

IN THE COURT OF APPEALS OF IOWA

No. 9-005 / 08-1935
Filed February 4, 2009

**IN THE INTEREST OF A.C., M.B., E.R., and I.R.,
Minor Children,**

A.A.H., 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 to four of
her children. **AFFIRMED.**

Lloyd Keith of Keith Law Firm, P.C., Ottumwa, for appellant mother.

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

Thomas Kintigh, Ottumwa, for appellee father.

Cynthia Hucks, Ottumwa, for minor children.

Considered by Sackett, C.J., and Vogel and Potterfield, JJ.

POTTERFIELD, J.**I. Background Facts and Proceedings**

Angel is the mother of A.C., M.B., E.R., and I.R., all children under the age of ten. Michael is the father of E.R. and I.R., and Mario is the father of A.C. and M.B.¹ Angel informed the Iowa Department of Human Services (DHS) on July 28, 2006, that Michael may have sexually abused her daughter, A.C. After an investigation, the DHS founded a report for sexual abuse of A.C., listing Michael as the perpetrator. During the investigation, the DHS learned that Angel had allowed her daughters to visit their uncle Jason, who was on the sex offender registry. Based on this information, the DHS also founded a report for denial of critical care and failure to provide proper supervision of A.C. and M.B., with Angel as the responsible party.

On November 20, 2006, the children were adjudicated children in need of assistance, but legal custody remained with Angel. On March 23, 2007, the district court removed the children and placed their custody with DHS for placement in foster care. The children have not lived with Angel since this removal.

In December 2007, Angel gave birth to her fifth child.² Though Angel initially lied about the child's father, she eventually admitted that Michael was the father of the child and invited him to the hospital to be present during the birth. On November 7, 2008, the district court terminated Angel's parental rights to I.R. pursuant to Iowa Code section 232.116(1)(h) (2007) and terminated her parental

¹ The rights of the children's fathers are not at issue on appeal.

² This child is not at issue on appeal.

rights to A.C., M.B., and E.R. pursuant to Iowa Code section 232.116(1)(f). Angel appeals from the termination of her parental rights, arguing that: (1) clear and convincing evidence does not exist to support the termination of her rights; and (2) termination of her rights is not in the children's best interests.

II. Standard of Review

We review termination proceedings de novo. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). The grounds for termination must be supported by clear and convincing evidence. *In re T.B.*, 604 N.W.2d 660, 661 (Iowa 2000). Our primary concern is the children's best interests. *In re J.L.W.*, 570 N.W.2d 778, 780 (Iowa Ct. App. 1997). When we consider the children's best interests, we look to long-range as well as immediate best interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). Even if the statutory requirements for termination are met, the decision to terminate parental rights must still reflect the children's best interests. *In re M.S.*, 519 N.W.2d 398, 400 (Iowa 1994).

III. Clear and Convincing Evidence

Clear and convincing evidence supports the termination of Angel's parental rights to A.C., M.B., E.R., and I.R. A.C., M.B., and E.R. are over the age of four and were adjudicated children in need of assistance on November 20, 2006. The children have been removed from Angel's physical custody for more than the last twelve consecutive months. I.R. is three years old and was adjudicated a child in need of assistance on November 20, 2006. I.R. has been removed from Angel's physical custody for more than the last six consecutive months. Finally, there is clear and convincing evidence that none of the children can be returned to Angel's custody at this time.

The record shows that Angel has struggled to maintain consistent housing and employment that would allow her to care for the children. She has demonstrated an ongoing pattern of establishing relationships with men who have founded child abuse reports and criminal backgrounds, apparently willing to place her own interests in these relationships over the needs of her children.

Amanda Durst, the DHS case worker who worked with Angel for nearly two years, testified that Angel could not meet the needs of her children for stable and appropriate shelter, clothing, and food. Karla Lilly, who began providing services to Angel in October 2007, noted continued concerns about Angel's ability to manage the behavior of her children, to have a consistent routine, and to recognize the threat posed to her children by persons who have been accused of sexual offenses.

Thus, clear and convincing evidence supports the termination of Angel's parental rights to I.R., A.C., M.B., and E.R., and the requirements of Iowa code section 232.116(1)(f) and (h) are met.

IV. Best Interests of the Children

As discussed above, Angel is not prepared to care for her children at this time. Thus, despite whatever bond they may have, it is not in the best interests of the children that they be returned to Angel.

Angel requests that she have additional time to work to have her children returned if returning her children immediately is not possible. Angel has had ample time to make adjustments to show that she is capable of caring for her children. "The crucial days of childhood cannot be suspended while parents experiment with ways to face up to their own problems." *In re A.C.*, 415 N.W.2d

609, 613 (Iowa 1987). We find that it is in the best interests of A.C., M.B., E.R., and I.R. that Angel's parental rights be terminated.

AFFIRMED.