

IN THE COURT OF APPEALS OF IOWA

No. 8-901 / 08-1463
Filed November 13, 2008

IN THE INTEREST OF J.L., D.L., O.L., and M.L.,
Minor Children,

V.S.C., Mother,
Appellant.

Appeal from the Iowa District Court for Dallas County, Virginia Cobb,
District Associate Judge.

A mother appeals from a juvenile court order terminating her parental
rights. **AFFIRMED.**

Victoria Meade, West Des Moines, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Wayne Reisetter, County Attorney, and Sean Weiser,
Assistant County Attorney, for appellee.

DuWayne Dalen, Perry, for father.

Steve Clarke, Des Moines, guardian ad litem for minor children.

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

MILLER, J.

A mother appeals from an August 26, 2008 juvenile court order terminating her parental rights to fourteen-year-old J.L., ten-year-old D.L., eight-year-old O.L., and six-year-old M.L. (“the children”).¹ She claims that termination of her parental rights is not in the children’s best interest.

We review termination proceedings de novo. Although we are not bound by them, we give weight to the trial court’s findings of fact, especially when considering credibility of witnesses. The primary interest in termination proceedings is the best interests of the child. To support the termination of parental rights, the State must establish the grounds for termination under Iowa Code section 232.116 by clear and convincing evidence.

In re C.B., 611 N.W.2d 489, 492 (Iowa 2000) (citations omitted).

The children were removed from their parents in early February 2005, and in April 2005 were adjudicated children in need of assistance (CINA), based on their parents’ substance abuse and resulting lack of supervision. J.L. was briefly in shelter care, was in a psychiatric medical institution for children, and since February 2008 has been placed with a great aunt and uncle.

M.L. was returned to her parents in June 2006, and D.L. and O.L. were returned to them in September 2006. The CINA case as to these three children was closed in December 2006.

D.L., O.L., and M.L. were again removed from their parents in May 2007, and were adjudicated CINA in July 2007. The adjudications were again because

¹ The order also terminated the parental rights of the putative father of the four children, to whom the mother has never been married. The record suggests no question as to the paternity of J.L., D.L., and M.L. We note that during the termination of parental rights hearing the mother asserted, apparently for the first time during any hearing or formal proceeding involving the children, that the father of O.L. was someone other than the father of the other three children.

of substance abuse and lack of supervision. The three have thereafter remained in the custody of the Iowa Department of Human Services (DHS), with D.L. and O.L. together in a family foster home and M.L. placed with a great aunt and uncle other than the great aunt and uncle with whom J.L. has been placed.

The children suffer from hyperactivity and post-traumatic stress disorder, among other things. All have been involved in therapy. The three younger children have been in therapy near the mother's place of residence. Despite invitations and requests that she do so, the mother has not attended or participated in their therapy.

Since early in the current CINA proceeding involving the three younger children the case permanency plans have required the mother, who has serious, ongoing substance abuse and mental health issues, to participate in substance abuse evaluation and treatment and individual therapy. She did not begin to participate in recommended treatment or therapy until the last two days before the termination hearing.

J.L. has been removed from his parents for about three and one-half years. He wishes to be adopted by the great aunt and uncle with whom he has been placed and residing since early February 2008. They are willing and eager to adopt him. The mother candidly acknowledges that J.L. "is in the best place for him now."

D.L. and O.L. have been removed from their parents for fourteen months, and have been in family foster care together. Their therapists recommend that they stay together. They have been to respite sessions in the home of a pre-

adoptive foster family. D.L. and O.L. appear to like the home and family, and the family would take them immediately if allowed to do so.

M.L. has been removed from her parents for fourteen months, during which time she has been in the pre-adoptive foster family home of her great aunt and uncle. She worries before and after visits with her mother and does not want to go to the visits. Shortly before the termination hearing M.L. defecated in her pants before and after a visit with her mother. M.L. is closely bonded with her great aunt and uncle, whom she identifies as her parents. They are willing to and wish to adopt her.

Numerous services have been provided and offered to the family since February 2005. As of a May 6, 2008 family team meeting all service providers agreed the children needed permanency and all recommended termination of parental rights. In the opinion of the DHS social worker who has worked with the family since February 2005, the children could not be returned to the mother at the present time or within the next six months. The social worker opined that the children all needed permanency, and recommended termination of parental rights in order that the children could be adopted. The guardian ad litem for the children expressed the same opinion and recommendation.

The children are all six years of age or older, and thus recognize their mother as their mother. They are all bonded to her. However, they all suffer from stress and anxiety because of their past home life and uncertainty and lack of permanency, and they all desire permanency. The mother is unable to provide permanency for them, either now or within any reasonably foreseeable period of

time. The children need and deserve the security, stability, and permanency that can only be acquired if the mother's parental rights are terminated. We conclude, as the juvenile court did, that termination of the mother's parental rights is in the children's best interest.

We affirm the juvenile court's August 26, 2008 order.

AFFIRMED.