

IN THE COURT OF APPEALS OF IOWA

No. 0-102 / 10-0025
Filed February 24, 2010

**IN THE INTEREST OF I.O.,
Minor Child,**

**J.E., Mother,
Appellant.**

Appeal from the Iowa District Court for Black Hawk County, Daniel L. Block, Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Michael H. Bandy, Waterloo, for appellant mother.

Kathryn J. Mahoney, Waterloo, for father.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steven Halbach, Assistant County Attorney, for appellee State.

Melissa Anderson-Seeber, Waterloo, for minor child.

Considered by Vaitheswaran, P.J., and Potterfield and Mansfield, JJ.

MANSFIELD, J.

A mother appeals the juvenile court order terminating her parental rights pursuant to Iowa Code sections 232.116(1)(d) and (h) (2009). We affirm.

I. Background Facts and Proceedings.

Jean is the mother and Troy is the father of I.O., born December 2007. I.O. resided with his mother, his father, and his three older half-siblings (Jean's children from a previous marriage).

In August 2008, the Iowa Department of Human Services initiated a child abuse assessment after receiving reports that Troy had sexually abused I.O.'s oldest half-sister. The half-sister was taken to a child protection center where she was found to have "a significant injury consistent with recent sexual abuse." At the center, Jean was unwilling to acknowledge that the abuse occurred or that Troy was capable of the abuse.

Following the incident, Jean was told not to allow Troy in the home or around her children. However, Jean continued to allow Troy to stay at her home. As a result, the children were removed from her care in September 2008.

On October 14, 2008, the children were adjudicated children in need of assistance under Iowa Code sections 232.2(6)(c)(2) and (d) (2007). I.O.'s half-siblings were placed into the care of their biological father, while I.O. was placed into family foster care.

Following the adjudication, Jean was offered family-centered services including supervised visitations, play therapy, a mental health evaluation, mental health therapy, and family team meetings. Despite being offered these services,

Jean continued to seek to maintain a relationship with Troy, and refused to believe the confirmed incident of sexual abuse.

In December 2008, Jean was arrested and charged with child endangerment stemming from the sexual abuse incident in August. On May 14, 2009, Jean pled guilty to child endangerment causing bodily injury in violation of Iowa Code section 726.6, a class D felony. Jean was sentenced to five years of incarceration, all suspended, and was placed on supervised probation for two to five years with a requirement that she “shall not be responsible for the care of any child.”

The following day, the State filed a petition seeking to terminate Jean’s parental rights to I.O. The juvenile court held a hearing on the petition on December 2, 2009, and entered an order terminating Jean’s parental rights on December 18.¹ Jean appeals.

II. Scope and Standard of Review.

We review proceedings for the termination of parental rights *de novo*. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). We give weight to the juvenile court’s factual findings, but are not bound by them. *Id.*

III. Analysis.

Jean’s petition on appeal does not comply with Iowa Rules of Appellate Procedure 6.201(1)(d) and 6.1401-Form 5, which require an issue statement “setting forth specific legal questions.” Form 5 provides that “[g]eneral

¹ Troy’s parental rights were also terminated pursuant to Iowa Code sections 232.116(1)(a), (d) and (h). He has not appealed.

conclusions, such as ‘the trial court’s ruling is not supported by law or the facts,’ are not acceptable.”

Here, Jean’s only “issue” is set forth as follows: “The District Court erred in terminating the parental rights of the mother.” This amounts to nothing more than saying, “I appeal.” Jean offers no guidance as to the actual issues she is raising. *Cf. In re J.A.D.-F.*, 776 N.W.2d 879, 883-84 (Iowa Ct. App. 2009) (criticizing the petition on appeal for not providing supporting arguments, but still reaching the merits of the appeal because the petition raised identifiable issues).

Because of the inadequacy of Jean’s petition on appeal, we decline to speculate as to the issues she intended to raise. Instead, we will limit our review to the single question of whether termination was in the best interests of I.O. *In re E.H. III*, 578 N.W.2d 243, 248 (Iowa 1998) (“Our overriding consideration is the best interest of the children.”). In considering a child’s best interests, we give “primary consideration to the child’s safety, to the best placement for furthering the long-term nurturing and growth of the child, and to the physical, mental, and emotional condition and needs of the child.” *In re P.L.*, ___ N.W.2d ___, ___ (Iowa 2010) (quoting Iowa Code § 232.116(2)).

Upon our de novo review of the record, we agree with the juvenile court’s finding that termination was in I.O.’s best interests. At the time of the termination, Jean had pled guilty to a child endangerment charge and was unavailable to parent for the next two to five years. Also, Jean had not demonstrated a willingness to forego her relationship with Troy despite the hazards it presented for I.O. “Children simply cannot wait for responsible parenting.” *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990). I.O. should not be forced to wait endlessly and

suffer the parentless limbo of foster care. *In re J.P.*, 499 N.W.2d 334, 339 (Iowa Ct. App. 1993). I.O. has also been removed from Jean's care for over a year. I.O. is currently placed in a concurrent foster/adopt placement where he has thrived. This family has expressed an interest in adopting I.O. Therefore, we conclude that termination is in I.O.'s best interests.

Accordingly, we affirm the order of the juvenile court.

AFFIRMED.