

IN THE COURT OF APPEALS OF IOWA

No. 2-880 / 12-0940
Filed October 3, 2012

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

H.M., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Rachel E. Seymour,
District Associate Judge.

A mother appeals the order terminating her parental rights. **AFFIRMED.**

Tod J. Beavers of Tod J. Beavers, P.C., Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Janet L. Hoffman, Assistant Attorney
General, John Sarcone, County Attorney, and Jennifer Galloway, Assistant
County Attorney, for appellee State.

Steven Cooper of Burdette Law Firm, P.C, Clive, for appellee father.

Tammi Blackstone of Gaudineer, Comito & George, West Des Moines, for
appellee father.

Erin Mayfield of Youth Law Center, Des Moines, attorney and guardian ad
litem for minor children.

Considered by Eisenhauer, C.J., and Doyle and Tabor, JJ.

DOYLE, J.

A mother appeals the termination of her parental rights to her children.¹ She contends the State failed to prove the grounds for termination by clear and convincing evidence. We review these claims de novo. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(d), (e), and (h) (2011). We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Termination is appropriate under section 232.116(1)(h) where there is clear and convincing evidence:

- (1) The child is three years of age or younger.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The child has been removed from the physical custody of the child's parents for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

There is no dispute the first two elements of this section have been proved. However, the mother argues that the juvenile court erred in finding there was clear and convincing evidence the children had been out of the home for six months and could not be returned home. Upon our de novo review, we find the State has met its burden.

¹ We note that the petitions for termination of parental rights and the order terminating parental rights were not attached to the mother's amended petition as required by Iowa Rule of Appellate Procedure 6.201(1)(e)(2).

While the law requires a “full measure of patience with troubled parents who attempt to remedy a lack of parenting skills,” this patience has been built into the statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). The legislature incorporated a six-month limitation for children adjudicated CINA aged three and younger. Iowa Code § 232.116(1)(h)(2), (3). Our supreme court has stated that “the legislature, in cases meeting the conditions of [the Iowa Code], has made a categorical determination that the needs of a child are promoted by termination of parental rights.” *In re M.W.*, 458 N.W.2d 847, 850 (Iowa 1990) (discussing Iowa Code section 232.116(1)(e)). The public policy of the state having been legislatively set, we are obligated to heed the statutory time periods for reunification.

The children came to the attention of the Iowa Department of Human Services (Department) on March 6, 2011, after it was reported the mother, while the children were in her care, used methamphetamine and had a seizure requiring her to be taken to the hospital. The children, then ages two and not quite one-month, were removed from her care two days later and have not since been returned. At the time of the termination hearing, the children had been out of the mother’s custody for about eight months, satisfying the time element of section 232.116(1)(h)(3).

Additionally, the evidence presented at the termination of parental rights hearing clearly established the children could not be returned to the mother’s care at that time. During the case, the mother was offered numerous services, including treatment for her substance abuse and mental health issues, drug screens, supervised visitation, as well as bus tokens and gas cards to aid her

transportation issues. The mother was inconsistent in her visitation with the children. She was also inconsistent with providing drug screens, missing about a third of screens requested. The Department's social worker testified at the hearing the mother was homeless and unemployed at that time. She further testified the mother had not addressed her mental health issues or followed-up with substance abuse treatment. The mother did not even attend the termination hearing. We agree with the juvenile court that the State proved the children could not be returned to the custody of the mother at the time of the hearing.

Upon our de novo review, we agree the State established termination of the mother's parental rights was appropriate under Iowa Code section 232.116(1)(h). Accordingly, we affirm the juvenile court's termination of the mother's parental rights.

AFFIRMED.