

**IN THE COURT OF APPEALS OF IOWA**

No. 2-1141 / 12-1734  
Filed January 9, 2013

**IN THE INTEREST OF B.L. AND A.L.,  
Minor Children,**

**R.L., Mother.  
Appellant.**

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Appeal from the Iowa District Court for Plymouth County, Robert J. Dull,  
District Associate Judge.

A mother appeals the order terminating her parental rights. **AFFIRMED.**

Martha M. McMinn, Sioux City, for appellant mother.

Thomas J. Miller, Attorney General, Katherine S. Miller-Todd, Assistant  
Attorney General, Darin J. Raymond, County Attorney, and Amy Oetken,  
Assistant County Attorney, for appellee State.

Jim Bybee, LeMars, for appellee father.

John Polifka of the Juvenile Law Center, Sioux City, attorney and guardian  
ad litem for minor children.

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

**DOYLE, P.J.**

A mother appeals the termination of her parental rights to two of her children. She contends the State failed to prove the grounds for termination by clear and convincing evidence. We review these claims de novo. See *In re P.L.*, 778 N.W.2d 33, 40 (Iowa 2010).

The mother's parental rights were terminated pursuant to Iowa Code section 232.116(1) paragraphs (e), (f), and (h) (2011). We need only find termination proper under one ground to affirm. *In re R.R.K.*, 544 N.W.2d 274, 276 (Iowa Ct. App. 1995). We choose to focus our attention on both paragraphs 232.116(1)(f), applicable to B.L., and (h), applicable to A.L. These two grounds for termination are essentially the same but for the applicable age of the child and the amount of time the child has been out of the home. See Iowa Code § 232.116(1)(f) ("The child is four years of age or older" and "has been removed . . . for at least twelve of the last eighteen months"), (h) ("The child is three years of age or younger" and "has been removed . . . for at least six months of the last twelve months"). Both paragraphs (f) and (h) require the State to prove, by clear and convincing evidence, "the child cannot be returned to the custody of the child's parent . . . at the present time." See *id.* § 232.116(1)(f)(4), (h)(4). It is the later element of those paragraphs that the mother challenges here. Upon our de novo review, we find the State has met its burden.

While the law requires a "full measure of patience with troubled parents who attempt to remedy a lack of parenting skills," this patience has been built into the statutory scheme of chapter 232. *In re C.B.*, 611 N.W.2d 489, 494 (Iowa 2000). The legislature incorporated a six-month limitation for children

adjudicated CINA aged three and younger, and a one-year limitation for children adjudicated CINA aged four and older. See Iowa Code § 232.116(1)(f)(2), (3), (h)(2), (3). Our supreme court has stated that “the legislature, in cases meeting the conditions of [the Iowa Code], has made a categorical determination that the needs of a child are promoted by termination of parental rights.” *In re M.W.*, 458 N.W.2d 847, 850 (Iowa 1990) (discussing Iowa Code section 232.116(1)(e)). The public policy of the state having been legislatively set, we are obligated to heed the statutory time periods for reunification.

Here, the mother is the parent of five children, and she has been involved with Iowa Department of Human Services (Department) as a parent since 1995. The mother has a long history of negative behaviors and substance abuse. The mother’s two oldest children, not at issue here, also have a history of poor supervision and discipline by their mother, as well as a history of substance abuse.

The mother’s younger children at issue here came to the attention of the Department in September 2010, after the mother was arrested for two counts of prohibited acts, three counts of child endangerment, one count of delivery of marijuana, and one count of delivery of simulated controlled substance. The children, then ages eight and two, were removed from her care on November 23, 2010, and have not been returned since.

Upon our de novo review, we agree with the juvenile court that the evidence presented at the termination of parental rights hearing clearly established the children could not be returned to the mother’s care at that time. During the case, the mother was offered numerous services, including treatment

for her substance abuse. Nevertheless, in September 2011, she was again arrested and charged with numerous crimes including conspiracy to manufacture methamphetamine. Her drug-related charges were taken over by the federal government two months later. At the time of the termination hearing in August 2012, the mother was incarcerated and was awaiting sentencing on the federal and state charges. We agree with the juvenile court that the State proved the children could not be returned to the custody of the mother at the time of the hearing.

Upon our de novo review, we agree the State established termination of the mother's parental rights was appropriate under Iowa Code section 232.116(1)(f) as to B.L. and (h) as to A.L. Accordingly, we affirm the juvenile court's termination of the mother's parental rights.

**AFFIRMED.**