

IN THE COURT OF APPEALS OF IOWA

No. 3-1078 / 13-1582
Filed December 5, 2013

**IN THE INTEREST OF M.B., T.B.,
A.B., and R.B.,
Minor Children,**

**M.H., Mother,
Appellant.**

Appeal from the Iowa District Court for Winnebago County, Karen Kaufman-Salic, District Associate Judge.

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

Jane M. Wright, Forest City, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, and Adam D. Sauer, County Attorney, for appellee.

Theodore Hovda, Garner, for father.

Philip L. Garland, Garner, attorney and guardian ad litem for minor children.

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

DANILSON, J.

A mother appeals the termination of her parental rights to her four children.¹ Notwithstanding five years of services and nineteen months of out-of-home placement, the children are unable to return to their mother's care as the mother is unable to provide a safe home. We affirm.

The mother complains of five evidentiary rulings of the juvenile court. However, she cites no authority to support her claim that the rulings were in error—we therefore find these issues waived. See Iowa R. App. P. 6.1401—Form 5 (providing form for appeal in termination of parental rights cases and requiring “supporting legal authority” for each issue); see *also* Iowa R. App. P. 6.903(2)(g)(3) (“Failure to cite authority in support of an issue may be deemed waiver of that issue.”).

All of the children are over four years of age, have been adjudicated children in need of assistance, have been out of the mother's custody for at least nineteen months, and cannot be returned to the mother's custody at the present time. The juvenile court has outlined in detail the five-year history of the mother's involvement with services designed to correct the mother's inability to provide a safe, secure, and stable home for these children. As succinctly summarized by the juvenile court:

Despite the provision of services to this family for essentially the last five years, there has been no demonstrated progress. These children were subjected to neglect, and in the case of [M.B.] and [T.B.], sexual abuse. All of the children are unable to maintain their progress when they have contact with either of their parents

¹ The father's parental rights were also terminated. He does not appeal.

because their parents cannot provide for their safety or wellbeing. The children deserve better, and if that hasn't happened by now, it is hard to imagine that it ever will.

Nothing is to be gained by our reiteration of that history or of the mother's continuing parental deficits. Upon our de novo review, see *In re A.B.*, 815 N.W.2d 764, 773 (Iowa 2012), we find there is clear and convincing evidence supporting the termination of the mother's parental rights pursuant to Iowa Code section 232.116(1)(f) (2013).²

We also find termination will best provide for the children's "long-term nurturing and growth . . . , and to the physical, mental, and emotional condition and needs of the child[ren]." *A.B.*, 815 N.W.2d at 776 (noting that after finding statutory grounds for termination, court must also determine whether termination is in children's best interests pursuant to Iowa Code § 232.116(2)). The therapist for the oldest two children noted that they have an "overwhelming need for permanency" and recommended termination of parental rights. A.B. has special needs and "has suffered the most significant behavioral changes since increasing visitation" with his parents. The mother contends the youngest, R.B.,

² Section 232.116(1)(f) allows the juvenile court to terminate parental rights if all of the following have occurred:

- (1) The child is four years of age or older.
- (2) The child has been adjudicated a child in need of assistance pursuant to section 232.96.
- (3) The child has been removed from the physical custody of the child's parents for at least twelve of the last eighteen months, or for the last twelve consecutive months and any trial period at home has been less than thirty days.
- (4) There is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents as provided in section 232.102.

has no behavior issues and thus can be returned to her. But the juvenile court opined that R.B.'s lack of behavioral issues was due to the child's lack of time in her parents' care: "Having spent the least amount of time of all the children with their parents, she seems to be the most well-adjusted." The juvenile court found—and we concur—"The children are suffering emotionally from the uncertainty in their lives and their parents' shortcomings. It is in the children's best interest that termination occur."

We also reject the mother's contention that there is a close parent-child relationship that might preclude termination. See Iowa Code § 232.116(3)(c). The record does not support a finding of a bond such that termination would be detrimental to the children. The foster mother testified, "I can honestly say I don't think they [the children] care one way or the other. It's kind of gotten to that. She's here. She's not here. They don't tend to be bothered if she's not. But they don't ask if she's coming."

We affirm the termination of the mother's parental rights to M.B., T.B., A.B. and R.B.

AFFIRMED.