

IN THE COURT OF APPEALS OF IOWA

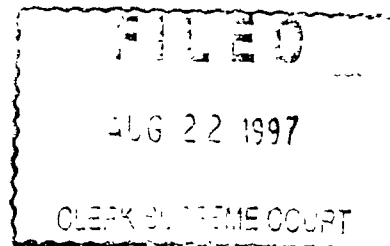
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No. 7-394 / 97-0327

**IN THE INTEREST OF C.S.-F. and A.S.-F.,
Minor Children,**

M.S., Mother,

Appellant.



Appeal from the Iowa District Court for Woodbury County, Brian L. Michaelson, Associate Juvenile Judge.

The mother of two minor children appeals a district court order terminating her parental rights. **AFFIRMED.**

Shelly A. Horak, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Charles K. Phillips, Assistant Attorney General, and Dewey J. Sloan, Assistant County Attorney, for appellee State.

Joseph Kertels of Youth Law Center, Sioux City, guardian ad litem for minor children.

James M. Carlin, Sioux City, for grandmother D.S.

Considered by Habhab, C.J., and Sackett and Cady, JJ.

PER CURIAM.

Michelle and Francisco are the parents of Christopher, born on September 22, 1991, and Angel, born on July 5, 1994. The parents were not married.

Michelle began her involvement with the Department of Human Services (DHS) when Angel was born because he tested positive for illegal drugs. DHS issued a founded report of exposure to illegal drugs. Michelle began to receive Family Preservation Services.

On March 19, 1995, Angel was taken to the hospital with a head injury. The next day, Michelle's mother, Donna, brought Christopher to the doctor because he had a dislocated elbow.¹ Michelle admitted she had been using methamphetamine. She also stated Francisco, a known drug dealer who is presently incarcerated, was frequently violent toward her. The juvenile court entered a temporary removal order and the children were placed in foster care.

On April 28, 1995, Christopher and Angel were adjudicated to be children in need of assistance. The court placed them in the care of Donna, under the supervision

¹ We adopt as our own the following factual findings taken from appellant's brief: ~~C.F.S. and A.F.S. were removed from their mother's care on March 20, 1995, pursuant to a removal order issued by the court. The removal was based upon allegations that A.F.S. had been admitted to the hospital due to a skull fracture and that the injury was not consistent with the history provided by the mother and C.F.S. was also seen at the hospital for a dislocated elbow. The maternal grandmother reported that the mother was a drug addict and she was very physical with the children. C.F.S. and A.F.S. were ultimately placed in the care of their grandmother at the time of the adjudicatory hearing.~~

of DHS. Donna allowed Michelle to have frequent contact with the children. Michelle refused substance abuse treatment, continued to maintain a free lifestyle with the use of drugs, and further continued her violent relationship with Francisco.

On an impulse, Michelle married Scott on December 28, 1995. Scott was a drug addict and had an extensive criminal history. Francisco was imprisoned on drug charges in February 1996. Because he was an illegal alien, he was expected to be deported after he served his time in prison.

Despite her marriage to Scott, the juvenile court, on June 5, 1996, determined the children could be returned to Michelle's care if she entered a substance abuse treatment program. The court informed Michelle that if she failed to cooperate with the program the children would be placed in foster care instead of with Donna. Michelle entered treatment on June 12, 1996, and left against medical advice two days later. On June 18, 1996, the children were placed in foster care.²

Michelle entered a different in-patient treatment program on June 26, 1996. After she was discharged, she resumed living with Scott. Michelle relapsed from sobriety after she was discharged from treatment.

² The record establishes that little could be done to help Michelle resolve her substance abuse problems, and although the case plan recommended treatment for her, and her mother was trying to have her committed, Michelle could not be found. The record establishes that Michelle failed to attend the dispositional hearing, and a missing persons report was filed on her.

On August 23, 1996, the State filed a petition for the termination of the parental rights of Michelle and Francisco.³ After the petition was filed, Michelle re-entered substance abuse treatment. She did not testify at the termination hearing. The juvenile court terminated Francisco's parental rights. He has not appealed.

The court terminated Michelle's parental rights pursuant to Iowa Code sections 232.116(1)(d), (e), (g) and (k). She has appealed. The guardian ad litem has made no appearance in the appeal, but did participate at the termination hearing.

I. 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 R.R.K.*, 544 N.W.2d 274, 277 (Iowa App. 1995). Our primary concern is the best interests of the children. *In re A.B.*, 554 N.W.2d 291, 293 (Iowa App. 1996).

II. Michelle contends the State failed to make reasonable efforts to reunite her with her children. She believes DHS offered services to Donna and focused on placing the children with her. Michelle claims she was not offered adequate services.

Reasonable services must be provided to attempt to reunite a family before the State can terminate parental rights. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa App. 1994). On our de novo review, we determine the State made reasonable efforts to reunite her with her children. DHS offered Michelle services which included

³ There is testimony Michelle was on crank as late as a few months prior to the termination hearing.

parenting skills class, family centered services, parent survival services, and supervised visitation. Michelle chose not to participate with these services. The DHS social worker testified Michelle was not cooperative with services, and instead was more interested in pursuing a drug-related lifestyle.

III. Michelle claims the State failed to prove, by clear and convincing evidence, the elements necessary to terminate her parental rights. She claims there is insufficient evidence to show the children could not be returned to her care at the present time.

We find there is sufficient evidence to terminate Michelle's parental rights under sections 232.116(1)(e) and (g). The children had been out of the home for the requisite statutory period of time. Michelle did not successfully complete substance abuse treatment within this period. There was no evidence to show she had addressed the issues of domestic abuse which had invaded her home. She was not cooperative with services. The evidence does not show that circumstances have changed since the children were removed from the home. We conclude the children could not be returned to Michelle's care at the present time.

IV. Michelle also claims the State failed to prove the elements of sections 232.116(1)(d) and (k). When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm. *In re A.J.*, 553 N.W.2d 909, 911 (Iowa App. 1996). We have already found Michelle's parental rights were properly

terminated under sections 232.116(e) and (g). Therefore, we need not address her claims involving sections 232.116(1)(d) and (k).

V. Michelle claims termination is not in the best interests of the children. She believes the children are bonded to her.

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. 1994). 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).

We have determined Michelle is not presently in a position to meet the needs of Christopher and Angel. We determine the children should not be required to wait longer for permanency in their lives. There was evidence the children are adoptable. We find it is in their best interests to terminate Michelle's parental rights.

We affirm the decision of the juvenile court terminating Michelle's parental rights to Christopher and Angel.

AFFIRMED.

Habhab, C.J., and Cady, J., concur; Sackett, J., concurs specially without opinion.