

IN THE COURT OF APPEALS OF IOWA

No. 2-1136 / 12-1741
Filed January 24, 2013

IN THE INTEREST OF A.L., D.P. and K.S.
Minor Children,

M.P., Mother,
Appellant.

Appeal from the Iowa District Court for Montgomery County, Susan Larson Christensen, District Associate Judge.

A mother appeals the termination of her parental rights to her child.

AFFIRMED.

DeShawne L. Bird-Sell, Glenwood, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Bruce Swanson, County Attorney, for appellee.

Justin Wyatt, Glenwood, for father.

Josiah Wearin, Red Oak, attorney and guardian ad litem for minor children.

Considered by Doyle, P.J., and Mullins and Bower, JJ.

BOWER, J.

A mother appeals the termination of her parental rights to her children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. Finding the circumstances that led to the child-in-need-of-assistance adjudication continue to exist, we affirm the termination of her parental rights pursuant to Iowa Code section 232.116(1)(d) (2011).

I. Background Facts and Proceedings.

The children—ages seven, six, and three at the time of termination—were adjudicated in need of assistance (CINA) in June 2010 after the mother attempted suicide in front of them. The children were removed from the mother's care and placed in foster care in August 2010 after she was discovered passed out on the couch while the children were unattended with medicine and cleaning supplies on the floor. The mother characterized this incident as an "overdose." Other than a four-month period from May 2011 to September 2011, the children have been out of the mother's care.

The mother has a history of substance abuse, having used marijuana, methamphetamine, and heroin. She has not successfully completed substance abuse treatment. The mother also has mental health issues with a diagnosis of schizophrenia. Although she needs medication, she was not taking any at the time of the termination hearing.

The mother, who is living in Kansas, has only been visiting the children once per month. She has not had consistent contact with the Department of Human Services (DHS), has failed to submit to the required drug testing on a

regular basis, and has not been participating in services. However, the mother testified at the termination hearing that she had been sober since May 1, 2012, and that she now intends to go to inpatient treatment.

Following the June 2012 termination hearing, the juvenile court terminated the mother's parental rights to her children pursuant to sections 232.116(1)(d), (f), (h), and (l). The mother appeals.

II. Scope and Standard of Review.

We review termination of parental rights proceedings de novo. *In re A.B.*, 815 N.W.2d 764, 773 (Iowa 2012). While we are not bound by the juvenile court's fact-findings, we do give them weight, especially when assessing witness credibility. *Id.*

The grounds for termination under section 232.116 must be proved by clear and convincing evidence. *In re C.A.V.*, 787 N.W.2d 96, 100 (Iowa Ct. App. 2010). Evidence is "clear and convincing" where there are no "serious or substantial doubts as to the correctness or conclusions of law drawn from the evidence." *In re D.W.*, 791 N.W.2d 703, 706 (Iowa 2010).

III. Analysis.

The mother contends the State failed to prove the grounds for termination by clear and convincing evidence. We need only find grounds to terminate under one of these sections to affirm. See *In re S.R.*, 600 N.W.2d 63, 64 (Iowa 1999). Termination is appropriate under section 232.116(1)(d) where clear and convincing evidence establishes the following:

- (1) The court has previously adjudicated the child to be a child in need of assistance after finding the child to have been physically or

sexually abused or neglected as the result of the acts or omissions of one or both parents, or the court has previously adjudicated a child who is a member of the same family to be a child in need of assistance after such a finding.

(2) Subsequent to the child in need of assistance adjudication, the parents were offered or received services to correct the circumstance which led to the adjudication, and the circumstance continues to exist despite the offer or receipt of services.

The mother argues the State failed to prove the conditions that existed at the time of the CINA adjudication remained at the time of termination.

The mother argues the children were adjudicated CINA because of the father, who was no longer involved in their lives at the time of termination. However, the children were adjudicated CINA due to the mother's failure to provide appropriate housing and supervision. The mother also tried to commit suicide in front of the children.

At the time of termination, concerns still existed regarding the mother's ability to safely supervise the children and about her mental health. The mother claimed to have been sober for sixty days at the time of the termination hearing, but there was no evidence to support her claim. Although it had been two years since the case began, the mother had still not completed substance abuse treatment. The mother also admitted she was not taking her prescribed medication, allegedly due to her inability to get an appointment with her doctor. At the time of termination, the mother had never seen the person she alleged to be her treating doctor. There was no evidence the mother had satisfactorily participated in services to improve her parenting abilities or to treat her substance abuse or mental health issues. In fact, there is little evidence

regarding the mother's efforts in general because the mother failed to participate in the services offered to her and did not keep in regular contact with the DHS.

The law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills." *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). However, this patience is built into the statutory scheme of chapter 232. *Id.* This is because patience on behalf of a parent can quickly translate into intolerable hardship for the child. *In re R.J.*, 436 N.W.2d 630, 636 (Iowa 1989). "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). Because clear and convincing evidence supports termination under section 232.116(1)(d), we affirm.

AFFIRMED.