

IN THE COURT OF APPEALS OF IOWA

No. 7-420 / 07-0785

Filed June 13, 2007

**IN THE INTEREST OF R.N.H., D.C.H. and S.T.A.K.,
Minor Children,**

M.K., Mother,
Appellant.

Appeal from the Iowa District Court for Pottawattamie County, Kathleen A. Kilnoski, District Associate Judge.

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

William F. McGinn of McGinn, McGinn, Jennings & Springer, Council Bluffs, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Matthew Wilber, County Attorney, and Dawn Eimers, Assistant County Attorney, for appellee State.

Lori Falk-Goss and Brian Rhoten, Council Bluffs, for appellee fathers.

Marti D. Nerenstone, Council Bluffs, guardian ad litem for the minor children.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

BAKER, J.

Melissa appeals from the order terminating her parental rights to Raven, who was born in 1998, Dameon, who was born in 1996, and Slade, who was born in 1994. Although she had minimal contact with the children throughout this case, rarely attended court hearings, failed to complete recommended drug or mental health treatment, and did not attend or present evidence at the termination hearing, Melissa maintains on appeal that “[t]his case involve[s] an issue of the parent child relationship suffering as a result of a procedural rule.” She does not indicate what “procedural rule” served to improperly influence the court’s decision, and because we conclude termination is decidedly in the children’s best interests, we affirm the termination of Melissa’s parental rights.

All three children were removed from Melissa’s custody in April of 2005, when police discovered a drug pipe in the family’s residence, which had been deemed unfit for habitation by Council Bluffs housing inspectors. Melissa admitted she and two friends had used methamphetamine in the house the previous day. Based on this incident, the children were adjudicated to be in need of assistance pursuant to Iowa Code sections 232.2(6)(c)(2) and (g) (2005). Following their removal, the children remained in foster care until the State filed a petition to terminate Melissa’s parental rights in March of 2007. Following a hearing, the court terminated Melissa’s parental rights to all three children under sections 232.116(1)(d), (e), (f), and (i).

Upon our de novo review of the record, see *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991), we affirm the court’s ruling that clear and convincing evidence supports termination under the provisions cited. Contrary to Melissa’s urgings on

appeal, it would not have been appropriate to grant her “additional time to work for reunification,” for it appears no amount of additional time would have convinced Melissa of the necessity to make the children a priority in her life, address her troubling personal issues, and take seriously her role as a mother. See *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1990) (“The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems.”). Further, Melissa failed to seek additional services, failed to appear at the termination hearing and has provided us with no record upon which we could conceivably determine that additional time would be of any benefit. This issue has been waived. See *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

By the time of the termination hearing, the children had been out of Melissa’s custody for approximately two years with no trial period in her home. She has had limited contact with the children and even at the visits with the children that she did attend, Melissa did not make the children a priority. During one visit, Melissa brought along a friend that the children reported had used methamphetamine with their mother. She failed to comply with or complete the majority of services offered to her, including substance abuse treatment and individual and family therapy. It is clear that the children cannot be returned to the custody of their mother.

The children have been together in the same foster home for two years. They are thriving in that foster home and expect to be adopted by those foster parents. The mother has been given adequate time to seek reunification. Given Melissa’s current unsettled situation and indifferent attitude, coupled with the

children's flourishing and optimistic status in their foster home, we agree that termination of Melissa's parental rights is in their best interests.

AFFIRMED.