

IN THE COURT OF APPEALS OF IOWA

No. 0-775 / 10-1505
Filed November 24, 2010

**IN THE INTEREST OF A.W., D.G, and J.G.,
Minor Children,**

**K.P., Mother,
Appellant.**

Appeal from the Iowa District Court for O'Brien County, David C. Larson,
District Associate Judge.

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

AFFIRMED.

Shawna L. Ditsworth, Spirit Lake, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Bruce A. Green, County Attorney, Robert Hansen, Assistant
County Attorney, for appellee.

Micah Schreurs, Sheldon, for father.

Tisha Halverson, Paullina, attorney and guardian ad litem for minor
children.

Considered by Eisenhauer, P.J., and Potterfield and Doyle, JJ.

EISENHAUER, P.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 and termination is not in the children's best interest. She also contends the court erred in failing to grant her additional time to be reunited with her children. We review her claims de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The children came to the attention of the Department of Human Services in October 2008 following an incident of domestic violence in the mother's home. The parents placed the children with relatives. After the relatives became concerned about their own safety and the safety of the children, A.W. and D.G. were removed in February 2009 and were adjudicated in need of assistance shortly thereafter. J.G. was born in July 2009 and was removed from the mother's care in September 2009 and placed in foster care. J.G.'s removal was prompted by mother's depression, her failure to take prescribed medication, and ongoing contact with a man accused of inappropriately touching one of the older girls. In October 2009, J.G. was adjudicated in need of assistance. Since their removal, the children have remained in the same foster care placements with no trial periods in the home. The State filed a petition to terminate on April 21, 2010.

The juvenile court terminated the mother's parental rights pursuant to Iowa Code sections 232.116(1)(f) and (h) (2009). Termination is appropriate under these sections where there is clear and convincing evidence a child has been adjudicated in need of assistance, has been removed from the parents' care for a

specified period of time based on the child's age, and cannot be returned to the custody of the parents. Iowa Code § 232.116(1)(f), (h). The mother contends the State failed to prove by clear and convincing evidence the children cannot be returned to her care.

The evidence supports termination. The mother was unemployed and homeless at the time of termination. Her mental health issues have not been adequately addressed. The mother's parenting abilities fluctuate with her mental health. She has demonstrated questionable judgment with regard to her relationships with the children's fathers and the men she has allowed to have contact with her children. The court terminated the parental rights of the father of the two younger children and he has not appealed. The father of the oldest child is deceased. The mother's current boyfriend has been charged with domestic assault and the mother testified she would be concerned about him being a safe and proper person for the girls to be around. At the time of termination, supervised visitations were still required to protect the children. The evidence shows the children cannot be safely returned to the mother's care.

For the same reasons, we find termination is in the children's best interest. In considering the best interest of a child, we look to (1) the child's safety, (2) the best placement for furthering the long-term nurturing and growth of the child, and (3) the physical, mental, and emotional condition and needs of the child. Iowa Code § 232.116(2); *P.L.*, 778 N.W.2d at 41. Although the mother was offered services to correct her parenting deficiencies, the issues continue to persist; she cannot financially support the children, properly supervise them, or protect them.

The children have remained in the same foster care placements where they are thriving. Although they are in two foster homes, they regularly visit each other. The foster parents of the younger child wish to adopt all three girls. The older girls' foster parents agree. In the interest of the children's safety, as well as their long-term nurturing and growth, termination is warranted.

The mother requests an additional six months to have the children returned to her care. It is "well-settled law that we cannot deprive a child of permanency after the State has proved a ground for termination under section 232.116(1) by hoping someday a parent will learn to be a parent and be able to provide a stable home for the child." *P.L.*, 778 N.W.2d at 41. Given the children's need for permanency, we affirm the termination of the mother's parental rights.

AFFIRMED.