

IN THE COURT OF APPEALS OF IOWA

No. 7-671 / 07-1292
Filed September 19, 2007

IN THE INTEREST OF E.J.C., Minor Child,

R.C., Mother,
Appellant.

Appeal from the Iowa District Court for Jasper County, Thomas W. Mott,
District Associate Judge.

A mother appeals from the termination of her parental rights to her child.

AFFIRMED.

Scott L. Bandstra, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
County Attorney, Steve Johnson, County Attorney, and James W. Cleverley, Jr.,
Assistant County Attorney, for appellee.

Maria Ruhtenberg of Whitfield & Eddy, Des Moines, guardian ad litem for
minor child.

Considered by Sackett, C.J., and Zimmer and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals from the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence and failed to make reasonable efforts to reunify her with the child. We review these claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The child came to the attention of the Department of Human Services shortly after his birth in April 2005. The maternal grandfather reported that the mother was threatening to kill the child, had struck the child's leg, and refused to feed the child on occasion. The child was placed in foster care and adjudicated in need of assistance in July 2005. The mother's parental rights were terminated in December 2006, but this court reversed because the mother did not have adequate legal representation during the termination proceeding. *See In re E.J.C.*, No. 07-0033 (Iowa Ct. App. Mar. 14, 2007). On remand, the juvenile court filed an order on May 8, 2007 setting hearing on termination of parental rights. The termination hearing was held on July 9, 2007.

The juvenile court terminated the mother's parental rights pursuant to Iowa Code sections 232.116(1)(h) and (i) (2005). 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)(h) where:

- (1) The child is three years of age or younger.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The child has been removed from the physical custody of the child's parents for at least six months of the last twelve months, or for the last six consecutive months and any trial period at home has been less than thirty days.

(4) There is clear and convincing evidence that the child cannot be returned to the custody of the child's parents as provided in section 232.102 at the present time.

The mother does not dispute the first three elements were proved. Instead, she argues the State failed to prove by clear and convincing evidence that the child could not be returned to her care.

The mother has difficulty with impulse and anger control and maintaining stability. She does not exhibit appropriate parenting skills. Although she made some improvements, they are not enough to allow the child to be returned to her care. Twice she entered the House of Mercy with the prospect of reunification with her child. On both occasions she was discharged for failure to follow the rules. The mother has maintained some stability in her housing and was working at the time of the termination hearing, but she is unable to support herself on her own. She would need additional time to be able to safely and appropriately care for the child.

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). Children should not be forced to endlessly await the maturity of a natural parent. *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). The child has been out of the mother's care for nearly his entire life. We conclude termination is appropriate.

The mother also contends the State failed to make reasonable efforts to reunify her with her child. A challenge to the sufficiency of services should be

raised in the course of the child in need of assistance proceedings. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1994). Because the mother failed to do so, we find this issue has not been preserved for our review.

AFFIRMED.