.*, 506 N.W.2d 478, 479 (Iowa 1993). Brandy continues to exhibit the same irresponsible behavior which contributed to the start of the State's involvement in her case. She missed several appointments and visitations even in the three months prior to the termination hearing.

The services provided for Brandy were more than adequate; her participation less than adequate. 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. 1993). We cannot suspend the crucial days of Michael's childhood waiting for Brandy to mature to the point where she is capable of undertaking the responsibilities of parenting. See *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987).

Further, we reject Brandy's arguments the State is prejudiced against her. Without determining the appropriateness of the two incidents during the termination hearing Brandy objects to, we find neither incident remotely suggests a reversal of the termination. The record clearly reveals Brandy has failed to consistently cooperate with the services provided to her. Further, on occasions her behavior toward service providers has been intolerable.

We have considered all Brandy's arguments and find them to be unpersuasive. We find the statutory grounds for termination of parental rights have been met in this case. We also conclude termination is in the best interest of Michael. We affirm the juvenile court.

AFFIRMED.

Vogel, J., concurs; Sackett, P.J., concurs specially without opinion.