

IN THE COURT OF APPEALS OF IOWA

No. 7-629 / 07-1122
Filed September 6, 2007

**IN THE INTEREST OF J.S., A.S., P.S., K.T. and D.T.,
Minor Children,**

G.R.S., Father,
Appellant,

B.J.S., Mother,
Appellant.

Appeal from the Iowa District Court for Page County, Gary K. Anderson,
District Associate Judge.

A mother of five children and the father of three of those children appeal
from the order terminating their parental rights to their children. **AFFIRMED.**

DeShawne L. Bird-Sell, Glenwood, for appellant father.

C. Kenneth Whitacre of Swenson & Whitacre, P.C., Glenwood, for
appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Richard Davidson, County Attorney, and Anthony Almquist,
Assistant County Attorney, for appellee State.

James Millhone of Millhone & Anderson, Clarinda, guardian ad litem for
minor children.

Considered by Huitink, P.J., and Vogel and Baker, JJ.

BAKER, J.

B.S. is the mother of J.S., who was born in 2000, A.S., who was born in 1999, P.S., who was born in 1998, D.T., who was born in 1996, and K.T., who was born in 1992. G.S. is the father of J.S., A.S., and P.S.¹ In March of 2005, the children were removed from the care of their parents and a petition was filed alleging the children to be in need of assistance (CINA) due to alleged sexual and physical abuse by the father. On October 25, 2005, the children were found to be CINA based on founded reports of physical abuse, lack of supervision, and sexual abuse. On November 7, 2006, the State filed a petition seeking to terminate the parental rights of the mother and the father. Following a hearing on that petition, the juvenile court granted the State's request. It terminated both the mother's and the father's rights pursuant to Iowa Code sections 232.116(1)(d), (e), (f), and (i) (2007). The mother and father appeal from this order.

We review termination orders de novo. *In re R.F.*, 471 N.W.2d 821, 824 (Iowa 1991). While the district court terminated the parental rights on more than one statutory ground, we will affirm if at least one ground has been proved by clear and convincing evidence. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Our primary concern is the best interests of the child. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

On appeal, the father contends "he could have been given additional time to work for reunification" and that the court should have entered some dispositional order short of termination. Although he concedes that he received

¹ K.T.'s father is K.J. and D.T.'s father is D.M. Neither of their interests are at issue in this appeal. For ease of reference in this opinion, we will refer to G.S. as "the father."

sufficient services to address the situation that led to the children's adjudication, he believes those circumstances that led to adjudication do not continue to exist. Likewise, the mother asserts "she could have been given further time to address her treatment program." She believes there was no showing made that she could not presently assume care of the children without endangering them.

While we question whether the father has preserved his contention for appellate review, we nonetheless address it, and conclude the court properly terminated his parental rights. While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience has been built into the statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). A child should not be forced to await the maturity of a parent endlessly. *Id.* 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). Any patience earned by the father has been expended.

The father is a convicted felon who has a history of sex-related arrests and drug abuse. K.T. reported that he had sexually abused her and other children reported that he whipped them with a belt and a wire coat hanger. The children almost uniformly have expressed an extreme fear of the father and do not wish to return to his care. He has been imprisoned during much of the pendency of this case and has been unable to take advantage of any services. It would be contrary to their best interests to allow him to remain a part of their lives, and no measure of additional time or services would alter this conclusion.

We also, upon our de novo review, conclude the court properly terminated the mother's parental rights. The mother has not completed all of the

requirements of the juvenile court and even after a lengthy period of court and DHS involvement has not progressed beyond having supervised visits with the children. She frequently shows up late for visits, cancels them, or simply misses them. As noted above, the children are extremely afraid of the father, and despite this knowledge, at the time of the termination hearing the mother had reunited with him. She has not attended any of the children's mental health appointments and has not taken an active role in their treatment. Overall, she has not shown the ability to protect her children from danger and can offer them no stability. The State has clearly offered the mother sufficient time and services in order to proceed toward reunification. However, either because of apparent indifference or simply poor decision making, the mother has continued to take actions contrary to the well-being of her children. We affirm the termination of her parental rights.

AFFIRMED.