

IN THE COURT OF APPEALS OF IOWA

No. 1-182 / 11-0227
Filed March 30, 2011

**IN THE INTEREST OF B.L.W.,
Minor Child,**

**M.L.W., Mother,
Appellant.**

Appeal from the Iowa District Court for Wright County, James A. McGlynn,
Associate Juvenile Judge.

A mother appeals the district court's order terminating her parental rights.

AFFIRMED.

Derek J. Johnson of Derek Johnson Law Office, Fort Dodge, for appellant
mother.

Jane M. Wright, Forest City, for appellee father.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney
General, and Eric R. Simonson, County Attorney, for appellee State.

Justin T. Deppe of Deppe Law Office, Jewell, attorney and guardian ad
litem for minor child.

Considered by Sackett, C.J., and Potterfield, J., and Miller, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

POTTERFIELD, J.

A mother appeals the district court's order terminating her parental rights. Our review is de novo. *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

This mother has a long history of alcohol abuse, which resulted in the child being removed from the mother's custody in February 2005, December 2006, March 2008,¹ and December 2008. The Department of Human Services has been involved with this family and offered services from 2005 through 2008 and 2008 to the present. At the time of the December 23, 2010 termination hearing, the child was six years old, had been adjudicated a child in need of assistance, and had been out of his mother's custody for twenty-four consecutive months. In September 2010 the mother's visitation had just recently progressed to include four hours of unsupervised time in addition to two, two-hour supervised periods, when she determined she was "done" with the residential alcohol treatment program for which these proceedings were extended specifically to allow her to participate. She left that program against the advice of program staff and ceased to participate in substance abuse services or attend any of the child's medical appointments. We need not detail the history of these proceedings further. The statutory grounds for termination under Iowa Code section 232.116(1)(f) (2009)² have been shown by clear and convincing evidence.

¹ An earlier child in need of assistance proceeding was closed in February 2008. Less than one month later, the child was removed from the mother's custody after it was determined the mother's blood alcohol level was more than two and one-half times the legal limit.

² Iowa Code section 232.116(1)(f) authorizes termination of parental rights if the child is four years or older; has been adjudicated a CINA; has been out of parent's custody for last twelve consecutive months; and cannot be returned to parent at present time.

We reject the mother's present contention that reasonable efforts have not been made. See *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000) (explaining that statutory reasonable efforts require the DHS to "make every reasonable effort to return the child to the child's home as quickly as possible consistent with the best interests of the child"). She acknowledged at the termination hearing that the DHS had provided all services she had requested and there were no other services she could think to ask for. See *id.* (noting parent must object to services early in the process so appropriate changes can be made).

This child is in desperate need for permanency. At the time of the termination hearing, he had been with his foster family for almost fifty months of his life and is fully integrated into that family; they have expressed a desire to adopt him. Terminating the mother's parental rights so the child can be permanently placed gives 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 needs of the child under section 232.116(2). "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." *In re P.L.*, 778 N.W.2d 33, 41 (Iowa 2010).

The mother argues there is a good bond between mother and child. Iowa Code section 232.116(3)(c) provides that the "court need not terminate" if "termination would be detrimental to the child at the time due to the closeness of the parent-child relationship." Here, the record provides evidence directly contrary to such a finding. In October 2010, the visitation supervisor noted that

the child had detached himself from his mother. The child's counselor wrote a letter in October 2010 stating in part:

Because of the continued poor choices of his biological mother, his continued and steady improvement while at his foster parents[,] and how this transitional period continues to affect [the child], it is my opinion that removal of parental rights proceed and visitations with his mother end. It is unhealthy for [the child] to continue to be in limbo waiting to have a permanent home that offers him the safety and security he needs and at the same time giving him mixed messages by continuing to allow contact with his mother [which] are confusing and damaging him.

We find no factors in section 232.116(3) that weigh against termination.

We affirm the termination of the mother's parental rights.

AFFIRMED.