

IN THE COURT OF APPEALS OF IOWA

No. 7-560 / 07-1123
Filed September 6, 2007

**IN THE INTEREST OF Z.F.,
Minor Child,**

**A.R.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Webster County, James A. McGlynn, Associate Juvenile Judge.

A mother appeals the juvenile court order terminating her parental rights.

AFFIRMED.

Kurt T. Pittner, Fort Dodge, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Timothy Schott, County Attorney, and Jennifer Weaver, Assistant County Attorney, for appellee State.

Angela J. Ostrander, Fort Dodge, for the father.

Christopher O'Brien of O'Brien Law Office, Fort Dodge, guardian ad litem for minor child.

Considered by Mahan, P.J., and Miller, J., and Robinson, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

ROBINSON, S.J.**I. Background Facts & Proceedings**

A.H. and G.F. are the parents of Z.F., who was born in January 2007. The parents have a long history of substance abuse. Z.F. tested positive for illegal drugs at the time of her birth. She was born prematurely and spent about two weeks in the hospital. After she was released from the hospital she was placed in foster care.

Z.F. was adjudicated to be a child in need of assistance (CINA) under Iowa Code sections 232.2(6)(c)(2), (n), and (o) (2007). The parents did not attend the adjudicatory hearing in March 2007, or the dispositional hearing in April 2007. At the dispositional hearing the juvenile court waived the reasonable efforts requirement. A.H. had failed to avail herself of the services offered to her when an older child was removed from her care. Her parental rights to the older child were terminated in April 2007, and she also failed to appear for that hearing.

The parents were hiding out because they were wanted on criminal charges. They were apprehended and arrested later in April 2007. G.F. was charged with first-degree robbery. A.H. served about ten days in jail on contempt of court charges. Throughout the juvenile court proceedings A.H. made no effort to remain in contact with the Department of Human Services or with her daughter.

On April 27, 2007, the State filed a petition seeking termination of the parents' rights. A.H. attended the termination hearing held on June 1, 2007. She

testified she was turning her life around and that she expected to obtain a job and an apartment in the near future. She stated she had an appointment to see a psychiatrist for mental health problems. A.H. stated she did not think she had a drug problem, and she could quit anytime she wanted. She asked for more time to reunite with her child.

The juvenile court terminated the parents' rights under sections 232.116(1)(b) (abandonment) and (g) (child CINA, parent's rights to another child were terminated, parent does not respond to services). As to A.H., the court stated it "can find no reason to believe that this mother would be able to rehabilitate herself at any time in the reasonably foreseeable future and obtain custody of the child." The court concluded termination of the parents' rights was in the child's best interests. A.H. has appealed.

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). 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 child. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

III. Merits

A.H. claims the juvenile court should have given her more time to reunite with her child. She points out that Z.F. was out of her care for only about five months, and asserts the State acted too quickly to terminate her parental rights.

A.H. contends she was turning her life around, and in a few more months would have been ready to have Z.F. returned to her care.

In addressing the mother's request for additional time, the juvenile court stated, "Giving the mother additional time will come only at the expense of the child and the Court sees no valid reason to do so." We agree with the juvenile court's conclusion. A.H. had been involved with the Department of Human Services since 2003 with her older child. She failed to respond to services then, and continued to fail to respond during the CINA case involving Z.F. As we have previously noted, "[p]atience with parents can soon translate into intolerable hardship for their children." *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). We conclude it would not be in Z.F.'s best interests to give A.H. additional time to address the problems that led to the child's removal.

We affirm the decision of the juvenile court.

AFFIRMED.