

IN THE COURT OF APPEALS OF IOWA

No. 6-595 / 06-0901
Filed August 9, 2006

**IN THE INTEREST OF D.D. and D.D.,
Minor Children,**

C.D., Mother,
Appellant,

Z.S., Father,
Appellant.

Appeal from the Iowa District Court for Dubuque County, Thomas J. Straka, Associate Juvenile Judge.

Parents appeal a juvenile court order terminating their parental rights.

AFFIRMED.

Christopher M. Soppe of Blair & Fitzsimmons, P.C., Dubuque, for appellant mother.

William A. Lansing of William A. Lansing, P.C., Dubuque, for appellant father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Fred McCaw, County Attorney, and Jean Becker, Assistant County Attorney, for appellee State.

Brannon Burroughs, Dubuque, guardian ad litem for minor children.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

PER CURIAM***I. Background Facts & Proceedings***

Zachary and Crystal are the parents of Dominick, born in February 2003, and Dante, born in November 2004. The children were removed from Crystal's care in September 2005 after she left them home alone for more than twenty minutes while she went to a neighbor's for a cigarette. Social workers had previously warned Crystal not to leave the children alone because she had a tendency to "step out for a minute" and leave the children unattended. Zachary was incarcerated at the time for assault with a deadly weapon.

A joint adjudication/disposition hearing was held in November 2005. The children were adjudicated to be in need of assistance (CINA) pursuant to Iowa Code section 232.2(6)(c)(2) (2005) (child is likely to suffer harm due to parent's failure to supervise). The parents were ordered to participate in services and obtain psychological evaluations. Zachary was also ordered to participate in individual counseling for anger management.

Zachary was released from jail in December 2005. He moved to another town to be with his girlfriend, despite being informed that this would hinder reunification with the children. Zachary admitted to regular marijuana use. He had two visits with the children. Zachary completed a three-hour anger management class. He did not attend a substance abuse treatment program. Crystal reported that when Zachary got out of jail he harassed her and threatened to shoot her.

Crystal was inconsistent in participating in services and attending visitation. Crystal remained extremely disorganized, and often overslept, missing important appointments. She obtained a psychological evaluation and was diagnosed with an anxiety disorder and attention deficit hyperactivity disorder. The evaluation noted Crystal “lacks the skills for problem solving and making effective decisions.” She was also found to be “uncontrolled, disorganized, and impulsive and that she has a poor ability to plan.” Crystal began receiving medication for her mental health problems in March 2006. A therapist noted that medication may help with Crystal’s distractibility, but would not help her poor judgment and decision-making.

In April 2006 the State filed a petition seeking termination of the parents’ rights. The juvenile court terminated the parents’ rights under section 232.116(1)(h) (child three or younger, CINA, removed for at least six months, and cannot be returned home). The court found Zachary struggled with being able to support himself and with issues of substance abuse and anger management. The court also stated, “From the time services were first implemented, Crystal has struggled to internalize new skills regarding organization, employment, finances, and parenting.” Both parents appeal.

II. Standard of Review

The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be proven by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000).

Our primary concern is the best interests of the children. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

III. Zachary

A. Zachary contends the State did not present clear and convincing evidence that the children could not be returned to his care, which is an element of section 232.116(1)(h). We find sufficient evidence in the record to show that the children could not be safely placed in Zachary's care. We agree with the juvenile court that Zachary has not sufficiently addressed his anger management problems. Also, Zachary has not yet addressed his substance abuse problems. Zachary admitted that up to one month before the termination hearing he smoked marijuana at least once a day. The children could not be placed with Zachary without a substantial risk to their health and safety.

B. Zachary claims the juvenile court should have granted his motion for an extension of time. Zachary had asked the juvenile court for an additional six months to work on reunification with his children. We determine the juvenile court did not abuse its discretion in denying the motion. Delays in termination of parental rights cases are antagonistic to children's best interests. *In re T.R.*, 705 N.W.2d 6, 12 (Iowa 2005). Patience with parents can soon translate into intolerable hardship for their children. *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997).

IV. Crystal

A. Crystal asserts the State did not present sufficient evidence to show the children could not be returned to her care. She claims she did

everything she was ordered to do and the children should have been returned to her care. We find clear and convincing evidence in the record to show the children could not be safely returned to Crystal's care. The evidence shows Crystal has not improved her parenting skills. Crystal remains easily distracted and unable to organize her daily affairs. Although Crystal participated in services, she struggled to implement new strategies to cope with her parenting duties. We find the children could not be safely returned to Crystal's care.

B. Crystal contends the juvenile court should have granted her an additional six months to work on reunification with the children. For the same reasons noted above in relation to Zachary's argument on this issue, we find the juvenile court did not abuse its discretion in denying Crystal's request for additional time.

C. Crystal claims termination of her parental rights is not in the children's best interests because of the closeness of her bond with the children. The children need stability, which Crystal is not able to provide. Crystal did not provide the children with necessary supervision. She was inconsistent in attending visitation and the children's medical appointments. We conclude termination of Crystal's parental rights is in the children's best interests.

We affirm the decision of the juvenile court.

AFFIRMED.