

IN THE COURT OF APPEALS OF IOWA

No. 2-1106 / 12-1802
Filed January 9, 2013

**IN THE INTEREST OF N.P.T.,
Minor Child,**

**M.L.T., Mother,
Appellant.**

Appeal from the Iowa District Court for Ida County, Mary L. Timko,
Associate Juvenile Judge.

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

AFFIRMED.

Lisa Mazurek of Mazurek Law Firm, P.C., Cherokee, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Meghann Cosgrove Whitmer, County Attorney, for
appellee.

Francis Cleary, Sioux City, for father.

Lesley Rynell of Public Defender's Office, Sioux City, attorney and
guardian ad litem for minor child.

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

DANILSON, J.

Following a joint dispositional/aggravated circumstances¹ and termination hearing, the district court found aggravated circumstances existed such that further reasonable efforts towards reunification were waived. The court ordered the mother's parental rights to her daughter, born in November 2011, terminated pursuant to Iowa Code section 232.116(1)(g) (2011) (authorizing termination where a child has been adjudicated in need of assistance, parental rights with respect to another child who is a member of the same family have been terminated previously, there is clear and convincing evidence that the parent continues to lack the ability or willingness to respond to services which would correct the situation, and an additional period of rehabilitation would not correct the situation). The mother now appeals.

We have thoroughly reviewed the record before us and come to the same conclusions as did the juvenile court. Statutory grounds for termination exist under section 232.116(1)(g): in January 2012, the mother's parental rights were terminated with respect to two older children who are half-siblings of N.P.T.; N.P.T. was adjudicated a child in need of assistance on May 22, 2012; the mother has received but failed to benefit from services² aimed at addressing her

¹ Iowa Code section 232.102(12)(c) (2011) allows the court to waive the requirement of making reasonable efforts if "[t]he parent's parental rights have been terminated under section 232.116 . . . and there is clear and convincing evidence to show that the offer or receipt of services would not be likely within a reasonable period of time to correct the conditions which led to the child's removal."

² As found by the juvenile court:

[The mother] is currently receiving [Family Safety, Risk, and Permanency] FSRP services that assist in visitation and parent skill development. She is to be participating in medication management and

housing, employment, and mental health issues; and she has already been granted additional time to work on reunification. Moreover, the child is integrated in the pre-adoptive foster family home where her two half-siblings reside. No considerations found in Iowa Code section 232.116(3) weigh against termination. Termination will allow the child safety and permanency and is in the child's best interests. We therefore affirm. See Iowa Ct. R. 21.29(1)(a), (d), and (e).

AFFIRMED.

[Council Against Abuse & Sexual Assault] CAASA services. These are the same services that [the mother] was receiving prior to the termination of her parental rights to her two sons. The court finds that an additional period of time of providing these services to [the mother] in this case concerning [this child] would not correct the circumstances which led to [the child's] removal. [The mother] was already given the additional six months by another court and [she] is at square one with [N.P.T.]. She continues to struggle with instability in her home and employment. She continues to be involved in criminal activities and harmful relationships. She continues to be naïve in her approach to life and lacks total insight into how her decisions affect her safety and that of her daughter.

....

Reasonable efforts have already been made to avoid the necessity of this out-of-home placement. The court finds that the waiver of any further efforts to reunify [N.P.T.] with one of her parents is reasonable given the efforts that have already been made, without success. It would be contrary to the well being of [the child] to return her to a parental home.