

IN THE COURT OF APPEALS OF IOWA

No. 7-562 / 07-1173
Filed September 19, 2007

**IN THE INTEREST OF K.Z. AND D.Z.,
Minor Children,**

A.Z., Mother,
Appellant.

Appeal from the Iowa District Court for Linn County, Susan Flaherty,
Associate Juvenile Judge.

A mother appeals the juvenile court order terminating her parental rights to
her minor children. **AFFIRMED.**

Henry M. Keyes of Keyes Law Offices, Cedar Rapids, for appellant
mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
County Attorney, Harold L. Denton, County Attorney, and Kelly J. Kaufman,
Assistant County Attorney, for appellee State.

Michael Lindeman of Lindeman Law Offices, Cedar Rapids, guardian ad
litem for minor children.

Considered by Huitink, P.J., and Baker, 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**

Ann is the mother of Karley, born in 1994, and Damien, born in 1997.¹ The children were removed from Ann's care in October 2005 due to the extremely unsanitary conditions in the home. The kitchen was impassible due to accumulated garbage, and the bathroom had dirty dishes in it. The home was infested with flies and cockroaches. There was cat feces on the floor. The windows were covered with plywood and carpeting.

There were also concerns that Ann had not been attentive to the children's dental needs. When the children were placed in foster care they were unacquainted with basic concepts of hygiene. They stated they had never owned a toothbrush. Karley and Damien were adjudicated to be children in need of assistance (CINA) under Iowa Code sections 232.2(6)(c)(2) and (g) (2005). A dispositional order was entered on January 4, 2006.

Ann and her mother lived in the unsanitary conditions outlined above for nearly a year, even though the home had been condemned by the county. Ann stated she did not think there was anything wrong with her home. In September 2006 Ann and her mother moved to the home of Ann's grandmother. Several other relatives also live in this home.

A psychological test showed Ann was mildly mentally retarded. The report found Ann was lacking in social competence and common sense. Ann told the psychologist it was "kind of a mystery" to her why the Iowa Department of Human

¹ Ann is also the mother of Travis. Travis turned eighteen during the course of the CINA proceedings, and thus was not involved in the termination proceedings. The fathers of Karley and Damien are unknown.

Services found the conditions in her home were a health hazard. Ann also told a social worker she did not believe she needed parenting services. Ann did not make improvements in structure, discipline, or meeting the children's needs during supervised visits.

In September 2006, the State filed a petition seeking termination of Ann's parental rights. The termination hearing was held in April 2007. The court terminated Ann's parental rights under section 232.116(1)(f). The court found the mother "has been unable to demonstrate that she could provide for their daily physical or emotional needs at this point and it does not appear that this situation will change." Ann appeals the termination of her parental rights.

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

III. Merits

A. Ann contends the State failed to present clear and convincing evidence to show her parental rights should be terminated. She claims there is insufficient evidence the children could not be returned to her care. Ann states she is living in a new home now, and her relatives could help her care for the children.

We conclude the State presented enough evidence to support the juvenile court's determination that Ann's parental rights should be terminated. Ann never indicated she understood why the children were removed from her care. She felt there was nothing wrong with her parenting skills. Because Ann did not believe there were any problems, she did not take any steps to change. The evidence shows the children could not be returned to Ann's care without a substantial risk the children would again be placed in the same conditions that led to their removal.

B. Ann also contends that termination of her parental rights is not in the children's best interests. Ann allowed her children to live in very unsanitary and unhealthy conditions. She did not attend to their dental or hygiene needs, and continued to deny there were any problems. Clearly, Ann is unable to meet the children's needs, and termination is in their best interests.

We affirm the juvenile court order terminating Ann's parental rights.

AFFIRMED.