

**IN THE COURT OF APPEALS OF IOWA**

No. 1-042 / 10-1943  
Filed February 9, 2011

**IN THE INTEREST OF M.B. and S.B.,  
Minor Children,**

**T.B., Mother,**  
Appellant.

---

Appeal from the Iowa District Court for Polk County, Constance Cohen,  
Associate Juvenile Judge.

A mother appeals the district court's order terminating her parental rights  
to her two children. **AFFIRMED.**

Stephie N. Tran, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Andrea S. Vitzthum,  
Assistant County Attorney, for appellee State.

Kimberly Ayotte of Youth Law Center, attorney and guardian ad litem for  
minor children.

Considered by Vaitheswaran, P.J., and Eisenhauer and Danilson, JJ.

**VAITHESWARAN, P.J.**

A young mother of two-year-old twins appeals the termination of her parental rights to the children. She contends (1) the record lacks clear and convincing evidence to support termination under the ground cited by the juvenile court and (2) termination is not in the children's best interests.

I. The juvenile court terminated the mother's parental rights to her children pursuant to Iowa Code section 232.116(1)(h) (2009) (requiring proof of several elements including proof that children could not be returned to parent's custody). On our de novo review, we find clear and convincing evidence to support this ground for termination.

The children were removed from the mother's care in April 2010 based on unsanitary conditions in the home she shared with her parents and siblings. At the time of the termination hearing, the mother conceded the children could not be returned to her custody. She makes the same concession on appeal. This concession is dispositive of the first issue.

II. Tiffany next contends termination was not in the children's best interests. She seeks a six-month extension to regain custody of her children. "In considering whether to terminate, 'the court shall 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.*, 778 N.W.2d 33, 39 (Iowa 2010) (quoting Iowa Code § 232.116(2)).

There is no question the mother loves her children. At the termination hearing, she testified:

I want to be there. I want to be the one to take them trick-or-treating, the one to take them to school, drop them off at daycare. I want to be the one taking them to the doctors, getting their shots and stuff. I don't want to lose my kids.

This statement, even on the cold transcript page, was obviously heartfelt. That said, Tiffany did not make sufficient strides toward reunification to warrant an extension. As the juvenile court found, she smoked marijuana prior to January 2010 and did not provide urine samples to prove her contention that she was no longer using the drug. And, she expressed an unwillingness to participate in case management services offered by the Department of Human Services.

Her reluctance to work with department personnel partially stemmed from her perception that the department was insensitive and unsympathetic to her circumstances. She cited a notation in a department report, which provided that “due to [the mother’s] weight it is hard for her to play with the kids on the floor” and another criticism that she was habitually late for visits. With respect to the first criticism, the mother testified, “[J]ust because I’m an oversized woman doesn’t mean I have a problem getting on the ground, playing with my kids.” With respect to the second, she stated, “The bus will be packed too. Number 11 takes kids to school, to Central Campus, and I’m not going to stand up on the bus. Sometimes it is too crowded to even get on the bus.”

On our de novo review, we do not rely on these criticisms of the mother, as it is clear she made an effort to attend visits with her children regularly and

interact with them. Nonetheless, we believe an extension of time for reunification was not warranted based on the facts cited above.

We affirm the termination of the mother's parental rights to her twins.

**AFFIRMED.**