

IN THE COURT OF APPEALS OF IOWA

No. 7-389 / 07-0651

Filed June 13, 2007

**IN THE INTEREST OF E.R. and C.R.,
Minor Children,**

**K.S.R., Mother,
Appellant,**

**R.R., Father,
Appellant.**

Appeal from the Iowa District Court for Wapello County, William S. Owens,
Judge.

A mother and father appeal the termination of their parental rights to their
children. **AFFIRMED.**

Ryan J. Mitchell of Orsborn, Bauerle, Milani, Grothe & Mitchell, L.L.P.,
Ottumwa, for appellant-mother.

Sarah Wenke, Ottumwa, for appellant-father.

Thomas J. Miller, Attorney General, Kathrine S. Miller-Todd, Assistant
Attorney General, Mark Tremmel, County Attorney, and Seth Harrington,
Assistant County Attorney, for appellee.

Considered by Mahan, P.J., and Eisenhauer and Baker, JJ.

EISENHAUER, J.

A mother and father appeal the termination of their parental rights to their children. They contend the State failed to prove the ground for termination by clear and convincing evidence. They also contend termination is not in the children's best interest. We review their claims de novo. *In re C.H.*, 652 N.W.2d 144, 147 (Iowa 2002).

Parental rights were terminated pursuant to Iowa Code section 232.116(1)(f) (2007). Termination is appropriate under this section where:

- (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.

Iowa Code § 232.116(1)(f). The only question is whether the children could be returned to their parents' care at the time of the termination hearing.

The children were adjudicated in need of assistance following the discovery that the parents took sexually explicit photographs of the mother's sixteen-year-old daughter from a previous relationship.¹ C.R. was visible in some of the photographs. Both parents were convicted and sentenced for the crime of child endangerment as a result. Sadly, this is not the first time the parents have been involved in such behavior: in 1996 the parents admitted to indecent contact with a teenage girl, and in 1997 they engaged in sexual activities with a sixteen-year-old girl in the presence of E.R. and C.R. In 1996,

¹ The daughter is not involved in this case.

there were also founded reports for physical abuse and denial of critical care as to E.R.

The mother has a history of mental health and substance abuse problems. The father also has a history of substance abuse. E.R. tested positive for marijuana exposure. The father's psychological assessment found he has "issues with respect to sexual interests and boundaries with vulnerable or impressionable people" and that it was uncertain whether he would be protective of E.R. and C.R. The mother's assessment found she has "pedophile tendencies, high distress and poor judgment and comprehension." Despite a myriad of remedial services offered to the parents since 1996, the children cannot safely be returned to their care.

We also find termination to be in the children's best interest. The parents' past actions are an indication of the quality of their future care. See *In re T.B.*, 604 N.W.2d 660, 662 (Iowa 2000). 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). Children should not be forced to endlessly await the maturity of a natural parent. *Id.* At some point, the rights and needs of the child rise above the rights and needs of the parent. *In re J.L.W.*, 570 N.W.2d 778, 781 (Iowa Ct. App. 1997). That time is now. Accordingly, we affirm.

AFFIRMED.