

IN THE COURT OF APPEALS OF IOWA

No. 0-150 / 10-0106
Filed April 8, 2010

**IN THE INTEREST OF C.L., C.C., and L.L.,
Minor Children,**

S.L., Mother,
Appellant.

Appeal from the Iowa District Court for Black Hawk County, Kellyann M. Lekar, Judge.

A mother appeals the termination of her a parental rights to her children.

AFFIRMED.

Kelly J. Smith of Kelly J. Smith, P.C., Waterloo, for appellant.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Steve Halbach, Assistant County Attorney, for appellee.

Emily Carr of Gallagher Law Firm, P.C., Waterloo, for father.

Linnea Nicol, Waterloo, attorney and guardian ad litem for minor children.

Considered by Vogel, P.J., and Eisenhauer, J., and Miller, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

EISENHAUER, J.

A mother appeals the termination of her parental rights to her children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. We review her claim de novo. See *In re N.E.*, 752 N.W.2d 1, 6 (Iowa 2008).

The children first came to the attention of the Department of Human Services during the summer of 2008 after the mother left the children—then aged seven, two, and one—unattended. The children were removed from the mother’s custody and adjudicated in need of assistance. Throughout the thirteen months from date of removal to the termination hearing, the mother has had problems maintaining stable housing and employment. Very little has changed in regard to the mother’s parenting skills. The mother did not progress beyond two-hour supervised visitations three times per week. As a result, a petition for termination was filed in September 2009 and parental rights were terminated pursuant to Iowa Code sections 232.116(1)(b), (e), (f), and (h) (2009).

The mother contends there is insufficient evidence to support termination. We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Termination is appropriate under sections 232.116(1)(f) and (h) where there is clear and convincing evidence the child has been adjudicated in assistance, has been removed from the parents’ custody for a requisite period of time depending on the child’s age, and “[t]here is clear and convincing evidence that the child cannot be returned to the custody of the child’s parents as provided in section 232.102 at the present time.” The

mother's only argument concerns whether the children can be safely returned to her care.

We conclude the State proved the children could not be returned to the mother's care at the time of termination. The mother has a history of neglect, leaving the children unsupervised, and failing to obtain medical treatment for them. The children had significant unattended medical needs when removed from the mother's care and the mother has failed to attend some medical appointments since removal. Because she has not maintained stable housing, the mother has been unable to progress beyond short, supervised visitations with the children. There is no evidence suggesting the children could be returned to her. The mother did not testify she is ready for the children to be returned to her. However she argues on appeal she could obtain housing through the receipt of public assistance if the children were returned to her. She hints an additional six months time is necessary for her to be able to have the children returned to her care.

While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience has been built into the statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). Once the statutory limits established in section 232.116 have passed, "the rights and needs of the child rise above the rights and needs of the parents." *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). Children should not be forced to endlessly await the maturity of a natural parent. *In re C.B.*, 611 N.W.2d at 494. Given the mother's lack of demonstrated improvement in caretaking

ability and her failure to maintain stability for her children in contrast to the children's need for permanency, we conclude termination is appropriate.

AFFIRMED.