

**IN THE COURT OF APPEALS OF IOWA**

No. 6-798 / 06-1307  
Filed October 11, 2006

**IN THE INTEREST OF B.P. and L.P.,  
Minor Children,**

**D.K., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Karla J. Fultz,  
Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights.

**AFFIRMED.**

J. Michael Mayer, Des Moines, for appellant mother.

Andrea Flanagan of Sporer & Ilic, P.C., Des Moines, for father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, John Sarcone, County Attorney, and Annette Taylor, Assistant  
County Attorney, for appellee State.

Jason Hauser, Des Moines, for minor children.

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

**MAHAN, J.**

Deborah appeals the juvenile court's ruling terminating her parental rights. She argues (1) the State failed to provide clear and convincing evidence to terminate her rights and (2) it is not in the children's best interests to terminate her rights. We affirm.

**I. Background Facts and Proceedings**

Deborah and Leon are the parents of B.P., born in February 2005, and L.P., born in July 2003. The couple brought the children to Youth Emergency Shelter Services in March 2005. Neither Deborah nor Leon had employment, and they had lost their housing. They told Iowa Department of Human Services (DHS) service providers that they could not care for the children and consented to their removal. The State filed child-in-need-of-assistance (CINA) petitions on April 6, 2005. On April 21 a visitation schedule was established, and the parents were ordered to provide random drug screens. A suspended CINA adjudication was entered on July 17, 2005. Because the parents had only recently obtained housing and employment, custody remained with DHS.

In September 2005 the court granted a continuance on a dispositional hearing and a hearing on Deborah's motion to have the children returned to her. Following that order, a transitional plan was developed to facilitate the children's move back to their mother. The children were scheduled for a weekend visit. However, Deborah called DHS and told them she had to work and Leon refused to watch the children.

At a dispositional hearing in November 2005, the parents were considering returning the furniture in their home in order to pay the rent. Both

were unemployed. Deborah did not have a job because she did not feel like working. Also, the parents' relationship was troubled. They indicated they would soon be separating, but later made a request for couple's counseling. Neither parent was using services consistently. The children were adjudicated CINA and continued in foster care.

A review hearing was held on January 31, 2006. The parents' unstable relationship was proving to be seriously detrimental to reunification. Due to changing requests from the parents, visitations were changed from joint to separate to joint. Both parents were inconsistent with visitation. On February 15, 2006, Leon told the in-home worker he was "done with everything." He has not had contact with DHS since then.

Deborah has maintained employment since after the January review hearing. She completed her psychosocial evaluation, began therapy, and has not missed any visits. She told the court she is no longer in a relationship with Leon. She also claims that she has been attending church. However, she began therapy just six weeks prior to trial, requested co-dependency counseling three weeks before trial, inquired about classes at her church five days before trial, and was baptized two days before trial.<sup>1</sup>

The court terminated both Deborah's and Leon's parental rights on August 4, 2006, pursuant to Iowa Code sections 232.116(b), (d), (e), (g), and (h) (2005). Deborah appeals.

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<sup>1</sup> Deborah is also the mother of four other children. Her parental rights to two of the children have been terminated, while two others remain out of her care. The family has been involved with the juvenile court since 1992.

## **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 children. *Id.* In determining the children's best interests, we look to both long-term and immediate needs. *Id.* We need only find grounds to terminate parental rights under one section cited by the district court in order to affirm the termination. *In re R.K.*, 649 N.W.2d 18, 19 (Iowa Ct. App. 2002).

## **III. Merits**

We find there are grounds to terminate Deborah's parental rights under both sections 232.116(g) and (h). According to section 232.116(g) we may terminate parental rights if (1) the child has been adjudicated CINA; (2) the court has terminated parental rights with respect to another child in the same family; (3) clear and convincing evidence shows the parent lacks the ability or willingness to respond to services that would correct the situation; and (4) clear and convincing evidence shows additional time for rehabilitation would not correct the situation. According to section 232.116(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 either 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.

The children have been out of Deborah's care since April 2005. In that time, she has neither consistently availed herself of services nor displayed the ability or willingness to maintain a stable home. We agree with the juvenile court that although she has made good progress recently, her past history is one of reverting back to poor behaviors. She has managed to keep her job and apartment since February, but her other efforts at reform came just before trial. See *In re C.B.*, 611 N.W.2d 489, 495 ("The changes in the two or three months before the termination hearing, in light of the preceding eighteen months, are insufficient."). Furthermore, this is not the first time Deborah has encountered DHS and the juvenile court. She has had nearly fifteen years to respond to services. See *In re H.L.B.R.*, 567 N.W.2d 675, 677 (Iowa Ct. App. 1997) ("A parent does not have an unlimited amount of time to correct her deficiencies."). She has, however, repeatedly refused to take advantage of help offered to better her circumstances. See *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000) ("The future can be gleaned from evidence of the parents' past performance and motivations."). We therefore conclude both that the State provided clear and convincing evidence to terminate Deborah's rights and that termination is in the children's best interests. The juvenile court's ruling is affirmed.

**AFFIRMED.**