

IN THE COURT OF APPEALS OF IOWA

No. 7-721 / 07-1045
Filed October 12, 2007

**IN THE INTEREST OF A.B.,
Minor Child,**

A.J.B., Father,
Appellant,

J.S.B., Mother,
Appellant.

Appeal from the Iowa District Court for Black Hawk County, Daniel Block,
Associate Juvenile Judge.

J.S.B. appeals from the juvenile court's order terminating her parental
rights to her child, A.B. **AFFIRMED.**

Paul Shinkle, Cedar Falls, for appellant father.

Christina M. Shriver, Hudson, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Thomas J. Ferguson, County Attorney, and Steven J. Halbach,
Assistant County Attorney, for appellee State.

Linnea Nicol, Waterloo, for minor children.

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

HUITINK, P.J.

J.S.B. appeals from the juvenile court's order terminating her parental rights to her child, A.B.¹ J.S.B.'s sole contention on appeal is that "the trial court erred in not granting the mother's request to defer permanency for six months, pursuant to Iowa Code § 232.104(2)(b)." We review J.S.B.'s claim de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000).

Iowa Code section 232.104(2)(b) (2007) provides the juvenile court may

[e]nter an order pursuant to section 232.102 to continue placement of the child for an additional six months at which time the court shall hold a hearing to consider modification of its permanency order. An order entered under this paragraph shall enumerate the specific factors, conditions, or expected behavioral changes which comprise the basis for the determination that the need for removal of the child from the child's home will no longer exist at the end of the additional six-month period.

To continue placement for an additional six months, "the statute requires the court to make a determination the need for removal will no longer exist at the end of the extension." *In re A.A.G.*, 708 N.W.2d 85, 92 (Iowa Ct. App. 2005). Therefore, extensions can be appropriate under some circumstances. *Id.* "The judge considering them should however constantly bear in mind that, if the plan fails, all extended time must be subtracted from an already shortened life for the children in a better home." *Id.* at 92-93 (quoting *In re A.C.*, 415 N.W.2d 609, 613-14 (Iowa 1987), *cert. denied sub nom. A.C. v. Iowa*, 485 U.S. 1008, 108 S. Ct. 1474, 99 L. Ed. 2d 702 (1988)).

The record indicates A.B. was removed from parental custody, adjudicated a child in need of assistance, and placed with relatives because of

¹ We note that A.J.B.'s appeal was dismissed because he failed to timely file his petition on appeal.

the risk of harm caused by J.S.B.'s chronic substance abuse. The record also indicates J.S.B. was offered a variety of services intended to facilitate reunification, including residential substance abuse treatment. The juvenile court directed the State to file a petition requesting termination of J.S.B.'s parental rights after her unauthorized departure from residential treatment resulted in revocation of her probation on two earlier drug convictions and incarceration for two consecutive indeterminate five-year terms.

J.S.B. made her request to defer permanency at the hearing on the State's petition to terminate her parental rights. The juvenile court's ruling denying J.S.B.'s request and order terminating her parental rights includes the following findings of fact:

The child in interest, [A.B.], has been removed from her parents' care since September 19, 2006. The child's mother, [J.S.B.], acknowledges using methamphetamine while the child was in the same apartment and she was providing primary care. [J.S.B.] admits using methamphetamine since she was eighteen years of age. [J.S.B.] has a lengthy history of substance abuse, her primary drug of choice being methamphetamine. [J.S.B.] has not visited with the child since November, 2006. [J.S.B.] is currently incarcerated at the Women's Correction Facility in Mitchellville, Iowa. [J.S.B.] was incarcerated after absconding from a local residential treatment facility she had been placed in for violating probation by using illegal substances. While at the residential facility, [J.S.B.] signed out for visits with the child in interest which she never attended. . . . [J.S.B.] has demonstrated that she is incapable of putting the child's needs above her own.

The juvenile court also found that "the parent's request for an additional six months of services is not in the best interests of the child." The record includes abundant evidence supporting the juvenile court's findings of fact, and we adopt them as our own. Like the juvenile court, we conclude the requested extension of time is not appropriate under these circumstances. J.S.B.'s history of chronic

substance abuse, failure to avail herself of reunification services, as well as the probation violation resulting in her extended incarceration preclude any extension of time under the statute. We have said:

There are a number of stern realities faced by a juvenile judge in any case of this kind. Among the most important is the relentless passage of precious time. The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems. Neither will childhood await the wanderings of judicial process. The children will continue to grow, either in bad or unsettled conditions or in the improved and permanent shelter which ideally, at least, follows the conclusion of juvenile proceedings. . . . [P]atience with parents can soon turn into intolerable hardship for the[] children.

In re A.C., 415 N.W.2d at 613. The same reasoning controls the outcome here.

The juvenile court's order terminating J.S.B.'s parental rights concerning her child, A.B., is therefore affirmed.

AFFIRMED.