

**IN THE COURT OF APPEALS OF IOWA**

No. 9-467 / 09-0682  
Filed July 2, 2009

**IN THE INTEREST OF A.B.,  
Minor Child,**

**A.D.B., 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.**

Mary Baird Krafka of Krafka Law Office, Ottumwa, for appellant mother.

William Appel, Ottumwa, for father.

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 Vaitheswaran, P.J., and Potterfield and Doyle, JJ.

**DOYLE, J.**

A mother appeals from the order terminating her parental rights. We affirm.

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

A.D.B. is the mother and J.S. is the father of A.B., born September 2007.<sup>1</sup> A.D.B. was sixteen years old when she became pregnant. At that time, A.D.B. was herself adjudicated a child in need of assistance (CINA) due to her mother's and stepfather's substance abuse problems and A.D.B.'s own behavioral and substance abuse issues. Prior to A.B.'s birth, A.D.B. entered a program at the House of Mercy that provides assistance to adolescent pregnant women for substance abuse and behavioral problems.

In October 2007, shortly after A.B.'s birth, the mother met with an Iowa Department of Human Services (Department) social worker. The social worker reported that the mother was doing a pretty good job at that time parenting A.B. When the social worker next met with the mother on November 14, 2007, the mother told the worker she wanted to go home because she was under too much stress at the House of Mercy, and she wanted A.B. to go to A.B.'s maternal grandmother (A.D.B.'s mother). The worker reported that the mother was not attentive to A.B. during this visit and the mother threatened to barricade the door so the worker could not leave unless the worker agreed that the mother could leave the House of Mercy.

On November 27, 2007, the mother made a request to her counselor at the House of Mercy that A.B. be allowed to reside with her maternal grandmother

---

<sup>1</sup> The father consented to the termination of his parental rights and does not appeal.

for two to three months so A.D.B. could work on herself. The counselor reported that the mother was incredibly volatile and was up and down, seeming to always be on the verge of a blow up. On November 29, 2007, the social worker met with the maternal grandmother to develop a safety plan. A.B. was then voluntarily placed with the maternal grandmother and step-grandfather.

On December 3, 2007, the mother was removed from the House of Mercy and taken to an agency shelter due to disruptive and violent behaviors. The mother was placed in a detention center on December 9, 2007, after assaulting two staff members at the shelter. On December 18, 2007, the mother was placed at the Mental Health Institute (MHI) for a thirty-day evaluation.

On December 31, 2007, the State filed a petition alleging A.B. was a CINA. On January 10, 2008, the mother was admitted to the psychiatric medical institution for children (PMIC) at MHI. While admitted to the PMIC, the mother received supervised visits with A.B. In February 2008, the juvenile court adjudicated A.B. a CINA and continued A.B.'s placement with A.B.'s maternal grandmother and step-grandfather.

In April 2008, the mother successfully graduated from the PMIC and voluntarily signed herself into foster care on April 22, 2008. However, in June 2008, the mother checked herself out of foster care. The mother initially attempted to reside with her mother and stepfather, but A.D.B. regularly fought with her mother. A.D.B. moved out of her mother's house and has since resided with friends. At the time of the termination hearing, she was living with a friend but would not state her friend's last name or address.

The mother initially had supervised visitation with A.B. at the maternal grandmother's home twice a week. The supervisor reported that the mother was not very attentive to A.B. during these visits and had very limited parenting skills. A.D.B. regularly fought with the maternal grandmother and other family members during the visits, and even cancelled a few visits due to fights with her family. In October 2008, A.D.B. engaged in a verbal altercation with her younger sister during a supervised visit. The altercation became physical, and A.D.B. pushed her sister while the sister was holding A.B., leading to a founded child abuse report. A.D.B. was asked to leave the maternal grandmother's home, and A.D.B.'s visitation with A.B. was suspended. Thereafter, A.D.B. failed to inform the Department how to reach her, and the mother had no further visitation with A.B. for approximately two months.

On January 14, 2009, the State filed its petition to terminate parental rights. The petition asserted that the parents had both verbally stated they would voluntarily terminate their parental rights. Thereafter, the mother refused to voluntarily terminate her parental rights after A.B. was removed from the grandparents' care and placed in foster care after concerns arose that the grandparents were using illegal substances. The maternal grandmother and step-grandfather both tested positive for methamphetamine.

Hearing on the State's petition was held on February 24, 2009. The mother became angry during testimony of the Department's case manager and stormed out of the courtroom. The mother later returned, apologized, and testified. She admitted that she was not able to care for A.B. at that time, but requested that she be given more time to work towards reunification. The mother

was not employed, but testified she was looking for employment. The mother acknowledged that A.B. did not refer to her as “mom.”

On April 21, 2009, the juvenile court entered its order terminating the parents’ parental rights pursuant to Iowa Code section 232.116(h) (child is three or younger, child CINA, removed from home for six of last twelve months, and child cannot be returned home). The mother appeals.

## ***II. Discussion.***

On appeal, the mother contends the State failed to prove by clear and convincing evidence that termination of her parental rights was in A.B.’s best interests. The scope of review in termination cases is *de novo*. *In re R.E.K.F.*, 698 N.W.2d 147, 149 (Iowa 2005). Our primary concern in termination cases is the best interests of the child. *In re A.S.*, 743 N.W.2d 865, 867 (Iowa Ct. App. 2007). “A child’s safety and the need for a permanent home are now the primary concerns when determining a child’s best interests.” *In re J.E.*, 723 N.W.2d 793, 801 (Iowa 2006) (Cady, J., concurring specially). Those best interests are to be determined by looking at the child’s long-range as well as immediate interests. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). We are to consider what the future likely holds for the child if that child is returned to his or her parents. *In re J.K.*, 495 N.W.2d 108, 110 (Iowa 1993). Insight for that determination is to be gained from evidence of the parent’s past performance, for that performance may be indicative of the quality of the future care that the parent is capable of providing. *In re L.L.*, 459 N.W.2d 489, 493-94 (Iowa 1990); *In re Dameron*, 306 N.W.2d 743, 745 (Iowa 1981). Case history records are entitled to much probative force when a parent’s record is being examined. *In re S.N.*, 500 N.W.2d 32, 34 (Iowa 1993).

On our de novo review of the record, we find termination of the mother's parental rights is in A.B.'s best interests. The mother continues to struggle with anger issues and with stability in her life. We agree with the juvenile court's conclusion that there was "simply no evidence in this record to establish that additional time would yield any different result." A.B. should not be forced to wait for permanency. See *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."). "At some point, the rights and needs of the child rise above the rights and needs of the parents." *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). A.B. is adoptable and should not be forced to endlessly suffer the parentless limbo of foster care. *In re J.P.*, 499 N.W.2d 334, 339 (Iowa Ct. App. 1993). We conclude the mother's argument is without merit and termination is in the child's best interests. Accordingly, we affirm the juvenile court's decision to terminate the parental rights of A.D.B.

### ***III. Conclusion.***

Because we conclude that termination is in the child's best interests, we affirm the juvenile court's decision to terminate the parental rights of A.D.B.

**AFFIRMED.**