

IN THE COURT OF APPEALS OF IOWA

No. 9-362 / 09-0476
Filed May 29, 2009

**IN THE INTEREST OF B.J.O.-M., W.E.O.-M., and A.G.O.-M.,
Minor Children,**

**F.G.M.-F., Mother,
Appellant.**

Appeal from the Iowa District Court for Woodbury County, Mary Jane Sokolovske, Judge.

A mother appeals from the order terminating her parental rights to her three children. **AFFIRMED.**

Stephanie Forker Parry of Forker & Parry, Sioux City, for appellant mother.

Tod Deck, Sioux City, for father.

Thomas J. Miller, Attorney General, Kathrine Miller-Todd, Assistant Attorney General, Patrick Jennings, County Attorney, and David Dawson, Assistant County Attorney, for appellee State.

Lesley Rynell of the Juvenile Law Center, Sioux City, for minor children.

Considered by Mahan, P.J, and Eisenhauer and Mansfield, JJ.

MANSFIELD, J.

Flor appeals from the district court's order terminating her parental rights to her daughters A.O.-M. (born 2002), W.O.-M. (born 2004), and B.O.-M. (born 2006) pursuant to Iowa Code sections 232.116(1)(b), (d), (e), and (i) (2007).¹ Flor challenges the sufficiency of the evidence and asserts that termination is not in the children's best interests. We affirm.

Flor has previously resided in Sioux City, but moved to Minnesota and then Denver, Colorado. In July 2007, the Colorado Department of Human Services became involved with the family when the children were found wandering unsupervised in the parking lot of their apartment building, which was followed by sexual abuse allegations and unstable living arrangements. Repeated referrals were made to the Family-to-Family agency, but Flor did not participate in spite of the fact that she reported that she needed assistance obtaining food for the family. Flor was unable to care for the children, and in February 2008, she and the father left them with a friend in Sioux City. She and their father signed a notarized document that purported to make the friend the "guardian" of the children with "full temporary custody." In addition to A.O.-M., W.O.-M., and B.O.-M., the friend already had her own six children and a fiancé of one of her children residing with her.

In March 2008, the Iowa Department of Human Services (DHS) became involved with Flor's children due to physical abuse of W.O.-M. The children were still living with the friend at that time, while Flor continued to reside in Denver.

¹ The district court also terminated the parental rights of the children's father, which are not at issue in this appeal.

The treating physician stated that W.O.-M. had been “beaten up” and the injuries were caused by blunt force trauma to her face. DHS determined that W.O.-M. had been physically abused but was unable to identify the perpetrator. Subsequently, all three children were adjudicated to be in need of assistance pursuant to Iowa Code sections 232.2(6)(b) and 232.2(6)(c)(2).

In August 2008, the children were removed from the friend’s care and placed in foster care. A DHS home study did not recommend continuation of placement with the friend. Although DHS workers urged Flor to return to Sioux City to participate in reunification services or to participate in services in Colorado, Flor remained in Denver and did not participate in services. DHS workers, along with the district court in multiple orders, warned Flor that the removal of the children might lead to the termination of her parental rights. While in Colorado, Flor did not maintain stable or suitable housing, staying with friends in arrangements that would not be suitable for her three daughters. Flor did not maintain personal contact with the children. She visited them a few times in the first half of 2008, but did not subsequently see them until January 2009, which was after the termination petition was filed. She did not maintain regular contact by telephone or letters. In the first half of 2008, Flor sent \$1200 for the children’s support. However, Flor has not provided any further financial support for the children.

We review termination of parental rights cases de novo. *In re J.E.*, 723 N.W.2d 793, 798 (Iowa 2006). The children have done well in foster care and are in need of a safe and permanent home. See *id.* at 801 (Cady, J., concurring specially) (stating children’s safety and their need for a permanent home are the

defining elements in determining a child's best interests). Flor essentially abandoned her children in February 2008. Since then, she has not participated in services and has not had significant personal contact with the children. The housing arrangement that Flor proposed for the children at the February 2009 termination hearing was the same arrangement that Flor believed was unsatisfactory for them in February 2008 when she sent them to Iowa to stay with her friend. The children should not be forced to remain in foster care waiting for Flor to decide if she wants to put herself in a position where she can parent them. See e.g., *In re A.C.*, 415 N.W.2d 609, 613 (Iowa 1987) (“[P]atience with parents can soon translate into intolerable hardship for their children.”); *In re J.P.*, 499 N.W.2d 334, 339 (Iowa Ct. App. 1993) (“A child should not be forced to endlessly suffer the parentless limbo of foster care.”). “At some point, the rights and needs of the [children] rise above the rights and needs for the parents.” *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). We conclude that Flor's arguments are without merit and termination is in the children's best interests. Thus, we affirm pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), and (e).

AFFIRMED.