

IN THE COURT OF APPEALS OF IOWA

No. 3-815 / 13-1181
Filed September 18, 2013

**IN THE INTEREST OF N.B.,
Minor Child,**

**H.B., Mother,
Appellant.**

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

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

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

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Steven Goodlow, County Attorney, for appellee State.

Julie De Vries of De Vries Law Office, Centerville, attorney and guardian
ad litem for minor child.

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

DOYLE, J.

The mother appeals the termination of her parental rights to her child, N.B. She contends the State failed to make reasonable efforts toward reuniting her with the child. She also contends termination was not in the child's best interests. We review her claims de novo. See *In re A.B.*, 815 N.W.2d 764, 773 (Iowa 2012).

The mother has a lengthy history of mental illness and involvement with the Iowa Department of Human Services (DHS). In 2005, the mother's parental rights to her eldest biological child were terminated, notwithstanding the extensive array of services offered to her at that time to eliminate the need for DHS involvement, including mental health treatment. During the pendency of that case, the mother was committed for inpatient evaluation and diagnosed with paranoid schizophrenia.

The mother gave birth to N.B. in February 2012, and the child was removed from the mother's care shortly thereafter because the mother was unable to properly care for the child. The mother was again offered numerous services, including a mental health evaluation and treatment, as well as visitation with the child, but she did not fully avail herself of the offered services.

In March 2013, the State filed its petition for termination of the mother's parental rights. The guardian ad litem recommended termination of the mother's parental rights. Following the termination hearing in April 2013, the juvenile court entered an order terminating the mother's parental rights pursuant to Iowa Code section 232.116(1) paragraphs (g) and (h) (2013). The mother now appeals.

On appeal, the mother does not challenge the juvenile court's determination that the State proved grounds for termination of her parental rights. Rather, she contends the State failed to provide reasonable services to reunify her with the child. Specifically, the mother asserts the juvenile court should have granted her request for additional time to "fine-tune her parenting skills." She claims with additional time she could develop a bond with the child and achieve reunification. Additionally, the mother argues termination of her parental rights was not in the child's best interests.

In its order terminating the mother's parental rights, the court found:

[The child] has been in foster care since March 8, 2012, a period of thirteen consecutive months. [The mother] has not consistently participated in visits with [the child], nor has she regularly participated in services outlined in the case plan. . . .

. . . .

The record shows [the mother] has not participated regularly in the services outlined for her in the case plan in the underlying . . . proceeding. [The mother] has not participated in mental health services, and she has not established a stable home. . . . There is no indication that providing the [mother] with additional time would put [her] any closer to having [the child] returned to the [mother's home].

. . . .

In this case, [the child] has been in foster care [for] a period of more than a year. There is no evidence that any other form of permanency short of termination and adoption would provide [the child] with the sort of permanent, stable, nurturing and loving home he both needs and deserves. . . .

. . . The evidence is both clear and convincing [the mother] cannot provide [the child] with the sort of consistency and stability that will allow [the child] to thrive despite his mild special needs.

. . . .

In this case, the child . . . has been in out-of-home placement for thirteen consecutive months. By all accounts he has done well in placement in foster care, is having his needs met, has a consistent and appropriate routine, and could be adopted and integrated into an adoptive home if parental rights are terminated.

Upon our de novo review of the record, we agree with the juvenile court's assessments. Although "[w]e recognize a parent suffering from mental illness suffers a disability and may need special accommodations," *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1994), the paramount concern in making reasonable efforts is the child's health and safety. Iowa Code § 232.102(10)(a); *In re A.A.G.*, 708 N.W.2d 85, 92 (Iowa Ct. App. 2005). "It is well-settled law that we cannot deprive a child of permanency after the State has proved a ground for termination under section 232.116(1) by hoping someday a parent will learn to be a parent and be able to provide a stable home for the child." *In re P.L.*, 778 N.W.2d 33, 41 (Iowa 2010). Children are not equipped with pause buttons. "The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems." *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987).

Here, the record reveals that despite the offer and receipt of numerous services during the pendency of this case, as well as the past services offered to her, the mother was still unable to demonstrate her ability to safely parent the child at the time of the termination hearing. The mother was sporadic in her visits with the child. She did not routinely take her prescription medication to address her known mental health issues. She was again asked to complete a psychological evaluation, but she refused many times, and then she skipped her appointment when she finally agreed to the evaluation.

Although the mother requested additional time to repair the deficiencies in her parenting, the child should not be forced to endlessly await the mother's participation in treating her mental health issues. See *In re C.B.*, 611 N.W.2d

489, 494 (Iowa 2000). Past performance of a parent may be indicative of the quality of future care the parent is capable of providing. See *In re C.W.*, 554 N.W.2d 279, 283 (Iowa Ct. App. 1996). The record here evidences the mother has done very little toward addressing her mental health issues, and there is nothing in the record that indicates she would or could do so with additional time. We are convinced this child's interests are best served by terminating the mother's parental rights and continuing the child's placement in a safe and stable home. The record clearly supports the finding that the mother is unable to provide a safe environment for the child, and returning the child to the mother's home at the time of the termination hearing was not an option. There is no reason to further delay the child the permanency he needs and deserves. Looking at long-range and immediate interests, we agree with the juvenile court's conclusion that termination of the mother's parental rights is in the best interests of the child. See *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997).

Upon *on de novo* review, we agree with the juvenile court that termination of the mother's parental rights was in the child's best interests, and we share the juvenile court's lack of confidence that additional time would yield any result other than delayed permanency for the child. The record includes clear and convincing evidence the mother lacks the ability to respond to services to remedy the dangers her parenting poses to the child and that an additional period of rehabilitation will not correct the situation. Accordingly, we affirm the termination of the mother's parental rights.

AFFIRMED.