

**IN THE COURT OF APPEALS OF IOWA**

No. 8-750 / 08-1121  
Filed October 1, 2008

**IN THE INTEREST OF P.P., S.P., S.P., and S.P.,  
Minor Children,**

**T.J.P., Father,**  
Appellant,

**V.L.P., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Carol S. Egly, District  
Associate Judge.

A father and mother appeal from the order terminating their parental  
rights. **AFFIRMED.**

Judy Johnson, Des Moines, for appellant father.

Joey Hoover, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant  
Attorney General, John P. Sarcone, County Attorney, and Kevin Brownell,  
Assistant County Attorney, for appellee State.

Jessica Miskimins of the Youth Law Center, Des Moines, for minor child.

Considered by Huitink, P.J., and Vogel and Eisenhauer, JJ.

**HUITINK, P.J.**

V.P., mother, and T.P., father, appeal from the juvenile court's decision terminating their parental rights with respect to P.P., S.P., S.P., and S.P.

***I. Background Facts and Proceedings.***

P.P. was born in January 2002; S.P. in October 2003; S.P. in October 2005; and S.P. in October 2006. They were removed from parental care in June 2007 after their father was stopped in the family van for operating while intoxicated. The mother had used methamphetamine that morning, and drug paraphernalia and stolen merchandise were found in the van. Both parents were arrested on a variety of charges. At the time of removal the family had no home and had been living in the van and other transient locations. The children were found dirty, bruised, hungry, and dehydrated. T.P. remained in jail until November 2007, when he absconded. His whereabouts were unknown until he was re-arrested in March 2008; he had no contact with the children during this time.

Each of the four children was adjudicated a child in need of assistance (CINA) on July 10, 2007, pursuant to Iowa Code section 232.2(6)(c)(2) (2005) (child is likely to suffer harm due to parent's failure to exercise care in supervising child) and 232.2(6)(n) (parent's drug or alcohol abuse results in child not receiving adequate care). At the disposition on August 7, 2007, the court determined the children could not remain in their home, and the children were placed in the temporary legal custody of the Iowa Department of Human Services (DHS).

Following the removal of the children, the court adopted a case permanency plan requiring necessary changes for both parents before the children could be returned to their custody. Changes included providing a substance free environment, gaining insight into their choices and resulting impact on parenting, learning nonviolent forms of communication, and securing housing and employment. In order to achieve these goals, the State offered the family in-home services, supervised visitations, bus tokens, parenting classes, referrals to substance abuse evaluations and treatment, individual therapy, domestic abuse education, and Narcotics Anonymous meetings. T.P. failed to address concerns related to domestic abuse (which both parents admitted had occurred in the relationship), and while he was discharged from a drug treatment program, he had failed to move past even phase I of the program. V.P. had difficulties engaging in services, but eventually enrolled in the House of Mercy, yet was unable to move forward and complete her treatment.

As a result, on May 13, 2008, the State filed a petition to terminate V.P.'s and T.P.'s parental rights with respect to P.P., S.P., S.P., and S.P. on multiple grounds. Following a hearing on the merits of the State's petition, the juvenile court terminated V.P.'s and T.P.'s parental rights pursuant to Iowa Code sections 232.116(1)(d) (child CINA for physical or sexual abuse (or neglect), circumstances continued despite receipt of services), (1)(f) (child is four or older, child CINA, removed from home last twelve or eighteen months, and child cannot be returned home), and (1)(h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home). The court additionally terminated T.P.'s parental rights pursuant to sections

232.116(1)(b) (child has been abandoned) and (1)(e) (child CINA, removed from home for six consecutive months, and no significant or meaningful contact during that time).

On appeal, V.P. and T.P. challenge the sufficiency of the evidence supporting the juvenile court's decision terminating their parental rights. They also argue that they should be granted six additional months and that termination was not in the children's best interests. V.P. further argues that she was not provided reasonable services.

### ***II. Standard of Review.***

The scope of review in termination cases is de novo. *In re C.B.*, 611 N.W.2d 489, 492 (Iowa 2000). The grounds for termination must be established by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). If the juvenile court terminates parental rights on more than one statutory ground, we need only find the evidence supports termination on one of the grounds cited by the juvenile court to affirm. *In re R.K.*, 649 N.W.2d 18, 19 (Iowa Ct. App. 2000). Our primary concern is the best interests of the children. *In re T.P.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997).

### ***III. Merits.***

***Statutory Grounds.*** As noted earlier, the juvenile court terminated V.P.'s and T.P.'s parental rights pursuant to Iowa Code sections 232.116(1)(d), (f), and (h). The first three elements of (f) and (h) were clearly proved and are not in dispute. On appeal, V.P. conceded the fourth element: the State met its burden of proving the children could not be returned to her care at the time of the termination hearing. T.P. did not argue that the trial court erred in terminating his

parental rights pursuant to (f) and (h). Therefore, we will not address this argument further.

**Additional Time.** Both T.P. and V.P. argue the court erred by not granting an additional six months to achieve reunification. The record clearly shows that neither parent is reasonably likely to be able to care for all four children in six months. T.P. has been a drug addict for twenty years, and there is no sign that he has adequately been able to address this problem. “When the issue is a parent’s drug addiction, we must consider the treatment history of the parent to gauge the likelihood that the parent will be in a position to parent the child in the foreseeable future.” *In re N.F.*, 579 N.W.2d 338, 341 (Iowa Ct. App. 1998). “Where the parent has been unable to rise above the addiction and experience sustained sobriety in a noncustodial setting, and establish the essential support system to maintain sobriety, there is little hope of success in parenting.” *Id.* Further, T.P. has been in and out of prison since the children’s removal, and has not had contact with the children, or been in their lives for the past year, except for a few letters.

The trial court stated that “[V.P.] has not yet demonstrated that she can live the path she has set out.” In the recent months before termination, V.P. did make an effort at reunification by entering into House of Mercy. While her drug problem is not as pronounced as T.P.’s, she has continually stumbled in her drug addiction. She has received treatment since February 2008, but continues to have difficulty accepting that she has an addiction. At the time of termination she had only reached phase I of IV of her in-patient therapy, and House of Mercy did not believe she had progressed enough for her children to live with her. She has

no understanding what is required for her children's safety and appears to be continually challenged in proving she could nurture her children's needs. When the children were removed, they were dirty, dehydrated, and developmentally delayed. There is no evidence the circumstances would change were the children returned to her care. The trial court stated that "it would take years, not months to address all the family's issues that brought the children to the point of being children in need of assistance." We therefore agree that six additional months would not remedy this situation and should be denied.

**Reasonable Services.** V.P. claims that reasonable efforts were not provided to her for reunification purposes. She argues that she did not receive a bonding assessment that was ordered at a review hearing. The trial court found that she did not receive this service because the Child Guidance Center, the possible provider, could not perform the service as it was not a service typically available in that area due to limited provider availability. Further, V.P. did not request this service until the termination proceedings were underway. The Child Guidance Center also found, and the trial court noted, that even if an assessment were performed and indicated an attachment; this would not override any facts indicating her inability to safely parent. As listed above, the State provided numerous other services to V.P., and she had difficulty engaging in services, particularly for the first seven months after removal.

**Best Interests.** Finally, T.P. and V.P. claim termination is not in the children's best interests. While both parents do love their children, neither is able to care for or provide them a safe and secure home. P.P., S.P., S.P., and S.P. have waited over a year for T.P and V.P. to make their care a constant concern.

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.”). The children have shown great improvement while in foster care and have bonded with their foster family as well as each other. The children arrived at the foster home hungry, scared, and suffering from developmental delays. Upon being placed with the foster family, the children thrived. By the time of the termination hearing, the children had been to speech therapy, started school, become involved in Head Start, and were developmentally on track. There is a good chance this foster family would be willing to adopt all four children. In light of the foregoing, we find termination is in the best interests of P.P., S.P., S.P., and S.P. Accordingly, we affirm the ruling of the juvenile court.

**AFFIRMED.**