

**IN THE COURT OF APPEALS OF IOWA**

No. 8-1067 / 08-1603  
Filed January 22, 2009

**IN THE INTEREST OF N.R.-S. and E.R.-S.,  
Minor Children,**

**B.A.M.B., Mother,  
Appellant.**

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Appeal from the Iowa District Court for Black Hawk County, Stephen C. Clarke, Judge.

A mother appeals from the district court's order terminating her parental rights to her children. **AFFIRMED.**

Dennis Guernsey, Waterloo, for appellant mother.

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

Timothy Baldwin of Black Hawk Public Defender's Office, Waterloo, for minor children.

Considered by Vogel, P.J., and Mahan and Miller, JJ.

**VOGEL, P.J.**

Beth appeals from the district court's order terminating her parental rights to N.R.-S. (born November 2002) and E.R.-S. (born September 2005).<sup>1</sup> Her rights were terminated under Iowa Code sections 232.116(1)(f) (N.R.-S.) (child is four or older, child CINA, removed from home for twelve of last eighteen months, and child cannot be returned home), (h) (E.R.-S.) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home), and (l) (both N.R.-S. and E.R.-S.) (child CINA, parent has substance abuse problem, child cannot be returned home within a reasonable time) (2007). Beth first raises the issue of whether the State proved by clear and convincing evidence that N.R.-S. and E.R.-S. could not be returned to her care. She also claims that she should have been granted an additional six months prior to termination, as her prognosis regarding substance abuse had improved. We affirm.

We review termination of parental rights cases de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). Grounds for termination must be proved by clear and convincing evidence and our primary concern is the child's best interests. *Id.* "When the juvenile court terminates parental rights on more than one statutory ground, we need only find grounds to terminate under one of the sections cited by the juvenile court to affirm." *In re S.R.*, 600 N.W.2d 63, 64 (Iowa Ct. App. 1999).

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<sup>1</sup> The parental rights of N.R.-S. and E.R.-S.'s father were also terminated. He does not appeal.

Beth began abusing alcohol and drugs at a young age. A child protective assessment concluded she was responsible for the presence of illegal drugs in E.R.-S. in 2006. Beth has been diagnosed with multiple mental health disorders. Unable to maintain stable housing, Beth has lived with family, friends, boyfriends, but never has been able to provide a consistent home for the children. Following reoccurring child protective issues, she voluntarily left N.R.-S. and E.R.-S. with her grandmother in September 2006. The children were placed in the custody of the Iowa Department of Human Services (DHS), and on March 2, 2007, were adjudged children in need of assistance (CINA). They have remained out of Beth's custody and in relative care since that time.

Beth claims the district court should have deferred termination for an additional six months. Since the summer of 2006, Beth has been offered parent skill development, domestic violence counseling, a mental health evaluation and counseling, in-patient and out-patient substance abuse treatment, and family team meetings. Beth continues to make poor choices in her life. While she successfully completed substance abuse treatment in December 2007, she has subsequently abused alcohol. She has been sporadic in her attendance of various services and does not consistently take her psychotropic medications. Less than six weeks prior to the termination hearing, she was arrested for driving while barred. Moreover, after attending some parenting classes, Beth is still unable to control N.R.-S.'s aggressive behavior during visits, and her visits have not progressed past supervised. Our legislature has established time periods for parents to demonstrate they can parent. Iowa Code § 232.116(1)(f) and (h); see *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997). These time periods have elapsed,

and Beth still does not have the ability to provide adequately for N.R.-S. and E.R.-S.'s needs. Upon our de novo review of the record, we agree with the district court that N.R.-S. and E.R.-S. could not have been returned to Beth's care at the time of the termination hearing or in a reasonable time thereafter. Further, we conclude the allegations under Iowa Code sections 232.116(1)(f) and (h) have been established by clear and convincing evidence.

Even where there is a statutory basis to terminate parental rights, the termination must still be in the best interests of the children. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). N.R.-S. and E.R.-S. waited from March 2007 until the termination hearing in late August 2008 for Beth to make their care her priority. They should not be forced to wait any longer. See *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987) ("The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems."); see also *J.E.*, 723 N.W.2d at 801 (Cady, J., concurring specially) ("A child's safety and the need for a permanent home are now the primary concerns when determining a child's best interests.").

Beth continues to make poor choices, cannot provide the children with a safe and stable home, and has not adequately addressed her own mental health and substance abuse issues. A relative is willing and able to adopt these children. In light of the foregoing, we find termination is in the best interests of children N.R.-S. and E.R.-S., and we affirm termination of Beth's parental rights.

**AFFIRMED.**