

IN THE COURT OF APPEALS OF IOWA

No. 7-176 / 07-0287

Filed April 11, 2007

**IN THE INTEREST OF T.M. and F.X.M.,
Minor Children,**

**D.M., Mother,
Appellant.**

Appeal from the Iowa District Court for Woodbury County, Brian L. Michaelson, Associate Juvenile Judge.

A mother appeals the termination of her parental rights to her children.

AFFIRMED.

Patrick H. Tott, Sioux City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Patrick Jennings, County Attorney, and Marti Sliester, Assistant County Attorney, for appellee.

Molly Joly, Sioux City, guardian ad litem and attorney for minor children.

Considered by Vogel, P.J., and Vaitheswaran and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals the termination of her parental rights to her children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She also contends termination is not in the children's best interest. We review her claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The mother's parental rights to both children were terminated pursuant to Iowa Code sections 232.116(1)(d) and (i) (2005). The mother's parental rights were also terminated pursuant to section 232.116(h) as to T.M. We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Termination is appropriate under section 232.116(1)(d) where:

(1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding.

(2) Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

The mother does not dispute the first element has been proved. She argues the circumstances that led to adjudication of the children to be in need of assistance no longer existed at the time of the termination hearing. We disagree.

T.M. came to the attention of the Department of Human Services in October 2005, before F.X.M.'s birth. There were numerous concerns about the environment in which T.M. was being raised, including a cluttered living environment, inappropriate discipline, and questionable supervision. T.M.

suffered developmental delays in the areas of communication, social and emotional development, and adaptive behaviors. He made significant improvements in these areas following his placement in foster care.

F.X.M. was removed from the mother's care shortly after birth following concerns regarding the mother's care of the child while in the hospital. F.X.M. was placed in foster care with T.M.

The mother suffers from numerous mental health problems, which impact her ability to appropriately care for the children. She receives an abundance of services to assist with these problems, but they have not enabled her to resume care of her children. As the district court found:

It is clear from this record that [the mother] received a plethora of services from a myriad of providers in an effort to address her needs so that the children could be returned to her care. Notwithstanding this vast array of services, these children would be placed into harm's way if returned to [the mother's] full-time care due to [the mother's] mental health, her extremely poor judgment and questionable insight, her, at times, spontaneous and immature thinking patterns/behaviors, and her lack of knowledge/understanding of the developmental expectations of a child.

We concur with these findings and adopt them as our own. The mother's therapist opines that the mother needs an additional six to nine months before being able to assume the responsibility of caring for her children. The crucial days of childhood cannot be suspended while the mother experiments with ways to face up to her own problems. See *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). The children simply cannot wait for responsible parenting. *Id.*

We further conclude termination is in the children's best interest. The children have been in foster care for a significant portion of their lives. The mother's therapist reports that the mother is becoming detached from the

children. The children are thriving in a pre-adoptive foster care placement. Long-term foster care is not preferred to termination of parental rights. *In re R.L.*, 541 N.W.2d 900, 903 (Iowa Ct. App. 1995). The children need permanency. At some point, the rights and needs of the child rise above the rights and needs of the parent. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). That time is now. Accordingly, we affirm the juvenile court's order terminating the mother's parental rights to her children.

AFFIRMED.