

IN THE COURT OF APPEALS OF IOWA

No. 7-770 / 07-1171
Filed October 24, 2007

IN THE INTEREST OF D.A.C.-J., Minor Child,

K.M.G., Mother,
Appellant.

Appeal from the Iowa District Court for Polk County, Carol S. Egly, District Associate Judge.

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

AFFIRMED.

Kerri Keyte of Marks Law Firm, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, John P. Sarcone, County Attorney, and Kevin Brownell, Assistant County Attorney, for appellee.

Kimberly Ayotte, Youth Law Center, Des Moines, guardian ad litem for minor child.

Considered by Huitink, P.J., and Miller and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals 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 termination is not in the child's best interest. We review these claims de novo. See *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(d), (g), and (h) (2007). We need only find termination proper on one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Termination is proper pursuant to section 232.116(1)(g) where:

- (1) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (2) The court has terminated parental rights pursuant to section 232.117 with respect to another child who is a member of the same family.
- (3) There is clear and convincing evidence that the parent continues to lack the ability or willingness to respond to services which would correct the situation.
- (4) There is clear and convincing evidence that an additional period of rehabilitation would not correct the situation.

There is no dispute the first two elements have been proved. Upon de novo review, we conclude the remaining elements were also established by clear and convincing evidence.

The mother has previously had her parental rights to four other children terminated on separate occasions. Between 2002 and 2006, the district court found the mother received the following services:

DHS Child Protective Services, family centered in-home services, supervised visitation, two psychological evaluations, parenting classes, individual therapy, Broadlawns PATH program, visiting nurse services, promised jobs, protective daycare, bus tokens, FADDS program, House of Mercy Healthy Transitions Program, Lighthouse residential program, Family Violence Center, and the MTA Wages program.

Following the commencement of this case, the mother was offered supervised and semi-supervised visitation, bus tokens and referrals, family team meetings, an evaluation for depression, weekly sessions at the Family Violence Center, parenting classes, and the PATH program.

Despite the offer or receipt of these services, the mother has not adequately addressed the concerns regarding her ability to safely parent her child. She has untreated mental health issues and a lengthy history of involvement with abusive men. The child was removed from the mother's care after a man thought to be child's father beat the mother with a table leg. The child, one month old, was in her mother's arms at the time and was fortunate to avoid serious injury or death. Questions about the mother's involvement in unhealthy relationships continued to exist at the time of the termination hearing. The future can be gleaned by the mother's past performance. See *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000). We conclude clear and convincing evidence supports termination as the mother continues to lack the ability or willingness to respond to services that would correct the situation and an additional period of rehabilitation would not correct the situation.

Termination is also in the child's best interest. Additional time would not ensure the mother would make the necessary changes to allow her to parent the child. The child should not be forced to suffer in parentless limbo endlessly. See *In re E.K.*, 568 N.W.2d 829, 831 (Iowa Ct. App. 1997). 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). Accordingly, we affirm.

AFFIRMED.