

IN THE COURT OF APPEALS OF IOWA

No. 8-954 / 08-1665
Filed December 17, 2008

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

**C.K.F., Mother,
Appellant.**

Appeal from the Iowa District Court for Wapello County, William S. Owens,
Associate Juvenile Judge.

A mother appeals from the order terminating her parental rights.

AFFIRMED.

Lloyd E. Keith, Ottumwa, for appellant mother.

J.M., Greeley, Colorado, father, pro se.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Mark Tremmel, County Attorney, and Seth Harrington,
Assistant County Attorney, for appellee State.

Victoria Siegel, Ottumwa, for minor child.

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

MAHAN, J.

Crystal is the mother of a two-year-old boy, C.S. She appeals the district court's order terminating her parental rights. She does not contest the statutory ground for termination. She contends, however, that the juvenile court should have given her more time to be reunited with her son. We affirm.

I. Background.

C.S. was removed from his mother's care in October 2007 due to denial of critical care. Crystal had taken an overdose of prescription medication because she was "stressed out" and then her boyfriend (not knowing of the overdose) left her alone with C.S. Crystal has a long history of suicide attempts. As she told a child protective worker, she had "attempted suicide more times than she can count."

She moved to Colorado in November 2007 because she was "too stressed out" to deal with what was happening with her and her son. Crystal was informed by Iowa Department of Human Services that she should participate in parenting classes while in Colorado. She signed up for a parenting program and attended only three of twelve classes. Crystal did attend supervised visits with C.S. when in Iowa for court proceedings.

She returned to Iowa in June 2008. Crystal was offered weekly supervised visits with C.S. and parenting classes upon her return to Iowa. She was again pregnant and not taking psychotropic medication because of the pregnancy.

The termination hearing was held in September 2008. Leisa Cloke, the social worker assigned to the case, testified that Crystal had been participating in

visits and parenting training, but was not at a point of unsupervised visits. She testified that Crystal “is loving” to C.S., but the connection is “more like a child-care provider . . . entertaining the child.” Cloke’s testimony indicates Crystal had made little, if any progress, since the inception of the case. She testified that most of the concerns that led to the department’s involvement with Crystal and C.S. remain, including Crystal’s poor decision making, her history of not taking mental health medications, her history of attempting suicide, her history of psychiatric hospitalizations, and her lack of appropriate housing. Cloke testified Crystal had three mental health hospitalizations in Colorado: in December 2007 and then in April and May 2008.

Paige Clouse, case coordinator for the family, provided transportation services, supervised visits, and the parenting skills services. Clouse testified that Crystal did not have stable housing upon her return to Iowa, so visits were offered at her office. Since her return to Iowa, Crystal attended all but three of the weekly visits: Crystal is able to comfort and play with C.S. and she participates in the parenting skills training. Clouse testified that Crystal loves C.S., but there does not appear to be a “typical mother/son bond.” Clouse had not recommended unsupervised visits at the time of the termination hearing because she continued to have a variety of concerns, including Crystal’s mental health and her unstable housing. In addition, Crystal’s brother, who had a prior child endangerment charge, was currently living with Crystal and her boyfriend.

Crystal testified at the termination hearing. She testified she had only completed three of the twelve parenting classes in Colorado because of transportation issues. She asked for the additional time to become an adequate

parent to C.S. Crystal testified she was attending her weekly visits and participating in parenting training. She testified she had not gotten unsupervised visits because she “didn’t have a stable home.” She testified she did not remember the April or May 2008 Colorado hospitalizations, she had not signed a release to the department of human services for her most recent mental-health services, and it did not occur to her that moving to Colorado might be detrimental to the reunification process.

The district court found clear and convincing evidence supporting termination of Crystal’s parental rights pursuant to Iowa Code sections 232.116(1)(h) (2007) (child age three or younger, adjudicated CINA, removed for six of the last twelve months, and cannot be returned to parent at time of hearing). The court determined termination was in the best interests of the child because “there is simply no evidence to suggest that additional time would allow [C.S.] to be returned.” By order filed September 30, 2008, Crystal’s parental rights were terminated.

Crystal appeals. She contends she is now cooperating with services and should be provided additional time to be able to parent her son.

II. Scope and Standard of Review.

We review termination of parental rights de novo. *In re Z.H.*, 740 N.W.2d 648, 650-51 (Iowa Ct. App. 2007). We give weight to the findings of the juvenile court, particularly with respect to the credibility of witnesses, but are not bound by them. *In re L.L.*, 459 N.W.2d 489, 493 (Iowa 1990). Grounds for termination must be proved by clear and convincing evidence. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). Our primary concern is the best interests of the child. *Id.*

III. Termination of Mother's Rights.

We find that clear and convincing evidence supports the juvenile court's finding that termination of Crystal's parental rights is appropriate under Iowa Code section 232.116(1)(h). C.S. is three years of age or younger; he has been adjudicated a child in need of assistance pursuant to section 232.96; he has been removed from Crystal's physical custody for at least six of the last twelve months; and there is clear and convincing evidence he cannot be returned to Crystal's custody at the present time. Crystal does not contest the statutory ground for termination. Nonetheless, she contends termination is not in C.S.'s best interests. We disagree.

Crystal has made little progress in reaching a stable place, either physically or mentally. She has a history of unstable living arrangements. Upon her return to Iowa in June 2008, she lived in various places and testified she could not have unsupervised visits with C.S. because she did not have a stable home. She has a history of admitted mental health issues and numerous hospitalizations due to suicidal tendencies. She has a history of not taking her medication and she is currently not able to take medication because she is pregnant. She did not sign a release to the department of human services for her most recent mental-health services, and we are unable to determine what treatment, if any, she is currently receiving. The social worker reported a history of poor judgment on Crystal's part, including inappropriate relationships, unstable housing, and two prior founded child abuse reports.

We consider both the long-term and immediate interests of the child when terminating parental rights. *In re C.W.*, 554 N.W.2d 279, 283 (Iowa Ct. App.

1996). Evidence from a parent's past performance may be used to gauge the quality of life the child may receive in the future. *Id.* We agree with the district court that there is no evidence that even with additional time C.S. would be allowed to return to Crystal's custody. We agree with the juvenile court's finding that a termination of parental rights is in the best interests of the child.

We affirm the court's termination of Crystal's parental rights.

AFFIRMED.