

IN THE COURT OF APPEALS OF IOWA

No. 1-318 / 11-0399

Filed April 27, 2011

**IN THE INTEREST OF R.H. and C.H.,
Minor Children,**

**R.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Linn County, Susan Flaherty,
Associate Juvenile Judge.

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

Marty A. Hagge of Nazette, Marner, Nathanson & Shea, L.L.P., Cedar
Rapids, for appellant mother.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney
General, Jerry Vander Sanden, County Attorney, and William Croghan, Assistant
County Attorney, for appellee State.

Cory J. Goldensoph, Cedar Rapids, attorney and guardian ad litem for
minor children.

Considered by Vogel, P.J., Vaitheswaran, J., and Mahan, S.J.*

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

VAITHESWARAN, J.

A mother appeals the termination of her parental rights to her children, born in 2006 and 2008. She contends (1) the State failed to prove the ground for termination cited by the juvenile court and (2) termination was not in the children's best interests.

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

The mother used marijuana extensively. She entered a drug treatment program in 2008 and again in 2009. She was allowed to keep her children with her while in this program.

In late 2009, the mother was transferred to a community corrections facility in Cedar Rapids based on unspecified criminal conduct. At the time of her transfer, she agreed to have the children placed in foster care, as the facility did not take children. The children were adjudicated in need of assistance.

Meanwhile, the mother was jailed for throwing a fork at another resident. After several months, she was returned to the community corrections facility. At the mother's request, the children were placed with one of her friends. That friend eventually moved out of town, limiting the number of visits the mother could exercise with her children.

The mother nonetheless actively engaged in the supervised or semi-supervised visits that were scheduled. She did well with the children in this

structured setting, but, as she was not slated to be discharged until the summer of 2011, the case proceeded to termination.

At the termination hearing, a social worker with the Department of Human Services testified that it would take three to six months after the mother's discharge to reintegrate the family. While she acknowledged the mother appeared to have maintained her sobriety during the previous year, she recommended termination based on the passage of time since the separation.

Our law does indeed require strict adherence to the statutory time frames for termination. See *In re C.B.*, 611 N.W.2d 489, 494–95 (Iowa 2000) (“Once the limitation period lapses, termination proceedings must be viewed with a sense of urgency.”). For that reason, we agree with the juvenile court's conclusion that the children could not be returned to the mother's custody.

II. The mother asserts termination was not necessary. This is essentially an argument that termination was not in the children's best interests, an argument that we evaluate using the standards set forth in *In re P.L.*, 778 N.W.2d 33 (Iowa 2010).

The record reveals that the mother was affectionate towards the children during visits and the children were sad to see their visits end. Although the mother was only twenty at the time of the termination hearing, she showed keen insight into her past behaviors, noting that she attached herself to people who were bad influences and fell into “negativity.” The department social worker acknowledged the mother's developing maturity. She agreed the mother “want[ed] to make some good changes in her life to better herself and hopefully better the girls.” Unfortunately, given the mother's placement at a correctional

facility, there was no way to determine if this changed attitude would lead to safe parenting practices. For that reason, we conclude termination of the mother's parental rights to her two children was in the children's best interests.

AFFIRMED.