

IN THE COURT OF APPEALS OF IOWA

No. 0-603 / 10-0849
Filed August 25, 2010

**IN THE INTEREST OF A.M.,
Minor Child,**

**A.R.R., Mother,
Appellant.**

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

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Michael H. Bandy of Bandy Law Office, Waterloo, for appellant.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Kathleen Hahn, Assistant County Attorney, for appellee State.

Melissa Anderson-Seeber, Public Defender's Office, Waterloo, for minor child.

Considered by Sackett, C.J., Tabor, J., and Huitink, S.J.*

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

HUITINK, S.J.**I. Background Facts & Proceedings**

Ashley and Ryan are the parents of A.M., who was born in 2005. In 2007 a hair test of A.M. tested positive for methamphetamine and cocaine. Ashley voluntarily received services from May 2007 until February 2008.

Ashley and her current paramour, Justin, have a long history of domestic violence. For example, Justin has tried to drown Ashley, held a gun to her head, and threatened to kill her. In January 2009 Justin choked A.M., leaving red marks on her neck. Ashley agreed to place A.M. with the paternal grandparents. A.M. was formally removed from Ashley's care on April 16, 2009.

Ashley stipulated A.M. was a child in need of assistance (CINA). The juvenile court adjudicated A.M. as a CINA under Iowa Code sections 232.2(6)(b) and (c)(2) (2009). The dispositional order, filed on June 26, 2009, continued A.M. in the care of the paternal grandparents. A psychological evaluation showed Ashley had problems with alcohol and psychological difficulties. The psychologist determined it was imperative that Ashley refrain from any contact with Justin because of the dangers he presented.

In October 2009, the State filed a petition for termination of the parents' rights. The juvenile court entered an order terminating Ashley's parental rights under sections 232.116(1)(d), (h), and (j).¹ The court found, Ashley "has a history of violent relationships that have put both herself and her child in extremely dangerous situations, . . . an inability to make the needs of her child a

¹ Ryan consented to termination of his parental rights. He has not appealed the decision of the juvenile court.

priority and a severe, chronic substance abuse problem with alcohol.” The court found Ashley had not ended her relationship with Justin, and she had not addressed her alcoholism and mental health problems. The court concluded termination of Ashley’s parental rights was in the child’s best interests. Ashley appeals the decision of the juvenile court.

II. Standard of Review

The scope of review in termination cases is de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). Clear and convincing evidence is needed to establish the grounds for termination. *In re T.P.*, 757 N.W.2d 267, 269 (Iowa Ct. App. 2008). Our primary concern in termination cases is the best interests of the child. *In re A.S.*, 743 N.W.2d 865, 867 (Iowa Ct. App. 2007).

III. Merits

Ashley asks for more time to work on reunification with A.M. She asserts she has made substantial progress with services. Ashley points out that she is employed and attending college. She also has a home that is adequate for the child.

The juvenile court noted, “the mother had been receiving services designed to assist her with the co-dependency issues in domestic violence situations for more than 19 months over the course of two DHS cases and had not yet ended her relationship with [Justin].” Also, “[d]espite treatment, she is unable to provide the child with a safe home now or in the reasonable future due to her alcoholism.” And, “[t]he mother has not engaged in individual counseling since October 2009, although her mental health issues were stated by the parent-child evaluator to be the most crucial part of her attempt to exhibit her

ability to parent [A.M.].” The court concluded, “it is in the best interest of the child to allow the child to have a safe and stable and permanent home and that further delay is not in the child’s best interests.”

We agree with the juvenile court’s conclusion that it would not be in A.M.’s best interests to further delay this case. Ashley began receiving services in May 2007. Despite this long history, she had still not made the changes necessary for successful reunification with A.M. Ashley was still having contact with Justin, who was clearly a dangerous person both to herself and A.M. Ashley had not addressed her alcohol problems or her mental health problems. A parent does not have an unlimited amount of time to correct deficiencies. *In re H.L.B.R.*, 567 N.W.2d 675, 677 (Iowa Ct. App. 1997). Patience with parents can soon translate into intolerable hardship for a child. *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997).

After considering the safety, the long-term nurturing and growth, and the physical, mental, and emotional condition and needs of the child, we conclude termination is in the best interests of A.M. See *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010).

We affirm the decision of the juvenile court.

AFFIRMED.