

IN THE COURT OF APPEALS OF IOWA

No. 1-476 / 11-0708
Filed June 29, 2011

**IN THE INTEREST OF C.O.,
Minor Child,**

K.R., Mother,
Appellant.

Appeal from the Iowa District Court for Wapello County, William S. Owens,
Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Mary Baird Krafka of Krafka Law Office, Ottumwa, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant
Attorney General, Lisa Holl, County Attorney, and Seth Harrington, Assistant
County Attorney, for appellee State.

Terri Menninga, Pella, for minor child.

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

EISENHAUER, P.J.

A mother appeals the termination of her parental rights to her child. She contends termination was not in the child's best interests and seeks additional time to reunify with the child. We review these claims de novo. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The child, born in September 2008, was removed from the mother's care and adjudicated in need of assistance after the mother overdosed on a prescription medication on June 19, 2010. The mother is addicted to prescription pain pills and has mental health concerns related to ADHD, anxiety, and depression.

The mother had been unsuccessfully discharged from residential or in-patient substance abuse treatment on three occasions prior to the commencement of these proceedings. The mother agreed to participate in a substance abuse evaluation and follow through on the recommendations. She was admitted to a residential treatment facility in Willmar, Minnesota, on December 15, 2010, having last used narcotics the day before. Her treatment plan was to wean her off Suboxone, an opiate replacement therapy for opiate addiction, but the mother disagreed with this plan and was discharged to a treatment facility in St. Louis Park, Minnesota, on January 31, 2011. The mother remained at this treatment facility until March 10, 2011, when she was discharged for not meeting program expectations. She then relapsed on prescription medication. On March 23, 2011, the mother entered a program in St. Cloud, Minnesota, where she remained at the time of the April 18, 2011 termination hearing.

The mother's parental rights were terminated pursuant to Iowa Code section 232.116(1)(h) (2011). She does not dispute the grounds for termination were proved but contends termination is not in the child's best interests. She seeks additional time to prove the child can safely be returned to her care.

In determining best interests, we must consider the child's safety, the best placement for furthering the long-term nurturing and growth of the child, and the physical, mental, and emotional condition and needs of the child. *P.L.*, 778 N.W.2d at 37. The mother admits she is unable to resume care of the child at the present time but seeks additional time to show she can be successful in treatment. The mother had begun treatment in December 2010 but had been discharged from several programs because of her inability to adhere to the treatment plan. Although she was successfully participating in a program at the time of the termination hearing, she had only been in the program a matter of weeks. Given the mother's numerous unsuccessful attempts at treatment, her prognosis for recovery is guarded. *See In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000) (holding the future can be gleaned from a parent's past performance).

When the statutory time standards found in section 232.116 are approaching, and a parent has made only minimal progress, the child deserves to have the time standards followed by having termination of parental rights promptly pursued. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). At some point, the rights and needs of the children rise above the rights and needs of the parent). *See In re C.S.*, 776 N.W.2d 297, 300 (Iowa Ct. App. 2009). Additional time is not warranted. Because the mother's unresolved substance abuse and mental health issues impair her ability to provide for the child's

physical, mental, and emotional needs, we conclude termination is in the child's best interests.

AFFIRMED.