

**IN THE COURT OF APPEALS OF IOWA**

No. 8-500 / 08-0666  
Filed June 25, 2008

**IN THE INTEREST OF T.G. and D.S.,  
Minor Children,**

**J.S., Mother,  
Appellant,**

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Appeal from the Iowa District Court for Mahaska, Michael R. Stewart,  
District Associate Judge.

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

**AFFIRMED.**

Terri A. Beukelman, Pella, for appellant mother.

Jeffrey A. Smith, Oskaloosa, for appellant-father.

Thomas J. Miller, Attorney General, Kanthrine S. Miller-Todd, Assistant  
Attorney General, Rose Ann Mefford, County Attorney, and Misty White-Reinier,  
Assistant County Attorney, for appellee.

Randy S. DeGeest, Oskaloosa, guardian ad litem for minor child.

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

**EISENHAUER, J.**

A mother appeals the termination of her parental rights to her children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She also contends termination is not in the children's best interests. 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(1)(f) (2007). Termination is appropriate under this section where there is clear and convincing evidence of the following:

- (1) The child is four years of age or older.
- (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 twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

The mother does not dispute the first three elements have been proved. Instead she contends there is not clear and convincing evidence the children cannot be returned to her care.

The children first came to the attention of the Department of Human Services in 2003 following concerns about the home's condition and the children being left alone. The children were adjudicated in need of assistance (CINA) and services were provided to reunite the family. In August 2005 the CINA case was dismissed. However, in September, the children were again adjudicated in need of assistance after testing positive for methamphetamine. The mother also tested positive.

The mother had only sporadic contact with the children throughout the pendency of this case. Despite having received a combined total of five years of services to allow her to be able to parent her children, the mother has not made improvement. The evidence shows she is unable to safely parent the children.

As stated by the trial court:

Prior to November of 2007—twenty-seven months after the children were removed from the mother’s care—the mother had affirmatively denied an ability to provide for her children. After two and a half years, the case has reached the point of debating whether the mother can deal with supervised visits with the children.

Accordingly, the children cannot be returned to her care and the grounds for termination have been proved.

We also conclude termination is in the children’s best interests. The children have been out of the mother’s care for over two and a half years. Both children, now ages thirteen and seven, wish for parental rights to be terminated so they may be adopted. The evidence established the children’s need for resolution and permanency.

Children should not be forced to endlessly await the maturity of a natural parent. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). 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). Because we conclude termination is in the children’s best interest, we affirm.

**AFFIRMED.**