

IN THE COURT OF APPEALS OF IOWA

No. 6-1047 / 06-1862
Filed January 18, 2007

**IN THE INTEREST OF B.M.S.
Minor Child,**

**B.M.S., Mother,
Appellant.**

Appeal from the Iowa District Court for Woodbury County, Mary J. Sokolovske, Judge.

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

Stephanie Forker Parry of Forker & Parry, Sioux City, for appellant mother.

Randy Hisey, South Sioux City, for father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Patrick Jennings, County Attorney, and Dewey Sloan, Assistant County Attorney, for appellee State.

Lesley Rynell of the Juvenile Law Center, Sioux City, for minor child.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

MAHAN, P.J.

Brandy appeals the termination of her parental rights. She argues the State failed to present clear and convincing evidence showing (1) the circumstances for removal still exist despite services; (2) she has failed to maintain significant contact with her child; and (3) the child cannot be returned to her home. She also argues termination is not in the child's best interests. We affirm.

I. Background Facts and Proceedings

Brandy is the mother of B.S., born in July 2005. B.S. was adjudicated a child in need of assistance (CINA) on September 26, 2005, due to Brandy's extensive history with the Iowa Department of Human Services (DHS), her mental health issues, and her criminal history. There were also allegations Brandy was exposing B.S. to Brandy's father, who abused both Brandy and her older daughter, A.S.¹

B.S. was removed from Brandy's care on January 27, 2006. Brandy had left B.S., who was very ill at the time, under the care of strangers. She had also exposed B.S. to individuals using drugs and alcohol. It was also suspected that Brandy was using drugs. When asked to take a hair stat test, Brandy admitted to "stripping" her and B.S.'s hair the previous evening.

Since B.S.'s removal, Brandy has not missed any visitation. However, all visitations have remained supervised due to Brandy's inability to demonstrate she can provide a safe environment for the child. Brandy also requires

¹ A.S. has also been removed from Brandy's care, and guardianship has been placed with the paternal grandmother.

redirection to keep her from conversing with the child about her own relationships with men.

Brandy has been with the same man for the last six months. However, prior to her current boyfriend, she was involved in as many as six different relationships over a four-month period of time. Many of these men presented serious safety risks to Brandy.² Her current boyfriend has a history of both methamphetamine use and criminal activity. He is unemployed and provides no financial support. Brandy is now pregnant with his child. He has refused to meet with service providers for fear he would have to submit to drug testing.

Brandy has been diagnosed with ADHD and dysthymia and prescribed medications. However, she is inconsistent in taking the medication. She has also reported she does not take her medication when she wants to drink.

A plethora of services have been offered to Brandy. She has been employed with Goodwill Industries for six months. She stayed in one apartment for ten months, and moved to a different apartment based on DHS recommendations. She has remained in that apartment since May 1, 2006. She still, however, has difficulty managing finances, engaging in healthy relationships, and taking her medication.

The district court terminated Brandy's parental rights on November 1, 2006, pursuant to Iowa Code sections 232.116(1)(d), 232.116(1)(e), and

² Brandy has reported she believed she was being stalked by more than one of these men. She had to change her telephone number because she was "spooked out" by some of her male friends. She also accepts rides and gifts from strange men and invites strangers into her apartment.

232.116(1)(h) (2005). The court also determined it was in B.S.'s best interests that Brandy's parental rights be terminated. Brandy appeals.

II. Standard of Review

We review the termination of parental rights *de novo*. *In re D.G.*, 704 N.W.2d 454, 456 (Iowa Ct. App. 2005). The State must prove the circumstances for termination by clear and convincing evidence. *In re L.E.H.*, 696 N.W.2d 617, 618 (Iowa Ct. App. 2005). Our primary concern is the best interests of the child. *Id.* In determining the child's best interests, we look to both long-term and immediate needs. *Id.*; *see also In re J.E.*, 723 N.W.2d 729, 798 (Iowa 2006).

III. Merits

According to section 232.116(1)(d), we may terminate parental rights if (1) the child has been adjudicated CINA after finding the child to have been neglected as the result of the acts or omissions of one or both parents and (2) the parents were offered services to alleviate the condition that led to adjudication but the condition remains. According to section 232.116(1)(e), we may terminate parental rights if (1) the child has been adjudicated CINA; (2) the child has been removed for at least six consecutive months; and (3) the parents have not maintained significant and meaningful contact with the child. According to section 232.116(1)(h), we may terminate rights if (1) the child is three years old or younger; (2) the child has been adjudicated CINA; (3) the child has been removed from the parent's custody for at least six of the last twelve months or for the last six months, and any home trial period has been less than thirty days; and (4) clear and convincing evidence shows the child cannot be returned to the parent's custody at the present time.

We conclude there are sufficient grounds to terminate Brandy's parental rights pursuant to section 232.116(1)(d) and 232.116(1)(h). B.S. was removed from Brandy's care when Brandy left her with strangers while the child was seriously ill. During the same period, she also exposed her to individuals using drugs and alcohol. B.S. has not been in Brandy's care since January 17, 2006, and all visits have been supervised. After B.S.'s removal, Brandy was offered several different types of services. While she has been successful in securing a job and housing, she continues to engage in risky relationships with strangers. These relationships expose her child to dangerous situations and unsuitable individuals. See *In re J.E.*, 723 N.W.2d at 798 (noting a parent's past performance is indicative of the quality of care the parent will provide in the future). Brandy expresses love for B.S. and asserts there is a bond between them. However, despite therapy, Brandy is unable to understand the impact her behavior has on her child. "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). We therefore also conclude that termination is in B.S.'s best interests. See *In re J.E.*, 723 N.W.2d at 801 (Iowa 2006) (Cady, J., concurring) ("A child's safety and the need for a permanent home are now the primary concerns when determining a child's best interests."). The district court ruling terminating Brandy's parental rights is affirmed.

AFFIRMED.