

IN THE COURT OF APPEALS OF IOWA

No. 8-302 / 08-0313
Filed April 30, 2008

**IN THE INTEREST OF L.C.,
Minor Child,**

**T.L.S., Mother,
Appellant.**

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

A mother appeals from the juvenile court order terminating her parental rights to her child. **AFFIRMED.**

Dennis M. Guernsey, Waterloo, for appellant.

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

Kelly Smith, Waterloo, for father.

Linnea Nicol, Assistant Public Defender, Waterloo, guardian ad litem for minor child.

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

EISENHAUER, J.

A mother appeals from the juvenile court order terminating her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She argues for additional time to reunify with her child. We review her claims de novo. *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(h) and (l) (2007). We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995).

Termination is proper under section 232.116(1)(h) where:

- (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.

The mother does not dispute the first three elements have been proved. Instead, she contends the State failed to prove by clear and convincing evidence the child cannot be returned to her custody.

We conclude termination is appropriate under section 232.116(1)(h). The child first came to the attention of the Department of Human Services in September 2006. He was only fourteen months old but tested positive for both cocaine and methamphetamine. The mother also tested positive for methamphetamine.

The mother has a lengthy history of substance abuse, starting at the age of twelve and including methamphetamine and crack cocaine use. She has been through treatment at least ten times. Although she claims she has maintained her sobriety since completing her last treatment program in February 2007, there are serious questions about this claim. Sweat patches, designed to detect substance abuse, were found to be “compromised” in February, June, and October of 2007. She also tested positive for opiates in July 2007 and ingested an excessive amount of alcohol in August 2007. Finally, in December 2006, the mother married a known substance abuser. The future can be gleaned by the mother’s past performance. See *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000). The mother’s prospects for sobriety are poor.

In addition to substance abuse concerns, the mother has serious mental health issues that have gone largely untreated. She has not been consistent about taking her medication or attending therapy sessions. Other problems include: domestic violence in her relationship with her husband, the adequacy of the mother’s parenting skills, and her ability to provide stability for her child.

For all these reasons, the child cannot safely be returned to the mother’s care.

The mother essentially asks for additional time to reunite her with her child. We conclude this is not in the child’s best interest. The child has been out of the mother’s custody for eighteen months. 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). A child should not be forced

to endlessly suffer in parentless limbo. See *In re E.K.*, 568 N.W.2d 829, 831 (Iowa Ct. App. 1997). 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). No additional time is warranted here.

AFFIRMED.