

IN THE COURT OF APPEALS OF IOWA

No. 7-166 / 07-0176
Filed March 28, 2007

**IN THE INTEREST OF A.H. Jr., T.H., and A.H.,
Minor Children,**

**T.L.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Polk County, Louise Jacobs,
District Associate Judge.

A mother appeals from the order terminating her parental rights to her
three children. **AFFIRMED.**

Thomas Graves of Jackowski & Graves, L.L.P., Clive, for appellant
mother.

Rodney Ryan, Des Moines, for father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, John P. Sarcone, County Attorney, and Corey McClure,
Assistant County Attorney, for appellee State.

Jessica Miskimins of the Youth Law Center, Des Moines, for minor child.

Considered by Zimmer, P.J., and Miller and Baker, JJ.

ZIMMER, P.J.

Teresa appeals from the juvenile court order terminating her parental rights to her three children. We affirm.

I. Background Facts and Proceedings

Teresa is the mother and Anthony¹ is the father of Anthony Jr., born in September 2000; Twanna, born in October 2001; and Alaije, born in April 2006. The Iowa Department of Human Services (Department) has been involved with the family for approximately four years due to Teresa's persistent drug and alcohol abuse and her neglect of the children. The children have resided outside the family home for much of the past four years, and they have resided in numerous foster homes. Anthony Jr. and Twanna were adjudicated to be children in need of assistance (CINA) in September 2005. Alaije was adjudicated CINA in July 2006.

The State filed a petition to terminate Teresa's and Anthony's parental rights on October 25, 2006. At the termination hearing on December 19, 2006, Teresa testified she had only been sober and drug-free since November 29, 2006. She asked for more time to demonstrate her recovery from drug addiction. The Department recommended Teresa's parental rights be terminated. Following the hearing, the juvenile court terminated Teresa's and Anthony's parental rights in an order filed January 12, 2007. Teresa has appealed.

II. Scope and Standards of Review

We review termination proceedings de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be supported by clear

¹ Anthony has not appealed from the termination of his parental rights.

and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). We are primarily concerned with the children's best interests in termination proceedings. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

III. Discussion

The juvenile court terminated Teresa's parental rights on a variety of statutory grounds, including Iowa Code sections 232.116(1)(b) (2005) (abandonment), 232.116(1)(d) (child CINA for physical abuse, sexual abuse, or neglect; circumstances continue despite receipt of services), 232.116(1)(e) (child CINA, child removed for six months, parent has not maintained significant and meaningful contact with the child), 232.116(1)(f) (child four or older, child CINA, removed from home for twelve of last eighteen months, and child cannot be returned home), 232.116(1)(h) (child three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home), and 232.116(1)(l) (child CINA, parent has substance abuse problem, child cannot be returned within a reasonable time). Teresa contends the circumstances that led to her children's adjudication as CINA no longer exist. She also argues the juvenile court erred in finding the children could not be returned to her care within a reasonable amount of time. Upon our review of the record, we conclude the evidence does not support the mother's arguments.

The record reveals Teresa has an extensive history of substance abuse. At the time of the termination hearing, Teresa admitted she had only been sober for less than a month. Teresa has failed to demonstrate a long-term commitment to maintaining a drug-free lifestyle. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006) (stating we look to the parent's past performance because it may indicate the

quality of care the parent is capable of providing in the future). Although the mother has received numerous services over the past four years, it has been necessary to remove her older children from her care on at least three occasions since 2002. Teresa has not seen Anthony Jr. and Twanna since June 5, 2006. She has not seen Alaije since July 2006. Teresa has a history of lying about her use of drugs and has only recently acknowledged she is an addict. We conclude the grounds for termination have been proved by clear and convincing evidence.

Even when the statutory grounds for termination are met, the decision to terminate parental rights must reflect the children's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). When we consider the children's best interests, we look to their long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). Anthony Jr., Twanna, and Alaije have adapted well to their foster home, and their foster family is willing to adopt them. Because the children have experienced repeated disruptions in their lives, they would be harmed by allowing their mother additional time to address her issues. Children should not be made to suffer endlessly waiting for responsible parenting. *In re J.L.W.*, 570 N.W.2d at 781. They deserve stability and permanency in their lives. *In re C.D.*, 509 N.W.2d 509, 513 (Iowa Ct. App. 1993). We conclude termination of Teresa's parental rights is in the children's best interests.

IV. Conclusion

We affirm the juvenile court's decision to terminate Teresa's parental rights.

AFFIRMED.