

IN THE COURT OF APPEALS OF IOWA

No. 7-005 / 06-1930
Filed January 31, 2007

IN THE INTEREST OF A.E., Minor Child,

N.L., Mother,
Appellant.

Appeal from the Iowa District Court for Buena Vista County, Mary L. Timko, Associate Juvenile Judge.

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

AFFIRMED.

Andrew J. Smith, Storm Lake, for appellant.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant Attorney General, Allan W. Vander Hart, County Attorney, and Lori J. Kolpin, Assistant County Attorney, for appellee.

John M. Murray of Murray & Murray, P.L.C., Storm Lake, guardian ad litem for minor child.

Considered by Vogel, P.J., and Vaitheswaran and Eisenhauer, JJ.

EISENHAUER, J.

A mother appeals the termination of her parental rights to her child. She contends the State failed to prove the grounds for termination by clear and convincing evidence. She also contends the State failed to make reasonable efforts to reunite her with the child and that termination is not in the child's best interest. We review her claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

The mother's parental rights were terminated pursuant to Iowa Code sections 232.116(1)(e) and (f) (2005). 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). Termination is appropriate pursuant to section 232.116(1)(f) where the child is four years of age or older, has been adjudicated in need of assistance and removed from the home at least twelve of the last eighteen months, and there is clear and convincing evidence that at the present time the child cannot be returned to the custody of the child's parents. The mother only disputes whether the last element has been proven.

We conclude there is clear and convincing evidence to support termination. As the district court found, "Many of the issues that brought this matter to the court's attention and were discovered during the pendency of this case continue to exist and have not been rectified." The mother continues to involve herself with men who abuse her. She consorts with sex offenders. She is unable to control her anger, which she takes out on the child both physically and verbally. The child would be subject to harm if returned to her mother's care. In 2005 after a week long visit, the child, then age six, asked that visits with her

mother be supervised. The child has witnessed men abuse her mother and has been abused herself by her mother. The child is afraid of both her mother and the others in her mother's home.

We also conclude termination is in the child's best interest. The district court found:

The evidence shows that the environment in which [the child] is residing at this time has been extremely beneficial for her. The court finds that her need for continued positive growth and stability outweigh the need of [the mother] to have [the child] returned to her care.

We agree. During the pendency of this case, the child became less bonded with the mother. The crucial days of childhood cannot be suspended while the mother experiments with ways to face up to her own problems. See *In re C.K.*, 558 N.W.2d 170, 175 (Iowa 1997).

Finally, we conclude the mother has not preserved for our review the issue of whether the State made reasonable efforts to reunify the mother with her child. A challenge to the sufficiency of services should be raised in the course of the child in need of assistance proceedings. *In re L.M.W.*, 518 N.W.2d 804, 807 (Iowa Ct. App. 1994). Because the mother did not raise this issue in the course of the proceedings, we will not address this issue on appeal.

AFFIRMED.