

IN THE COURT OF APPEALS OF IOWA

No. 7-722 / 07-1366
Filed September 19, 2007

**IN THE INTEREST OF A.S., D.S., T.S. and C.S.,
Minor Children,**

B.S., Mother,
Appellant.

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

A mother appeals from the order terminating her parental rights to her
children. **AFFIRMED.**

Michael Lindeman, Cedar Rapids, for appellant mother.

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

Henry Keyes of Keyes Law Offices, Cedar Rapids, for appellee father.

Judy Goldberg, Cedar Rapids, for minor child.

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

VOGEL, J.

Betty¹ appeals from the July 2007 order terminating her parental rights pursuant to Iowa Code sections 232.116(1)(f) and (h) (2007) to her four children, who range in age from two to seven years of age. She asserts the State failed to prove the grounds for termination by clear and convincing evidence. She also asserts the State failed to meet its burden of proof concerning the “necessity” of termination. We review termination of parental rights *de novo*. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006).

The district court had before it a great deal of evidence that the children could not be returned to their mother’s care, either now or in the foreseeable future. The mother was offered a variety of services over two years, but was unable to learn basic parenting skills that would allow her to provide for the care and safety of her children. A service provider testified the children could not be returned to their mother’s care because “the safety issues that facilitated the removal of the children have not been addressed.” The service provider also testified that since supervised visitation began over a year ago, the mother has made little, if any, progress on visitation and the home remains unsuitable. We conclude the State met its burden in proving the grounds for termination and the “necessity” of the termination.

Furthermore, we find that termination is in the children’s best interests. The children were adjudicated in need of assistance over two years before the termination hearing, and were out of their mother’s care for fifteen months prior to

¹ The juvenile court also terminated the children’s father’s parental rights. His rights are not at issue in this appeal.

the hearing. They have done well in foster care and are in need of permanent placement. The children should not be forced to wait endlessly for the mother to be able to care for them. See *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). “At some point, the rights and needs of the child rise above the rights and needs of the parents.” *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997).

The State has proved every element under sections 232.116(1)(f) and (h) and appropriately found termination was in the children’s best interests. Therefore, we affirm the district court.

AFFIRMED.