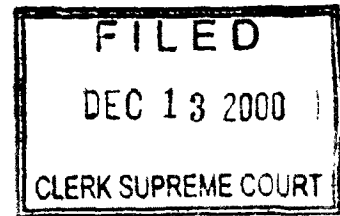


IN THE COURT OF APPEALS OF IOWA

No. 0-689 / 00-1113
Filed December 13, 2000



IN THE INTEREST OF
B.J.W., A Minor Child,

G.W., Mother,
Appellant.

Appeal from the Iowa District Court for Muscatine County, Nancy S. Tabor, Judge.

Mother appeals the termination of her parental rights. **AFFIRMED.**

Jeffrey L. McCraw, Assistant Public Defender, Muscatine, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Teresa Stoeckel, Assistant County Attorney, for appellee State.

Douglas Johnston, Muscatine, for minor child.

Considered by Streit, P.J., and Vogel and Miller, JJ.

STREIT, P.J.

A mother appeals the decision of the juvenile court that terminated her parental rights to her child. She claims the State did not present sufficient evidence to justify termination of her parental rights. We affirm on appeal.

Georgette and Bill are the parents of Billy, born in January 1996. Bill was Billy's primary caretaker. The family began to receive parenting skill services in 1997. In May 1998 the parents separated and began to pursue a dissolution of marriage. Billy was placed in Bill's temporary physical care.

In September 1998 Bill threatened another person with a loaded gun while Billy was in the home. Billy was removed from Bill's care on September 18, 1998, and placed in the care of Georgette. Georgette and Billy lived in a homeless shelter. Georgette told social workers she was overly stressed and needed assistance to care for Billy. Billy was adjudicated to be a child in need of assistance pursuant to Iowa Code sections 232.2(6)(b) and (c)(2).

On October 21, 1998, Georgette, Billy, and Georgette's boyfriend were in a serious car accident. Georgette injured her leg and was required to use a wheelchair for a period of time.¹ She agreed to place Billy with Bill's cousins. Social workers had requested Georgette not allow her boyfriend to have contact with Billy because of his history of domestic abuse and drug use. Georgette ignored this advice and continued her relationship with her boyfriend.

Georgette told social workers she had no parenting skills and did not possess the patience to parent a two-year-old child. She received skill

¹ Georgette recovered and returned to work in April 1999. The record does not show exactly how long she was in a wheelchair.

development services. She briefly attended a domestic violence program and mental health counseling. Georgette never obtained a recommended psychological evaluation.

Georgette moved to a different town in December 1998. Due to transportation difficulties, she requested only one visit with Billy per month. This was later changed to two scheduled visits per month. Georgette was very inconsistent in attending visits. At times when she did exercise visitation, she would return Billy early. Georgette had one visit with Billy in March 1999, no visits or contact in April 1999, and made one telephone call to him in May 1999. She also had no contact with him from mid-December 1999 to mid-January 2000.

In December 1999 the juvenile court entered an order relieving the State from providing any additional services to the parents due to their inability to benefit from services. Georgette did not independently pursue any services. In February 2000 the State filed a petition to terminate the parental rights of Georgette and Bill to Billy.

Billy has done very well in the home of Bill's cousins. He has a speech delay and learning disability, and they have attempted to meet his educational needs. Billy's half-sister is also in the home of Bill's cousins. Billy is bonded with his family in this home.

The termination hearing was held in May 2000. At the time of the hearing, Georgette was living in a motel room with a boyfriend. The juvenile court terminated Georgette's parental rights under sections 232.116(1)(d) and (e). Bill

agreed to termination of his parental rights. The court found Billy could not be returned to Georgette's care without suffering harm. Georgette appeals.

The scope of review in termination cases is de novo. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa App. 1997). The grounds for termination must be proven by clear and convincing evidence. *In re S.R.*, 600 N.W.2d 63, 64 (Iowa App. 1999). Our primary concern is the best interests of the children. *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000).

Georgette contends the State did not present sufficient evidence to warrant termination of her parental rights to Billy. She claims there is insufficient evidence to show Billy could not be safely returned to her care. Georgette asserts there is no risk of harm to Billy if he were returned to her care.

There is clear and convincing evidence in the record to show Billy could not be safely returned to Georgette's care at the present time. Georgette had provided very little care for Billy over his lifetime. She admitted Bill was the child's primary caretaker while the parents lived together. After they separated, Billy was in Bill's care. Billy was in Georgette's sole care for only about one month, and during that time Georgette made repeated calls to social workers asking for assistance because she had no parenting skills and did not possess the patience to parent Billy. During the one month Billy was in Georgette's care, she often asked Bill's cousins to care for the child. After Billy was placed with Bill's cousins, Georgette has been very inconsistent in attending visitation. Her actions show a lack of interest in her child. Throughout Billy's life, Georgette has always placed her own interests before that of her child. We find Billy would

likely be subject to neglect if he were placed in Georgette's care. Georgette's parental rights were properly terminated.

We affirm the decision of the juvenile court.

AFFIRMED.