

**IN THE COURT OF APPEALS OF IOWA**

No. 2-1044 / 12-1803  
Filed January 9, 2013

**IN THE INTEREST OF A.G. AND I.G.,  
Minor Children,**

**C.R., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Johnson County, Stephen C. Gerard II., District Associate Judge.

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

Jean Lawrence of University of Iowa College of Law Clinical Law Program, Iowa City, and Janice S. Kim, Student Legal Intern, Iowa City, for appellant mother.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant Attorney General, Janet M. Lyness, County Attorney, and Patricia A. Weir, Assistant County Attorney, for appellee State.

Patrick Ingram of Mears Law Office, Iowa City, for appellee father.

Anthony Haughton of Linn County Advocate, Inc, Cedar Rapids, attorney and guardian ad litem for minor children.

Considered by Eisenhauer, C.J., and Vogel and Vaitheswaran, JJ.

**VAITHESWARAN, J.**

A mother appeals the termination of her parental rights to two of her children, born in 2008 and 2010. She contends (1) the record lacks clear and convincing evidence to support the juvenile court's conclusion that the children could not be returned to her custody, (2) termination was not in the children's best interests given their attachment to her, and (3) termination was harmful to the children. Our review of these issues is de novo. See *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000) (setting forth the standard of review).

I. The children came to the attention of the Department of Human Services in 2011 after the parents temporarily left them with an acquaintance and were unavailable when one of the children required emergency medical care. The department applied to have the children removed from the mother's care. The juvenile court granted the application.

Following the removal, the mother cooperated with reunification services; she completed a substance abuse evaluation, scheduled a psychological evaluation, and attended supervised visits. In light of her progress, the juvenile court ordered the children returned to her care for a trial home placement.

Just two months after their return, the mother's circumstances deteriorated. Department personnel who came to her apartment for a child-welfare check expressed suspicion that the mother was under the influence of marijuana. Shortly thereafter, authorities saw the mother under the influence and saw her children sitting in an unheated car nearby. Because it was winter and one of the children was only wearing a diaper, the department initiated a child

abuse investigation. The investigation resulted in a founded assessment against the mother for denial of critical care.

The department again applied to have the children removed. The district court ordered their removal and the children were placed in foster care, where they remained through the termination decision eight months later.

At the termination hearing, it became clear that the mother was dogged by many of the same troubles she faced in 2011. When the department became involved, the mother was engaged in a volatile relationship with the father of the two children. Following the children's first removal, she agreed to stay away from him. During the termination hearing, she conceded she had not. She also acknowledged marrying a second man within five weeks of meeting him, a marriage that was marred by domestic violence.

At the time of the termination hearing, the mother was living in a domestic violence shelter that could only accommodate her for another two-and-a-half months. While the shelter allowed children, a youth residential facility the mother was approved to enter did not.<sup>1</sup> Meanwhile, the six-month statutory time period preceding termination had long since expired. See Iowa Code § 232.116(1)(h)(3) (2011); *C.B.*, 611 N.W.2d at 495 (requiring court to view time periods with a “a sense of urgency”). We conclude the mother was not in a position to have the children returned to her custody.

**II.** The mother next cites two statutory provisions that might have allowed her to avoid termination based on the closeness of the parent-child bond. See

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<sup>1</sup> A supervisor at the facility testified that visits could take place at the facility but children were not permitted to stay overnight.

Iowa Code §§ 232.116(2), (3)(c). All the professionals who worked with the mother acknowledged the strength of this bond, but all recommended termination based on the instability in the young mother's life.

There is no question that this instability was partially a product of the mother's tumultuous teen years in which she saw her sole caretaker die of a brain tumor. The mother was subsequently transferred to a group home and was later taken into the home of a woman who came to know her. That woman did her best to provide emotional support and a roof over the heads of the mother, father, and, later, their children. She also committed to remaining a positive influence in the mother's life. She noted, however, that the mother's search for the type of strong love and support she received from her first caretaker propelled her to make poor judgments about friends and lovers and left her without the inner strength to care for herself and her children. Still, this caring woman expressed hope that the mother had turned a corner.

We are not convinced she did. While the mother articulately acknowledged her past mistakes and pledged to make the children a priority, her reluctant admission to recent contact with the father raises doubts about her commitment. We conclude the risk of physical harm to the children was too great to afford her another opportunity for reunification, notwithstanding the strong emotional connection she shared with them.

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

**AFFIRMED.**