

IN THE COURT OF APPEALS OF IOWA

No. 2-919 / 12-1479
Filed October 17, 2012

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

**H.D.R., Mother,
Appellant.**

Appeal from the Iowa District Court for Henry County, Gary R. Noneman,
District Associate Judge.

A mother appeals the termination of her parental rights. **AFFIRMED.**

Laura M. Krehbiel of Law Office of Maura M. Krehbiel, Donnellson, for
appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, and Darin R. Stater, County Attorney, for appellant.

Diana L. Miller of Whitfield & Eddy, P.L.C., Mount Pleasant, attorney and
guardian ad litem for minor child.

Considered by Potterfield, P.J., and Danilson and Tabor, JJ.

DANILSON, J.

The child was born in December 2010 and was immediately placed in family foster care upon discharge from the hospital due to concerns about the mother's mental limitations. The child was adjudicated in need of assistance on March 30, 2011. There is clear and convincing evidence to support termination under Iowa Code section 232.116(1)(h) (2011) (providing that termination may be ordered when there is clear and convincing evidence a child under the age of three who has been adjudicated a child in need of assistance and removed from the parent's care for the last six consecutive months cannot be returned to the parent's custody at the time of the termination hearing). The mother appeals from the termination of her parental rights, contending the State did not make reasonable efforts to reunite her with her child.¹

The mother has both intellectual limitations and a personality disorder, which interact with one another and leave her unable to care for her child safely. We quote the juvenile court, who wrote an exhaustive and well-reasoned ruling.

The blunt truth of this case is that [mother's] combination of mental health issues (cognitive limitations + personality disorder) are a potentially hazardous combination of traits that expose a young child to unacceptable and extreme levels of risk of abuse and neglect. Limited intellect interferes in treating the personality disorder with its hallmark of impulsivity and immature behavior. The personality disorder interferes in provision of the repeated, concrete and discipline long term assistance needed to teach a mentally challenged person adaptive skills that can compensate for their basic intelligence limitations. Both conditions are fuel for the fire of the other limitation which makes it difficult to try to make the

¹ The mother also argues the Americans with Disabilities Act was violated. However, this claim was not ruled on in the juvenile court and is thus not properly before us. See *In re K.C.*, 660 N.W.2d 29, 38 (Iowa 2003).

person reasonably self-functioning and self-protective, let alone able to properly care for a small child.

In addressing the mother's claim that reasonable efforts had not been made, the juvenile court extensively catalogued the services provided, noting,

It is clear from the service record that a very concerted effort was made from the very beginning of the case to improve [mother's] parenting abilities. Indeed, the amount of resources poured into this case . . . demonstrate an extraordinary level of commitment to this case and to providing [mother] a fair opportunity to regain custody of her daughter.

The juvenile court then concluded:

[T]he term "reasonable efforts" is not the equivalent of "perfect efforts" or even of "thoroughly exhaustive efforts," though it could be reasonably found that thoroughly exhaustive efforts have been made in this case. When the record is viewed as a *whole*, it is clear that from day one that nearly every reasonable and practical effort was being made to provide hands on, meaningful, and effective services to [the mother]. The barriers to an adequately efficacious *result* from those services lie essentially internally with [the mother] and no amount of "fixing" these problems appears to be reasonably possible, especially when the permanency needs of [child] are considered to be the foremost polestar of guidance in this case.

. . . .

It appears, by clear and convincing evidence in the record, that no amount of additional services, evaluations, or extra efforts will change the basic and fundamental limitations imposed by [the mother's] cognitive and emotional/behavioral deficiencies within a reasonable amount of time consistent with meeting the short term and long term parenting, developmental, and permanency needs of [the child] Simply put, every reasonably available service was tried and they did not work to change the underlying dynamic of the case in any meaningful way.

The record fully supports the juvenile court's well-documented and well-reasoned opinion. In brief, there is no merit to the mother's argument that the State failed to make reasonable efforts to reunify mother and child. See *In re*

N.N., 692 N.W.2d 51, 55 (Iowa 2004) (discussing reasonable efforts); *In re C.B.*, 611 N.W.2d 489, 492-93 (Iowa 2000).

In her arguments, the mother relies extensively on the State's failure to follow up in obtaining a comprehensive psychological evaluation of her, and the fact that the evaluation would have assisted in providing reasonable services. The court declined to believe such an evaluation would have made any difference in stating, "nothing in the record or in the experienced background and professional experience of this Court, suggests that any dramatically different or additional services would have been available or would have been more effective than those that were already poured into this case." We agree. Many more services were provided to the mother than in most termination cases. This case was not about the lack of knowledge of what services to provide, but rather, the mother's intellectual limitations, which rendered services ineffective.

Because there is clear and convincing evidence that grounds for termination exist, termination of parental rights is in the child's best interests, and no consequential factor weighing against termination requires a different conclusion, we affirm termination of the mother's parental rights. See *In re P.L.*, 778 N.W.2d 33, 39 (Iowa 2010) (discussing three-step analysis of Iowa Code chapter 232 termination of parental rights).

AFFIRMED.