

**IN THE COURT OF APPEALS OF IOWA**

No. 8-172 / 08-0212  
Filed March 14, 2008

**IN THE INTEREST OF A.L.K.,  
Minor Child,**

**T.K., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Humboldt County, Kurt John Stoebe, District Associate Judge.

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

**AFFIRMED.**

Brigette P. Cromwell of Kersten, Brownlee, Hendricks, L.L.P., Fort Dodge, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, and Jennifer A. Benson, County Attorney, for appellee State.

Derek Johnson, Fort Dodge, for appellee father.

Robert Lee of Arends & Lee, Humboldt, for minor child.

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

**BAKER, J.**

A mother appeals the termination of her parental rights to her daughter. Because the State proved the statutory grounds for termination by clear and convincing evidence, and termination is in the child's best interests, we affirm.

**I. Background and Facts**

Tiffany is the mother of A.L.K., who was born in October 2006. Miguel is believed to be the father, although he is not listed on the birth certificate, he has never acknowledged paternity, and no tests have been performed to prove paternity. Tiffany and Miguel have never been married. Tiffany is also the mother of H.K., who was born in February 2003. Her parental rights to H.K. were terminated pursuant to consent on March 9, 2007.

A.L.K. was removed from Tiffany's home on January 28, 2007, after relatives advised the Iowa Department of Human Services (DHS) that Tiffany was neglecting the baby by not bathing or interacting with her, or otherwise meeting her needs. A.L.K. was adjudicated a child in need of assistance (CINA) on March 9, 2007. She has been in family foster care since her removal.

DHS has provided numerous family reunification services, including parenting skills and supervised visitation. Visits have occurred weekly. DHS has not recommended additional visitation because of concerns with Tiffany's inability to safely supervise A.L.K. and her failure to adequately perform elementary child care tasks. For example, during visits Tiffany did not watch A.L.K., was easily distracted by the television, and did not know how to comfort A.L.K. On October 5, 2007, nine months after the removal, DHS reported that Tiffany had failed to make any progress in her ability to meet A.L.K.'s needs. And in its December 7,

2007 report to the court, DHS reported that Tiffany had “failed to make any progress and gain the necessary skills to care and provide for the child” and had “gained very little insight into the needs of her child or her ability to provide for those needs despite a total of sixteen months of parenting skills and family centered services.”

Tiffany works between ten and fifteen hours per week at a fast food restaurant. At the time of the termination hearing, Tiffany had lived in at least three different places in the previous eleven months. She was evicted from the YWCA for failure to comply with their rules, and is ineligible for housing assistance because she committed fraud in public housing. At the time of the hearing, Tiffany was living with Miguel, who is in this country illegally. Tiffany would be unable to provide for A.L.K. if Miguel were prosecuted or deported.

Tiffany has mental health issues, but does not attend the recommended counseling or take prescribed medication. She does not have a driver’s license, but she drives without one.

On January 16, 2008, Tiffany’s parental rights to A.L.K. were terminated pursuant to Iowa Code sections 232.116(1)(d), (g), and (h) (2007).<sup>1</sup> Tiffany appeals, contending the State proved neither the statutory grounds for termination nor that termination of parental rights is in A.L.K.’s best interests.

## **II. Merits**

We review termination orders de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). We give weight to the court’s findings of fact, but are not bound by them. *In re K.N.*, 625 N.W.2d 731, 733 (Iowa 2001). Grounds for termination

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<sup>1</sup> Miguel’s parental rights to A.L.K. were also terminated. He is not a party to this appeal.

must be proved by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). While the district court terminated the parental rights on more than one statutory ground, we will affirm if at least one ground has been proved. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). Even if the statutory requirements for termination of parental rights are met, the decision to terminate must still be in the best interests of the child, which are our primary concern. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000); *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994). In considering the child's best interests, we look to both long-range and immediate interests, considering what the future holds for her if returned to the parent. *J.E.*, 723 N.W.2d at 798.

Tiffany contends that the State failed to prove the statutory grounds for termination by clear and convincing evidence. Pursuant to Iowa Code section 232.116(1)(d), a court may order termination of parental rights where the child has previously been adjudicated CINA after finding the child had been neglected due to the parent's omissions and "the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services." In this case, Tiffany has been provided numerous family reunification services, yet has failed to make sufficient progress in her ability to meet A.L.K.'s needs. We find the State has proved the grounds for termination under 232.116(1)(d) by clear and convincing evidence. Because one statutory ground has been proved, we need not consider the others. See *R.R.K.*, 544 N.W.2d at 276.

Tiffany also contends that terminating her parental rights "was an unjust outcome and the court should have granted an additional six months towards

reunification.” We do not agree with her claim that the additional time would have allowed Tiffany “to continue responding to the services offered and would correct the issue.” While the law “demands a full measure of patience with troubled parents who attempt to remedy a lack of parenting skills,” such patience can quickly become “intolerable hardship” for the child. *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987).

“The future can be gleaned from evidence of the parents’ past performance and motivations.” *T.B.*, 604 N.W.2d at 662 (citation omitted). Months after A.L.K.’s removal, Tiffany had failed to make any progress. We agree with the district court that the

small amount of progress that the parents have made is directly related to the immediacy of this proceeding . . . . [T]here is no reason to believe that progress will accelerate or continue if [A.L.K.] is made to wait another six months to have a permanent family.

“The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems.” *A.C.*, 415 N.W.2d at 613. As the district court repeatedly noted, A.L.K. has waited long enough. A.L.K. should not have to wait any longer for her mother to develop adequate parenting skills. She deserves permanency now. Because termination is in A.L.K.’s best interests, we affirm.

**AFFIRMED.**