

**IN THE COURT OF APPEALS OF IOWA**

No. 7-981 / 07-1904  
Filed January 16, 2008

**IN THE INTEREST OF M.J.B.,  
Minor Child,**

**C.G.G., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Dubuque County, Thomas Straka,  
Associate Juvenile Judge.

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

Jamie A. Splinter of Splinter Law Office, Dubuque, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant  
Attorney General, Ralph Potter, County Attorney, and Jean Becker Assistant  
County Attorney for appellee.

Stuart Hoover, Dubuque, for father.

Mary Kelley, Assistant Public Defender, Dubuque, 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. She also contends the State failed to make reasonable efforts to reunify her with the child and the court erred in denying her motion to continue the termination hearing.

The child was born in December 2006 and removed a few weeks later when he tested positive for exposure and ingestion of cocaine at a high level. The child was adjudicated in need of assistance in March 2007. Trial home placement began on July 9, 2007, but ended two days later. A second trial home placement began on August 4, 2007, and ended less than one week later because of concerns for the child's safety. The State filed a petition to terminate the mother's parental rights on September 25, 2007. Following an October hearing, the juvenile court terminated both parents' parental rights pursuant to Iowa Code section 232.116(1)(h) (2007).<sup>1</sup>

Termination is appropriate under section 232.116(1)(h) where there is clear and convincing evidence of the following:

- (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.

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<sup>1</sup> The father's rights are not at issue in this appeal.

The mother does not contest the first three elements. She argues instead a failure to prove by clear and convincing evidence the child cannot be returned to her care. In particular, she emphasizes the testimony of two witnesses she claims the juvenile court did not consider.

The record demonstrates the child cannot safely be returned to the mother's care. Trial placements with the mother did not last a full week. The mother was unable to demonstrate basic parenting skills or even the ability to properly care for herself. As noted by the trial court, the mother's mental health problems, financial difficulties, lack of understanding of basic parenting skills, and lack of housing establish by clear and convincing evidence that the child cannot be safely returned to her care. The testimony the mother cites is not illuminating given the little knowledge each witness had of the case relative to other witnesses.

The mother also contends the court erred in denying her motion to continue. We review a motion for continuance under an abuse of discretion standard and will only reverse if injustice will result to the party desiring the continuance. *In re C.W.*, 554 N.W.2d 279, 281 (Iowa Ct. App. 1996). Denial of a motion to continue must be unreasonable under the circumstances before we will reverse. *Id.* Here, the mother wanted additional time to participate in mental health services. A sense of urgency exists in termination cases due to the importance of stability in a child's life. *In re L.L.*, 459 N.W.2d 489, 495 (Iowa 1990). Due to this urgency, the trial court is not obligated to grant a parent's motion for continuance because "children simply cannot wait for responsible parenting." *Id.* The court did not abuse its discretion in denying the motion.

Finally, the mother contends the State failed to make reasonable efforts to reunify her with her child. The reasonable efforts requirement is not a strict substantive requirement for termination. *In re C.B.*, 611 N.W.2d 489, 493 (Iowa 2000). Instead, the services provided by DHS to reunify parent and child after removal impact the State's burden of proving the child cannot be safely returned to the care of a parent. *Id.* Despite receiving numerous services to address her mental health issues, the mother argues additional services and more time are necessary. A child should not be forced to endlessly await the maturity of a natural parent. *Id.* at 494. 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). That time is now. Accordingly, we affirm.

**AFFIRMED.**